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RECORD OF PROCEEDINGS

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Subject **FIRST SESSION OF THE FIFTY-SECOND PARLIAMENT** Page

Tuesday, 22 May 2007

L J OSMOND
CHIEF HANSARD REPORTER

N J LAURIE
CLERK OF THE PARLIAMENT

TUESDAY, 22 MAY 2007

Mr SPEAKER (Hon. MF Reynolds, Townsville) read prayers and took the chair at 9.30 am.

Mr SPEAKER (Hon. MF Reynolds, Townsville) acknowledged the traditional owners of the land upon which this parliament is assembled and the custodians of the sacred lands of our state.

ASSENT TO BILLS

Mr SPEAKER: Honourable members, I have to report that I have received from Her Excellency the Governor letters in respect of assent to certain bills, the contents of which will be incorporated in the *Record of Proceedings*. I table the letters for the information of members.

The Honourable M.F. Reynolds, AM, MP
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 date shown:

Date of Assent: 23 April 2007

"A Bill for An Act to amend the Consumer Credit (Queensland) Act 1994 to make changes to the Consumer Credit Code, and to amend the Tourism Queensland Act 1979"

"A Bill for An Act to amend the Community Ambulance Cover Act 2003, and for other purposes"

"A Bill for An Act to amend various Acts establishing statutory bodies"

"A Bill for An Act to amend the Land Act 1994, 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

Governor

24 April 2007

The Honourable M.F. Reynolds, AM, MP
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

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

Date of Assent: 26 April 2007

"A Bill for An Act to amend the Local Government Act 1993, and for other purposes"

The Bill is 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

Governor

26 April 2007

Tabled paper: Letter, dated 24 April 2007, from Her Excellency the Governor to Mr Speaker advising of assent to Bills on 23 April 2007

Tabled paper: Letter, dated 26 April 2007, from Her Excellency the Governor to Mr Speaker advising of assent to Bills on 26 April 2007

SPEAKER'S STATEMENTS

Vacancy in Senate of Commonwealth of Australia

Mr SPEAKER: Honourable members, I have to report that I have received from Her Excellency the Governor a letter acknowledging my advice regarding the election of Suzanne Kay Boyce to fill the casual vacancy in the Senate of the Commonwealth of Australia.

Indigenous Queenslanders

Mr SPEAKER: Honourable members, today marks 147 years to the day of the first sitting of the parliament of Queensland. I would like to make a special acknowledgement of the presence in the public gallery this morning of Aunty Valda Coolwell and Aunty Carol Currie from the Brisbane Council of Elders and Mr Thomas Sebasio representing the Torres Strait Islander community.

I also acknowledge Joan Collins, Chairperson of the Musgrave Park Cultural Centre Board of Management, and members of the board. Joan has given an enormous amount of time to the parliament over the past three months in working with me and staff of the Parliamentary Service to make this week's celebrations a great reality.

I would also like to particularly acknowledge in the gallery Mr Peter Le Grand, a government policy adviser who is in Brisbane to attend this evening's reconciliation reception here at Parliament House. Peter has worked tirelessly over the last nine years developing collaborative partnerships with the Indigenous people of Queensland and particularly the Indigenous people of north Queensland. Peter's work in this area is unparalleled.

In our parliament's 147-year history there has only been one Indigenous person elected to this chamber, Mr Eric Deeral in the electorate of Cook between 1974 and 1977 representing the National Party. I hope that from today Indigenous Queenslanders will feel a greater sense of connection to their parliament.

Indigenous Queenslanders, Flags

Mr SPEAKER: Honourable members, earlier this morning I was joined by the President of the Brisbane Council of Elders, Aunty Valda Coolwell, and a representative of Torres Strait Islanders, Mr Thomas Sebasio, at the front gates of Parliament House where together we hoisted the Aboriginal and Torres Strait Islander flags. I have ordered that the flags be flown in front of Parliament House on a permanent basis with the Australian and Queensland flags. All four flags have also been placed behind me on the Speaker's podium here inside the Legislative Assembly chamber.

As members have just heard this morning, I introduced to our proceedings an acknowledgement of the traditional owners of the land upon which the parliament is assembled and the custodians of the sacred lands of our state. This will be my practice each sitting day while I am Speaker, and I hope that it will become the practice of Speakers forevermore.

Members will also notice that an Indigenous art display has been established in the Legislative Council chamber. Members, staff and the public are invited to view the display which will run for two weeks and the work of the parliament's inaugural artist in residence, Mr John Pene-Fonmosa, who has been commissioned to produce an official didgeridoo for the parliament. The didgeridoo will become a significant parliamentary symbol used on special ceremonial occasions and will be displayed in a special cabinet alongside the mace.

I would also like to remind all members of the importance of this evening's reconciliation reception that begins at 5.30 pm on the Speaker's Green. Members will have the opportunity to partake in a traditional smoking ceremony commencing at 6.30 pm, and I strongly encourage all members who can attend to do so.

ADDRESS-IN-REPLY

Presentation

Mr SPEAKER: Honourable members, I have to inform the House that Her Excellency the Governor will be pleased to receive the address-in-reply at Government House on Friday, 25 May 2007 at 9.30 am, and I invite all honourable members to accompany me on the occasion of its presentation.

Parliamentary attendants will be circulating a list in the chamber for members to indicate if they will be attending and if transport is required. Cars will depart the porte-cochere at 9 am sharp this coming Friday to convey members to Government House and return. Members wishing to proceed to Government House using their own transport should aim to arrive by 9.25 am to join other members.

AUDITOR-GENERAL'S REPORT

Mr SPEAKER: Honourable members, I have to report that today I received from the Auditor-General a report titled *Report to parliament No. 2 for 2007: results of performance management systems audits of management of funding to non-government organisations*. I table the report for the information of members.

Tabled paper: Auditor General of Queensland Report to Parliament No. 2 for 2007 titled 'Results of Performance Management Systems Audits of Management of Funding to Non-Government Organisations'.

PETITIONS

The following honourable members have lodged paper petitions for presentation—

Burrum Heads, Boat Ramp

Mr Foley from 349 petitioners requesting the House to liaise with Hervey Bay City Council to establish a new safe all weather boat ramp and associated facilities at the Lions Park end of Burrum Street, Burrum Heads.

Altandi-Kuraby, Rail Upgrade

Ms Spence from 29 petitioners requesting the House to compensate for the loss of trees and environmental and social values associated with the Altandi to Kuraby rail upgrade.

Queensland Crocodile Protection Plan

Mr Cripps from 707 petitioners requesting the House to change the Queensland Crocodile Protection Plan to allow for the immediate removal of crocodiles identified near public facilities and populated areas in the interests of public safety.

Feral Pigs

Mr Cripps from 314 petitioners requesting the House to assist landowners to manage the feral pig problem by controlling pig numbers in Queensland National Parks, State Forests and State controlled land.

Eumundi Road, Kenilworth

Mr Wellington from 199 petitioners requesting the House to improve the condition of the Kenilworth Eumundi Road, increase Police patrols, limit the speed of vehicles and install speed cameras on the road as soon as possible.

Kulangoor, Landfill

Mr Wellington, two petitions, from 112 petitioners in total, requesting the House to reject the application by Maroochy Shire Council for a proposed landfill site at Ferntree Creek Road Kulangoor.

The following honourable members have sponsored e-petitions which are now closed and presented—

Mooloolaba Spit Development

Miss Simpson, two e-petitions, from 201 petitioners in total, requesting the House to reject the Mooloolaba Spit futures study and oppose the use of crown land on the Spit for the development of high rise building.

Palm Beach/Currumbin, Needle Exchange Program

Mrs Stuckey from 141 petitioners requesting the House to monitor the impacts of, implement guidelines for, and undertake regular reviews of the Needle Syringe Program at the Palm Beach Community Health Centre.

Redlands, Water Supply

Mr Choi from 1,229 petitioners requesting the House to consider that the proposed concessions of delayed connection to Redlands water supply does not fairly compensate Redlands community for their initial $27 million (in historic value terms) of water security already paid for at the expense of other services and infrastructure.

PAPERS

PAPERS TABLED DURING THE RECESS

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

20 April 2007—

- Response from the Minister for Transport and Main Roads (Mr Lucas) to a paper petition (790-07) presented by Mr Knuth from 121 petitioners regarding completing the seal on the Forsayth Road, Georgetown to Forsayth
- Response from the Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland (Mr Wallace) to a paper petition (791-07) presented by Mrs Cunningham from 130 petitioners regarding a grout curtain for the Mt Larcom District
- Response from the Minister for Health (Mr Robertson) to paper petitions (762-06 and 773-07) presented by Mr Foley from 1984 petitioners and 263 petitioners respectively regarding the placement of a CT Scanner at the Maryborough Hospital Accident and Emergency Department

23 April 2007—

- Queensland Theatre Company Annual Report 2006
- Letter from the Minister for Emergency Services relating to Public Works Committee report regarding the Roma Street Fire and Ambulance Station Project

24 April 2007—

- Queensland Treasury Corporation—Half Yearly Report July—December 2006
- Letter, dated 23 April 2007, from the Premier and Minister for Trade (Mr Beattie) to the Clerk of the Parliament enclosing a copy of a letter from the Commonwealth Parliament's Joint Standing Committee on Treaties listing proposed international treaty action tabled in both houses of the Federal Parliament on 27 March 2007 and the National Interest Analyses for the proposed treaty action listed

26 April 2007—

- Response from the Minister for Transport and Main Roads (Mr Lucas) to a paper petition (789-07) presented by Mr McArdle from 193 petitioners regarding a bus service that travels down Mark Road to service the residents of Kookaburra Retirement Village
- Response from the Minister for Primary Industries and Fisheries (Mr Mulherin) to a paper petition (793-07) presented by Mr Shine from 1643 petitioners regarding genetically manipulated food crops

27 April 2007—

- Extraordinary Government Gazette published on 15 March 2007 appointing Ms Jan Jarratt MP as Parliamentary Secretary to the Minister for State Development, Employment and Industrial Relations and Parliamentary Secretary to the Minister for Primary Industries and Fisheries
- Report on an overseas visit by the Minister for Local Government, Planning and Sport (Mr Fraser) to New Zealand from 25 to 27 March 2007—Report on the Ministerial Council for Local Government and Planning Auckland, New Zealand

30 April 2007—

- Report on an overseas visit by the Minister for Public Works, Housing and Information and Communication Technology (Mr Schwarten) to Germany, Japan and Singapore from 14 to 31 March 2007
- Brisbane Grammar School Annual Report 2006
- Townsville Grammar School Annual Report 2006

1 May 2007—

- Auditor-General of Queensland Auditing Standards—April 2007

4 May 2007—

- Response from the Minister for Local Government, Planning and Sport (Mr Fraser) to a paper petition (767-07) presented by Mr Wellington from 39 petitioners regarding an amendment to a development approval for a Soil Conditioner Manufacturing business located at 262 Chevallum Road
- Response from the Deputy Premier, Treasurer and Minister for Infrastructure (Ms Bligh) to a paper petition (810-07) sponsored by Mr Gibson from 686 petitioners regarding abandoning plans for the Traveston Crossing dam
- Response from the Minister for Local Government, Planning and Sport (Mr Fraser) to a paper petition (745-06) presented by Mr Wellington from 126 petitioners regarding the development of land at Bli Bli
- Response from the Minister for Environment and Multiculturalism (Ms Nelson-Carr) to a paper petition (766-07) presented by Mr Elmes from 184 petitioners regarding expansion of mining extraction in Lake Cooroibah Road, Noosa

8 May 2007—

- Response from the Minister for Transport and Main Roads (Mr Lucas) to a paper petitions (770-07 and 788-07) presented by Mr Nicholls from 164 petitioners and 7 petitioners respectively regarding the Pinkenba Waste Transfer Station
- Government response from the Acting Premier and Minister for Trade (Ms Bligh) to the Members' Ethics and Parliamentary Privileges Committee Report No. 80—*Matter Referred under Schedule 2 of the Standing Rules and Orders of the Legislative Assembly*

10 May 2007—

- Response from the Minister for Health (Mr Robertson) to a paper petition (781-07) presented by Mr Hobbs from 821 petitioners regarding public sector dentists
- Response from the Minister for Public Works, Housing and Racing (Mr Schwarten) to a paper petition (808-07) sponsored by Ms Bligh from 552 petitioners regarding preservation of Yungaba

14 May 2007—

- University of the Sunshine Coast Annual Report 2006
- Ipswich Girls' Grammar School and Ipswich Junior Grammar School Annual Report 2006
- Central Queensland University Annual Report 2006
- University of Southern Queensland Annual Report 2006
- James Cook University Annual Report 2006
- Queensland University of Technology Annual Report 2006—Volume 1
- Queensland University of Technology Annual Report 2006—Volume 2
- Brisbane Girls Grammar School Annual Report 2006
- Toowoomba Grammar School Annual Report 2006
- The Rockhampton Girls Grammar School Annual Report 2006
- Board of Trustees of The Rockhampton Grammar School Annual Report 2006
- Queensland College of Teachers Annual Report 2006
- Griffith University Annual Report 2006
- Ipswich Grammar School Annual Report 2006
- University of Queensland Annual Report 2006
- University of Queensland Annual Report 2006 Appendices
- Overseas Travel Report—Desalination and Water Reuse Leadership Summit Singapore, Inspection Singapore's Water Reuse Program 6—15 April, Hon Craig Wallace MP, Minister for Natural Resources and Water

17 May 2007—

- Primary Industries Acts Amendment and Repeal Bill 2007 Erratum to Explanatory Notes
- Report on an overseas visit by the Minister for Transport and Main Roads (Mr Lucas) from 9 to 13 April 2007—Trade mission to Russia

21 May 2007—

- Report on an overseas visit by the Minister for Child Safety (Ms Boyle) to the United States of America from 14 to 27 April 2007

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Chiropractors Registration Act 2001, Dental Practitioners Registration Act 2001, Dental Technicians and Dental Prosthetists Registration Act 2001, Health Act 1937, Health Services Act 1991, Medical Practitioners Registration Act 2001, Medical Radiation Technologists Registration Act 2001, Nursing Act 1992, Occupational Therapists Registration Act 2001, Optometrists Registration Act 2001, Osteopaths Registration Act 2001, Pharmacists Registration Act 2001, Physiotherapists Registration Act 2001, Podiatrists Registration Act 2001, Psychologists Registration Act 2001, Speech Pathologists Registration Act 2001—

- Health Legislation Amendment Regulation (No. 2) 2007, No. 57

Liquor Act 1992—

- Liquor Amendment Regulation (No. 1) 2007, No. 58 and Explanatory Notes for No. 58

Nuclear Facilities Prohibition Act 2007—

- Proclamation commencing remaining provisions, No. 59

Coal Mining Safety and Health Act 1999—

- Coal Mining Safety and Health Amendment Regulation (No. 1) 2007, No. 60

Marine Parks Act 2004, Nature Conservation Act 1992, State Penalties Enforcement Act 1999—

- Environmental and Other Legislation Amendment Regulation (No. 1) 2007, No. 61

Whistleblowers (Disclosure to Member of Parliament) Amendment Act 2007—

- Proclamation commencing remaining provisions, No. 62

Superannuation (State Public Sector) Amendment Act 2007—

- Proclamation commencing certain provisions, No. 63

Motor Accident Insurance Act 1994—

- Motor Accident Insurance Amendment Regulation (No. 2) 2007, No. 64

State Development and Public Works Organisation Act 1971—

- State Development and Public Works Organisation Amendment Regulation (No. 2) 2007, No. 65

Transport Operations (Passenger Transport) Act 1994—

- Transport Operations (Passenger Transport) Amendment Standard (No. 1) 2007, No. 66

State Penalties Enforcement Act 1999, Transport Operations (Passenger Transport) Act 1994—

- Transport Operations (Passenger Transport) and Other Legislation Amendment Regulation (No. 1) 2007, No. 67

Transport Operations (Marine Safety) Act 1994—

- Transport Operations (Marine Safety) Amendment Regulation (No. 2) 2007, No. 68

Maritime and Other Legislation Amendment Act 2006—

- Proclamation commencing certain provisions, No. 69

Rural and Regional Adjustment Act 1994—

- Rural and Regional Adjustment Amendment Regulation (No. 5) 2007, No. 70

Community Services (Torres Strait) Act 1984—

- Community Services (Torres Strait) Amendment Regulation (No. 2) 2007, No. 71

Local Government (Community Government Areas) Act 2004—

- Local Government (Community Government Areas) Amendment Regulation (No. 1) 2007, No. 72

Public Trustee Act 1978—

- Public Trustee Amendment Regulation (No. 2) 2007, No. 73

Community Ambulance Cover and Other Acts Amendment Act 2007—

- Proclamation commencing certain provisions, No. 74

Workplace Health and Safety Act 1995—

- Workplace Health and Safety Amendment Regulation (No. 1) 2007, No. 75 and Regulatory Impact Statement for No. 75

Fisheries Amendment Act 2006—

- Fisheries Amendment (Postponement) Regulation 2007, No. 76

Agricultural Chemicals Distribution Control Act 1966, Animal Care and Protection Act 2001, Chemical Usage (Agricultural and Veterinary) Control Act 1988, Exotic Diseases in Animals Act 1981—

- Primary Industries Legislation Amendment Regulation (No. 1) 2007, No. 77

Water Act 2000—

- Water Resource (Gold Coast) Amendment Plan (No. 1) 2007, No. 78 and Explanatory Notes for No. 78

Mineral Resources and Other Legislation Amendment Act 2006—

- Mineral Resources and Other Legislation (Postponement) Regulation 2007, No. 79

Maritime and Other Legislation Amendment Act 2006—

- Proclamation commencing certain provisions, No. 80

Transport Operations (Marine Pollution) Act 1995—

- Transport Operations (Marine Pollution) Amendment Regulation (No. 1) 2007, No. 81

Maritime and Other Legislation Amendment Act 2006—

- Maritime and Other Legislation Amendment (Postponement) Regulation 2007, No. 82

Tow Truck Act 1973, Transport Infrastructure Act 1994, Transport Operations (Marine Pollution) Act 1995, Transport Operations (Marine Safety) Act 1994, Transport Operations (Passenger Transport) Act 1994, Transport Operations (Road Use Management) Act 1995—

- Transport Legislation (Fees) Amendment Regulation (No. 1) 2007, No. 83

State Penalties Enforcement Act 1999, Transport Operations (Road Use Management) Act 1995—

- Transport Operations (Road Use Management—Driver Licensing) and Other Legislation Amendment Regulation (No. 1) 2007, No. 84

Public Health Act 2005—

- Proclamation commencing remaining provisions, No. 85

Health Act 1937, Public Health Act 2005, State Penalties Enforcement Act 1999—

- Public Health and Other Legislation Amendment Regulation (No. 1) 2007, No. 86 and Regulatory Impact Statement and Explanatory Notes for No. 86

Building Act 1975, Integrated Planning Act 1997—

- Building and Other Legislation Amendment Regulation (No. 1) 2007, No. 87

Land and Other Legislation Amendment Act 2007—

- Proclamation commencing certain provisions, No. 88

Surveyors Act 2003—

- Surveyors Amendment Regulation (No. 1) 2007, No. 89

Water Act 2000, River Improvement Trust Act 1940—

- Water and Other Legislation Amendment Regulation (No. 1) 2007, No. 90

Community Ambulance Cover Act 2003—

- Community Ambulance Cover Amendment Regulation (No. 1) 2007, No. 91

Exotic Diseases in Animals Act 1981—

- Exotic Diseases in Animals (Acarine and Varroa Mites) Notice 2007, No 92

REPORT TABLED BY THE CLERK

The following report was tabled by the Clerk—

Report pursuant to Standing Order 158 (Clerical errors or formal changes to any bill) detailing amendments to certain Bills, made by the Clerk, prior to assent by Her Excellency the Governor, *viz*—

Local Government and Other Legislation Amendment Bill 2006

Amendments made to Bill

Short title and consequential references to short title—

Omit—

'*Local Government and Other Legislation Amendment Act 2006*'

Insert—

'*Local Government and Other Legislation Amendment Act 2007*'.

MINISTERIAL STATEMENTS

Intellectually Disabled Citizens, Carter Report

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.40 am): A very small number of Queenslanders with an intellectual disability exhibit severely challenging behaviour making them a danger to themselves and to their families and carers. Next month's budget, which will be brought down by the Deputy Premier and Treasurer, will fund an innovative and comprehensive package of reforms to improve the lives of these people. That package is worth a total of $113 million over four years.

The cornerstones of this package are a new, groundbreaking centre of excellence; purpose-built accommodation; the recruitment of 188 new front-line service delivery staff; and a legislative framework to provide protection for people with an intellectual disability and challenging behaviours as well as the dedicated people who work with them.

This package is the government's response to a report by a former Supreme Court judge, the Hon. Bill Carter QC, into the best way to support people with an intellectual disability who exhibit severely challenging behaviours. This issue is extremely complex, with the government having to balance the rights and safety of people who behave in an often violent manner with the rights and safety of their families, their carers and the broader community.

I table for the information of the House the report to the Hon. Warren Pitt, the minister for communities and disability services, by Mr Carter.

Tabled paper: Report to Honourable Warren Pitt MP, Minister for Communities, Disability Services and Seniors, by the Hon W J Carter QC, dated July 2006, titled 'Challenging Behaviour and Disability—A Targeted Response'.

That report highlights how difficult this problem is. Chapter 2, page 43, case study A, points out the difficulties. Case study A relates to a person with autism spectrum disorder, moderate intellectual disability and a complex behavioural disorder; 'A' also has a diagnosed mental illness, namely schizophrenia, has difficulties processing information, problem solving, reasoning and impulse control; 'A' engages in sexual aggression towards females triggered by auditory hallucinations, absconding and physical aggression towards others which includes the use of knives. I highlight that case to point out the difficulties of the problem, nothing more.

Last year disability services minister Warren Pitt asked Mr Carter to examine the issue and provide recommendations to the government that would address the challenges involved in providing support to this group. Mr Carter presented the government with his report titled *Challenging behaviours and disability—a targeted response*, which outlined a total of 24 recommendations in relation to the issue. I thank Mr Carter for his work on this report.

Mr Carter concluded that for real reforms to occur in relation to this issue, service delivery has to be driven by innovative thinking, best practice and continual improvement—hence the budget package we announced. The disability services minister and his department then worked hard to prepare a suite of reforms in response to Mr Carter's recommendations. My government has been determined to come up with a solution that would ensure Queensland meets and even exceeds best practice. These reforms will ensure that people with an intellectual disability and severely challenging behaviours have every possible opportunity to live and participate in their community.

In the interests of transparency and accountability we have decided to release Mr Carter's full report to the public. The disability services minister has previously mentioned in this House his concerns in relation to privacy regarding some of the case studies mentioned in the report. Members will understand that from the reference I made to case A. As a compromise, certain personal particulars of individuals have been withheld. The rest of the case studies contained in the 180-page report will be available for everyone to peruse. As can be seen from my example, in some instances the content is quite raw, sometimes distressing, but one thing is certain: it highlights the need for action in this area and that is what this government is doing.

I have tabled Mr Carter's report titled *Challenging behaviours and disability—a targeted response.* The minister will table the government's full response shortly. I also table for the information of the House a media release from the minister and I in support of this document.

Tabled paper: Media release, dated 22 May 2007, by the Minister for Disability Services, titled 'Queensland Government approves $113 million response to Carter Report'.

Local Government Reform

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.44 am): My government is absolutely determined to reform local government in this state. The government understands that reform is difficult. We also understand that one size does not fit all. However, without reform the system faces major problems, challenges and difficulties. We are determined to achieve sensible reform.

Queensland currently has 1,258 councillors—that is, 1,117 mainstream councillors, 79 Aboriginal councillors and 62 Islander councillors. No-one but the opposition would argue that those numbers are reasonable. Today I announce that reform will be achieved without forced redundancies for council employees. Everyone who wants to continue working in local government will be able to do so post 15 March 2008, which is the date of the next local government elections.

I also announce today that our employment package to assist local government transition to the new arrangements next year will be supported with an initial allocation of $12 million in next month's state budget. We will legislate to protect and preserve jobs as part of our reform package. This protection will apply to all local government employees, apart from CEOs, senior executives on contract and, of course, mayors and councillors.

There has been a lot of nonsense in this debate, and I say clearly to the House today that this is about protecting the jobs of all local government employees. Bankrupt councils do not employ anyone. The government is determined to achieve reform of local government—sensible reform that is in the interests of all Queenslanders.

Clean Coal Technology

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.46 am): Last week was an historic day for Queensland. An agreement was reached in relation to clean coal research. Clean coal technology, as members know, is the key to cleaner energy. We are developing clean coal technology right now in Queensland with a view to sharing that technology and bringing a much more substantial environmental outcome from some of the world's biggest greenhouse gas emitters like China, India and the United States.

The good news is that the coal industry is on board and backing Queensland's clean coal technology project. Last week, after a meeting the Deputy Premier and I had with the coal industry, I announced, along with the chairman and the CEO of the Queensland Resources Council, that the Queensland coal industry has pledged to raise approximately $600 million over the next 10 years to fund clean coal initiatives.

This commitment by industry to work with the government in tackling climate change is an historic event and provides the state with the opportunity to combine advanced technologies in a policy setting to ensure continued growth. This fund, together with Queensland government support and the support of other contributors, will position Queensland at the forefront of global efforts to reduce emissions from fossil fuels and guarantee the long-term future of the coal industry.

The $600 million commitment is in addition to my government's $300 million investment in a near-zero emissions power plant in Queensland—a total of $900 million. We will also be looking towards the Commonwealth to provide us with a significant contribution. This agreement that we reached last week with the coal industry will be recognised in special legislation which the Treasurer will introduce as part of the budget bills when she brings down the budget next month. I seek leave to incorporate more details in *Hansard* for the information of the House.

Leave granted.

Let me set the record straight—contrary to some media reports. ZeroGen has not been abandoned by the Queensland Government.

This project is very much on the Government's radar.

The ZeroGen project is currently proceeding through a feasibility study, but we are keen to confirm that it is the best application of sponsors funds, to achieve the objective of expediting the deployment of clean coal technology.

In contrast, the BP/Rio Tinto project in Western Australia announced recently that it is only just commencing a four to five year feasibility study which is reported to not reach a decision point until about 2011.

The existing ZeroGen project is scheduled to complete its feasibility study by late 2008, some three years ahead of the Western Australian project.

We need rapid deployment of this technology and I welcome all efforts to add to the knowledge of clean coal technology, but we must do this with a sense of urgency to address the carbon issue.

As part of the ZeroGen feasibility process, drilling is in progress at a test site near Springsure in deep saline reservoirs that have held natural gas for millennia.

We are also keen to work with the Commonwealth to explore the capacity of the Galilee Basin to sequester much larger volumes of CO2, as part of a larger future campaign to manage carbon.

This is the best opportunity yet for us to be a global market leader in Integrated Gasification Combined Cycle (IGCC) technology to be integrated with carbon capture and storage and for us to achieve deep cuts in greenhouse gas emissions.

This is an exciting time and developments are occurring rapidly.

I want the best clean coal technology project for Queensland so that all parties supporting it get the best possible outcome.

Importantly, the coal industry, Government and industry have agreed that a Clean Coal Council will be established with equal representation from the State Government and industry, in addition to technical experts.

The Council will advise the Government on funding priorities, assess projects and make recommendations on funding for the Government to consider.

Mr Speaker, Queensland is globally recognised for its leading edge clean coal research and development institutes, such as the:

Queensland Centre for Advanced Technologies

Centre for Low Emission Technology

CRC for Coal in Sustainable Development

We are also have a strong track record in innovation and collaboration.

Future deployment of clean coal technology will enable everyone who uses it to achieve deep cuts in CO2 emissions and avoid the risks and dangers of going the nuclear route.

At the same time it is sustaining the future of Queensland's coal industry.

Community Cabinet, Whitsundays

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.48 am): I am pleased to announce that my cabinet will return to the Whitsunday region for a community cabinet meeting on 17 and 18 June 2007. It will be the third time we have held a community cabinet in the Whitsundays and this is the 103rd community cabinet held by my government since it came to office.

I thank Jan Jarratt, the local member, for persisting with her request that we return. This means that she does not need to write to me each week. I seek leave to incorporate more details in *Hansard.*

Leave granted.

I want to take this opportunity to urge everyone in the Whitsunday region to come and join the Queensland Cabinet at Bowen on Sunday, 17 June at the McKenna Hall, Bowen State High School.

Bowen has of course a starring role in filmmaker Baz Luhrmann's epic "Australia" and my Government is providing funding of $500,000 to the production of the film.

This is not just an investment in a film, but an investment in the region.

It is expected the economic benefits will be in the vicinity of $7m for the State, providing valuable jobs for Queenslanders, ongoing business and tourism opportunities, and national and international exposure for the Bowen region.

The north is rapidly emerging as Australia's new economic frontier and my Government is developing strategies to support the growth and development of Bowen as part of our State's northern economic triangle.

Mr Speaker, because growth brings many challenges, we need to continue to plan services and infrastructure to help meet the needs of our growing population.

To do this, we need to meet and listen to Queenslanders about their needs, their industries and their visions for the future of their State.

The Cabinet and I, look forward to meeting the people of the Whitsundays at next month's Community Cabinet.

I would like to thank the Member for Whitsunday Jan Jarratt for her invitation for the Cabinet to meet in Bowen and Whitsunday Coast.

Brunswick Street Station Upgrade

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.48 am): I am pleased to announce to the House today that Bovis Lend Lease has been awarded the construction works contract for the Brunswick Street Station upgrade, giving the assurance that construction will begin next month. This confirms my statement to the House in March that the delayed construction would begin in June. I will happily unveil the final and detailed artist impressions later today with the minister for transport who has worked on this matter with me.

Queensland Transport and Queensland Rail reached formal agreement with the Valley Metro Centre owners, Lend Lease, allowing us to get on with the job of building the new station. I acknowledge Lend Lease for coming to the table during those negotiations. As the local member, I am pleased to see this project back on track. The sooner construction begins the sooner Valley residents will have the railway station they deserve. I seek leave to incorporate more details in *Hansard.*

Leave granted.

The upgrade will deliver significant improvements to Brisbane's third busiest Citytrain station, Mr Speaker.

As well as the aesthetic improvements to the station—including community and school artwork and music-themed design to complement the vibrant, cultural Valley precinct—the upgrade will deliver improved accessibility.

The redeveloped station will provide commuters with a lift, escalator and stairway to each platform from the concourse at the retail level of the Valley Metro Centre, a ceiling throughout the platforms, brighter lighting and improved safety measures, new seating and improved directional and customer information signage.

Mr Speaker, all of these features will ensure the improved Brunswick Street Station will provide the facilities and amenity befitting such a busy station in the network, and befitting the lively community of the Fortitude Valley.

Loyde, Mr L

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.49 am): Today I want to pay tribute to Queensland rock music guitarist, songwriter and producer Lobby Loyde who died on 21 April. This is less than two months after the death of his former band mate Billy Thorpe, who described Lobby as the godfather of Australian rock guitarists. I seek leave to incorporate details in *Hansard*.

Leave granted.

Lobby was born John Baslington Lyde at Longreach and spent his early years in Aramac. A self-taught player, I'm told he even crafted his own guitar from wood.

Lobby never forgot his early days playing in Brisbane bands, describing these times as some of the most exciting in his life.

His music career was extensive, from penning the national hit in 1967 "That's Life", to working with the Aztecs.

After a stint in Britain, Lobby returned to Australia and continued to push the boundaries of music, playing with Rose Tattoo before focusing on producing albums.

His work on the first Sunnyboys record is regarded by many in the music industry to be the best debut album by any Australian group.

In 2002, Lobby celebrated his 40th year in music and was inducted into the Australian Blues Foundation Hall of Fame. Last year, he was inducted into the ARIA Hall of Fame.

Mr Speaker, I am sure all Members will join me in extending condolences to the Loyde family.

Premier, Overseas Trip

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.50 am): I will table a report on my overseas trip in two parts. Firstly, today I table a report and supporting documents from Dr Heather Beattie.

Tabled paper: Report by Dr Heather Beattie on overseas visits to Hong Kong, Korea and the USA from 30 April to 14 May 2007 and related publications.

Fitzgerald Inquiry, 20th Anniversary

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.50 am): Queensland has one of the most accountable governments in the world but there is no room for complacency. We need to continually review our systems, processes and accountability measures.

Tonight there will be a symposium which I will address and the police minister will address. There will be other distinguished guests there including a number of academics and the police commissioner. Mike Ahern will be there as will Quentin Dempster, the former ABC *7.30 Report* presenter in Queensland and now in New South Wales. Dr Solomon will be there. I table that address and supporting media release for the information of the House.

Tabled paper: Copy of program for ANZOG/Griffith University Centre for Governance and Public Policy symposium titled 'The Fitzgerald Inquiry—20 years on' to be held on 22 May 2007.

Tabled paper: Copy of speech to be presented by the Premier to ANZOG/Griffith University Centre for Governance and Public Policy symposium titled 'The Fitzgerald Inquiry—20 years on' on 22 May 2007.

Tabled paper: Media release, dated 22 May 2007, by the Premier titled 'Queensland Toughens Position on Share Ownership and Directorships for Ministers and Parliamentary Secretaries'.

In line with this approach about accountability, cabinet has reconsidered the code of ethics governing the ownership of shares and directorships held by ministers and parliamentary secretaries. Under the current code of conduct ministers are required to divest themselves of shareholdings in any company in respect of which a conflict of interest exists or could reasonably be suspected to exist. The government intends to make changes to the code of ethics this year to ensure that Queensland ministers and parliamentary secretaries meet an even higher standard of accountability and integrity.

The government will change the code to require all ministers and parliamentary secretaries to divest themselves and otherwise relinquish control of all shares and similar interests in any company that operates to make a profit. They will not be able to transfer their interests to their spouse. However, they will be permitted to transfer control to an outside professional nominee or blind trust or other trust, such as managed funds, providing they or their immediate family exercise no control on the operation of the nominee or trust.

Upon taking office ministers and parliamentary secretaries will also be required to immediately resign from or decline all directorships in public and/or private companies as well as any other positions that may present real or perceived conflicts of interest. Those who have existing directorships in a private company that operates a family farm, family business or family investments will be allowed to continue, provided that the directorship does not conflict with their official duties.

Once the new code is implemented later this year, newly appointed ministers and parliamentary secretaries will also be required to comply with the requirements within one month of their appointment to office. These changes will ensure that Queensland has the most stringent procedures concerning the ownership of shares and directorships held by ministers and parliamentary secretaries of any Australian jurisdiction.

This week marks the 20th anniversary of the Fitzgerald inquiry. Twenty years on my government reaffirms our commitment to honesty, openness and integrity in government and policing. Tonight, the Griffith University and the Australian and New Zealand School of Government are hosting an event here at parliament titled 'Fitzgerald Inquiry—20 years on'. I have the pleasure of presenting the keynote address at this event to be hosted by Professor Pat Weller. Other speakers are the police minister, Judy Spence, police commissioner, Bob Atkinson, former Premier Mike Ahern, Dr David Solomon and Quentin Dempster.

I conclude my remarks by saying this: my challenge to the Leader of the Opposition today is to ensure that shadow ministers comply with the same rules that I have brought in for my ministers and parliamentary secretaries. If the opposition is serious about standards and honesty, let the opposition comply with the same requirements.

State Accounts

Hon. AM BLIGH (South Brisbane—ALP) (Deputy Premier, Treasurer and Minister for Infrastructure) (9.54 am): The latest economic releases confirm the strength of the Queensland economy which continues to outperform the rest of the nation in terms of economic growth, investment and job creation. The December quarter 2006 Queensland state accounts, produced by the Office of the Government Statistician, show that Queensland recorded annual economic growth of 5.3 per cent in the December quarter 2006, a rate of growth more than triple the 1.7 per cent growth in the rest of Australia.

Strong growth in investment by businesses, households and the public sector continues to support domestic economic activity in Queensland. Business investment increased by 13.5 per cent over the year to the December quarter 2006 to total more than $7 billion in the quarter in trend terms. Business investment in Queensland is up by 13.5 per cent. What is it in the rest of the country? It is down by 1.3 per cent.

It is not just about the mining boom. Growth in business investment in the state has been broad based across the trade, property and services sectors. Investment by the household sector in Queensland has also been strong, with dwelling investment rising by 5.7 per cent over the year compared with only 2.9 per cent growth in the rest of the country.

Employment has been one of our strongest areas of performance. Employment rose by 5.7 per cent over the year to April 2007, reflecting the fastest rate of jobs growth of any state in Australia. As a consequence of very strong growth in employment, Queensland's trend unemployment rate fell to a 29-year low of 3.7 per cent in April 2007. Remarkably, our unemployment rate has continued to fall, despite increasing numbers of people entering the labour force, with the labour force participation rate reaching an historic high of 67.6 per cent. As a result, a greater share of the Queensland population is in employment than ever before.

Water Infrastructure

Hon. AM BLIGH (South Brisbane—ALP) (Deputy Premier, Treasurer and Minister for Infrastructure) (9.56 am): I would like to take a moment to update members on progress on water savings by residents and the progress of the water grid. The Queensland government is delivering the largest urban drought response in Australia's history—the $9 billion south-east Queensland water grid. This project is an investment in south-east Queensland's future. It will ensure our region is drought-proofed as far as humanly possible and deliver water security for our future growth in the residential, commercial and business sectors. We have an army of more than 2,500 workers building the grid. Those workers have clocked up almost two million hours of work on their various projects.

Opposition members interjected.

Mr SPEAKER: Order! There have been a number of interjections while the Deputy Premier has been speaking. I have been pretty tolerant in that regard. Can we now hear the Deputy Premier.

Ms BLIGH: People on this side of the House regard water as a very serious topic. Work is being undertaken at more than 30 sites across the south-east corner. More than 21 kilometres of pipe is already in the ground on the southern regional water pipeline, representing a quarter of the pipe that needs to be laid for that project. The project remains well on track to meet its target.

Similarly, more than 15 kilometres of pipe is now in the ground on the western corridor project. Pipe laying on the western most section of the route, at Caboonbah near Esk, commenced on 24 April and more than seven kilometres has been laid in less than a month. The pipeline to Swanbank is 85 per cent complete.

Suggestions of construction delays are simply wrong. In fact, pipe laying is now ahead of project forecasts on the western corridor project. Productivity on the western alliance is accelerating and is ahead of predictions. The alliance predicted to lay around 324 metres of pipe a day. It is currently laying on average around 370 metres a day. it is well ahead of predicted forecasts.

Productivity has been assisted with the delivery of a magnum trencher that is being used to excavate in hard rock. Works on the Bundamba advanced water treatment plant are well advanced and are on target to supply up to 20 megalitres of water a day to the Swanbank Power Station by August. Construction work at Luggage Point and Gibson Island advanced water treatment plants is also progressing, as is the Gold Coast desalination plant where the intake shaft to connect to the marine tunnel has been completely excavated to a depth of 70 metres and the out-take shaft is almost 90 per cent complete at 62 metres.

While work is proceeding apace on these projects, it is incumbent on all of us to save water while these workers build our water grid. The most recent figures released by the Queensland Water Commission on 18 May show that average water consumption has dropped again to 152 litres per person per day.

This represents a five per cent reduction on level 4 usage. Level 5 restrictions aim to achieve estimated savings of 43 per cent compared to pre-drought use by September 2007. We are currently achieving savings of 39 per cent. That means we only need to save another four per cent, or 12 litres per person per day on average, to reach the Water Commission's target. I acknowledge that the last part of any race is always the hardest, and I want to thank south-east Queenslanders for their efforts to date. We only need to take one further small step to reach our goal.

Local Government Reform

Hon. AP FRASER (Mount Coot-tha—ALP) (Minister for Local Government, Planning and Sport) (9.59 am): Without reform many local governments around Queensland face financial collapse in the coming years.

Mr Hobbs: Robot man!

Mr FRASER: Give a kid a chance.

Mr SPEAKER: Member for Warrego, personal abuse across the chamber is unparliamentary and I ask you to withdraw.

Mr Hobbs: I certainly withdraw, Mr Speaker.

Mr FRASER: Councils of their own volition engaged the Queensland Treasury Corporation to assess their financial sustainability. Not all councils participated in this voluntary assessment but a clear majority were participating, albeit with different enthusiasm. When the government received advice from the Queensland Treasury Corporation that 43 per cent of assessed councils were classified as weak, very weak or financially distressed, we acted to provide the leadership to achieve reform. Last Friday the Premier and I released the list of councils provided in that advice and incorporated in the reform document that we released on 17 April. I tabled the full advice in the parliament last month, and today I table the latest advice from the Queensland Treasury Corporation and repeat my call to all mayors and councils around Queensland to release in full the full financial data that they hold.

Tabled paper: Report by Queensland Treasury Corporation, dated 21 May 2007, titled 'Updated Interim Report—Financial Sustainability Review of Local Governments in Queensland'

Further work by QTC now indicates that, while there were 28 weak councils, 10 very weak and two distressed councils as at 17 April, the latest advice indicates this number has slightly increased to 28 weak councils, 11 very weak and two distressed councils. The analysis is now complete for 105 councils, with some reclassification work also completed. Two councils have had their original classification further downgraded—Duaringa from moderate to weak and Woocoo from weak to very weak. Eidsvold has been reclassified from very weak to weak and three councils have been upgraded to moderate—Chinchilla, Diamantina and Miriam Vale. These reclassifications are a result of further information provided from each of the councils. With 41 councils in the weak, very weak or distressed categories and just 12 categorised as strong or very strong, the case for change is and remains compelling.

As the Premier outlined this morning, sensible reform must be achieved, and that means reform which takes account of the interests of local government employees. As the Premier announced, we will legislate to protect the jobs of all local government employees, apart from CEOs and senior executives, through to 15 March 2010. Next month's state budget will include $12 million to support the transition and support local government employees through the reform process. This money will support the employment of interim CEOs for new councils, assist with the management of the change to new arrangements for employees, and support the provision of VERs as a last resort and where an employee wishes to retire early. These arrangements will be supported by a local government transition code of practice that is being drafted with the participation of the LGAQ, LGMA, unions and other stakeholders represented on the statewide transition committee constituted to provide me with high-level advice about the implementation process. With this announcement the government demonstrates unquestionably that we have the interests of local government employees at heart.

WorkChoices

Hon. RJ MICKEL (Logan—ALP) (Minister for State Development, Employment and Industrial Relations) (10.03 am): While the term 'WorkChoices' is apparently poisonous and no longer in vogue in the Howard government, the WorkChoices legislation continues to create uncertainty and confusion for Australian workers, not least those in local government. The state government's position is that local governments, while given autonomy via the Local Government Act 1993, are nevertheless an instrumentality of state government. As such, they are not trading or financial corporations. After all, people vote for mayors, not corporations. This uncertainty was raised with the federal government before WorkChoices was passed into law, but it chose to push ahead and impose uncertain and unclear legislation on the sector instead. As a result, some councils have attempted to take advantage of this confusion, claiming federal jurisdiction and lodging WorkChoices agreements with the federal Office of the Employment Advocate—now amusingly known as the Workplace Authority—and at least one smaller council with fewer than 100 employees has claimed it is exempt from unfair dismissal laws and can sack employees at will.

The Queensland government is fighting to protect local government workers' conditions and job security from the threat posed by WorkChoices in a number of ways. The Queensland government is involved in two court actions at the moment. One involves Etheridge council, which has tried to lodge a non-union WorkChoices agreement with the Office of the Employment Advocate. The other involves an employee of the Palm Island Council who has been sacked and who is seeking reinstatement. In both

cases the Queensland government will argue that WorkChoices does not apply to these workers. The Queensland government does not enter lightly into these matters. They have the potential to affect the working conditions of thousands of local council employees. Should the court find in favour of Commerce Queensland and the Palm Island Council, then around 3,700 employees in 68 councils employing 100 staff or fewer will lose their right to seek redress for unfair dismissal. Changing the name of WorkChoices and the Office of the Employment Advocate is not going to make the federal legislation any more palatable. The laws are rotten to the core. No amount of tinkering can save them.

Intellectually Disabled Citizens, Carter Report

Hon. FW PITT (Mulgrave—ALP) (Minister for Communities, Minister for Disability Services Queensland, Minister for Aboriginal and Torres Strait Islander Partnerships, Minister for Seniors and Youth) (10.05 am): I want to expand on the Premier's comments about the government's response to the Carter report. Firstly, I want to restate the government's commitment to safeguarding the rights and protecting the wellbeing of all people with a disability, including those who sometimes exhibit violent behaviour. There are about 300 people in this state who fall into this category and whose behaviour can pose dangers to themselves, their carers and their community. As a result of the careful consideration we have given to Mr Carter's report, we can now move quickly to start implementing his 24 recommendations.

Disability Services Queensland will immediately start recruiting a team of specialists to provide expert advice and support for people with severely challenging behaviour who receive services or funding from DSQ. A total of 200 new staff will be employed—188 front-line service delivery staff across the state and 12 specialist mental health experts. The specialist response service will provide innovative and specialist responses, ensuring the use of least restrictive alternatives at all times. We will develop new legislation to provide the legal foundation for the delivery of the service which will include stringent safeguards to protect the rights of this group of people. This legislation will require DSQ provided and DSQ funded service providers to use only restrictive practices that have been authorised, either by the Guardianship and Administration Tribunal or in compliance with administrative guidelines.

This legislation will also provide appropriate legal protection for service providers and staff who may have used restrictive practices before the start of the legislation where those practices were used under policies consistent with the intent of the new legislation. Authorisation of restrictive practices requires that restrictive practices are presented within a support plan based on the individual's assessed needs and be shown to be the least restrictive effective option, and these will be under active review and consented to by an appropriate substitute decision maker for the adult. It is anticipated that the new legislation will take effect from 1 July 2008. The government will also establish a centre of excellence that will lead research and provide specialist support for the new response team. I seek leave to table the government's response to Mr Carter's recommendations.

Leave granted.

Tabled paper: Report by Disability Services Queensland, undated, titled 'Investing in Positive Futures—the Queensland Government's Response to a report by the Honourable W J Carter QC, *Challenging Behaviours and Disability—A Targeted Response*—Overview'.

Tabled paper: Report by Disability Services Queensland, undated, titled 'Investing in Positive Futures—Response to Recommendations'.

Mr PITT: I am enormously proud of the innovative solutions we have developed in response to Mr Carter's report and believe that Queensland is now taking the lead on this very important issue.

Home WaterWise Rebate Scheme

Hon. CA WALLACE (Thuringowa—ALP) (Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland) (10.08 am): I want to set the record straight on the Beattie government's Home WaterWise Rebate Scheme. The scheme is not about to end through lack of funding, as the opposition recently tried to suggest. Due to recent administrative reforms, rebates are being paid much faster. The Department of Natural Resources and Water administers the Home WaterWise Rebate Scheme and it is adequately funded to process and pay rebates to successful applicants. Since its commencement there has been an unprecedented community response to the scheme. As at 18 May 2007, the department has processed approximately 102,000 applications and paid out more than $58 million in rebates across the state. The Home WaterWise Rebate Scheme processing team is located in Gabba Towers. Staff there are continually implementing improvements to business processes that will give increased output to the community while keeping administration costs at an acceptable level.

These process improvements include the outsourcing of mail opening and sorting to the government's CorporateLink and the use of an early gateway process to detect incomplete applications that require more input by the applicant. In addition, the group has established specific teams to deal with high-value rebate applications for tanks and washing machines that have been received in recent months. These improvements to the process have resulted in significant increases in the payment of rebates while reducing the average time taken to process those applications.

I am pleased to inform the House that the team has processed $36.3 million worth of rebates between 10 February and 18 May 2007. In that time staff have cut down the backlog in the data entry of applications. As a result of these improvements, the average processing time for applications received during the last three months has fallen from more than 60 calendar days to 48.3 calendar days across all elements of the scheme. This result shows that my department is well placed to deal with the desire of Queenslanders to take positive steps to ensure that they use water efficiently.

Queensland Health

Hon. S ROBERTSON (Stretton—ALP) (Minister for Health) (10.10 am): Queensland Health has reached another significant recruitment milestone in its ongoing campaign to boost its medical workforce. When we began our $10 billion health reform process two years ago, we promised Queenslanders that we would recruit more doctors for our public hospitals. I am delighted to report today that we continue to deliver on that commitment.

At the start of the health reform process in June 2005, Queensland Health had 4,552 doctors on its payroll. Today, we have 5,588 doctors treating patients in Queensland public hospitals. That means that we have achieved a net increase of 1,036 extra doctors in less than two years. That is a significant recruitment effort in the middle of Australia's ongoing national shortage of doctors. Queenslanders can be assured that all of these 1,036 extra doctors are real doctors, not statistics.

The latest doctor numbers come from Queensland Health's payroll database for the pay period ending 6 May 2007. So they are real doctors, working in real jobs right now at public hospitals throughout Queensland. The figures also take into account doctors who have left Queensland Health, including young doctors who have completed their clinical training, resignations, retirement, deaths and end of contract, dismissal or transfers out of Queensland Health.

There is no argument that Queensland Health has become a more attractive employer for doctors in the post-Patel reform era. The Beattie government has already stimulated workforce growth by providing public sector doctors at all levels with significant pay increases. We are also providing better conditions and allowances, plus enhanced professional development opportunities. That is why doctors are voting with their feet to be part of our $10 billion health reform revolution to build and improve Queensland's health system.

While having recruited an extra 1,036 doctors is a significant achievement, we still need more. We need more doctors to ensure our public hospitals continue to meet the challenges of a growing and ageing population. That is why Queensland Health will continue to recruit for skilled and experienced doctors throughout Australia and overseas.

Queensland Ambulance Service

Hon. PD PURCELL (Bulimba—ALP) (Minister for Emergency Services) (10.12 am): There has been a lot of misinformation circulated recently regarding the Queensland Ambulance Service, which members opposite have been more than happy to keep going. One thing they never mention is the simple fact that, since being elected, the Beattie government has more than doubled the QAS budget, which this year is a record $355 million. I know that the member for Mirani has been promoting the myth that the community ambulance cover funding has been frittered away, but the facts do not back him. Since the introduction of the community ambulance cover in 2003, the number of paramedics has increased by over 400 officers; the number of ambulance vehicles is up by more than 100; and the QAS has also purchased around 400 defibrillators. We have also completed 24 new, replacement or refurbished ambulance stations and field offices.

There is no doubt that our paramedics are facing an increased demand for service as a result of Queensland's growing and ageing population. However, our paramedics are getting to more life-threatening cases in under 10 minutes than ever before. For example, over the current financial year to the end of April, our paramedics have responded to 7,933 more code 1s in under 10 minutes. That is an increase of over 8.6 per cent in the same period for the previous year. These are life-threatening cases, not stubbed toes or headaches as members opposite like to pretend. Again, the fact is that, since the introduction of the community ambulance cover in 2003, the increased demand for ambulance services has been in the higher acuity and critically ill patient categories, not for patients who could have had their condition treated by a GP—that is if they could find a GP. To my knowledge there are no 24-hour GPs left on the south side of Brisbane and no chemists are open after hours.

This fact is supported by Queensland Health data captured at emergency departments. For example, last financial year just 3.79 per cent of the lowest acuity triage category who presented to emergency departments at Queensland Health hospitals were transported by the QAS. In 2004-05 that figure was 3.43 per cent and the year before that it was 3.32 per cent. The government has the runs on the board for making sure the QAS has the resources it needs, and we will continue to keep the service well resourced.

Neighbourhood Watch

Hon. JC SPENCE (Mount Gravatt—ALP) (Minister for Police and Corrective Services) (10.15 am): The Queensland Police Service has been proactively looking for a new sponsor for the Neighbourhood Watch program with the announcement in January that from July this year CGU Insurance would no longer be the sponsor. It gives me great pleasure to announce that the Real Estate Institute of Queensland will sponsor Neighbourhood Watch for the next three years and has generously offered $50,000 sponsorship per year.

The REIQ is the peak professional association for the real estate industry and supports real estate agents, ensuring a professional service to the public. In addition to the financial sponsorship, the REIQ will provide assistance to Neighbourhood Watch with media promotion, branding, education and training. This sponsorship will specifically provide funds for the coordination of the 638 Neighbourhood Watch areas and will also continue to raise the profile and importance of the program across the state.

Neighbourhood Watch, as we all know, is a fantastic community based crime prevention program and has given Queenslanders an opportunity to play their part in improving personal safety, household security and reducing crime in their own communities for 20 years. The government and the Queensland Police Service are proud to be associated with the Neighbourhood Watch program and are committed to ensuring its long-term future and relevance.

One of the most important issues for community programs like Neighbourhood Watch is public liability insurance. The Queensland Police Service is currently negotiating with two insurance companies to provide public liability insurance for the program. The Queensland Police Service will underwrite any liability costs and public liability insurance arrangements will be in place by the time the new sponsorship agreement starts on 1 July.

I would personally like to take the opportunity today to thank CGU for its magnificent support and commitment to Neighbourhood Watch for the last 20 years. Finally, I know the government and the Queensland Police Service is looking forward to developing a new, strong working association with the REIQ.

Bundaberg Port Authority

Hon. PT LUCAS (Lytton—ALP) (Minister for Transport and Main Roads) (10.17 am): Today I announce that a proud chapter of the port of Bundaberg is coming to an end but at the same time an exciting new page is turned with the announcement that the Bundaberg Port Authority is to merge with the Port of Brisbane Corporation as a wholly owned subsidiary as the port of Brisbane. Just as it has done for the past 110 years, the Bundaberg port will continue to trade and will do so under its own name but with the backing of the expertise, the staff and $1.9 billion in assets of the Port of Brisbane Corporation.

The port of Brisbane is Australia's fastest growing capital city port. It has an impressive record of trade growth and project development. It is a tough world out there and the variable prospects of the sugar industry have made the continued viability of Bundaberg as a stand-alone port difficult. Over the past six years the port of Bundaberg made an average profit of $140,000, with 24 ship arrivals last year and a turnover last year of $7.7 million. In comparison, the port of Brisbane made an average profit of $23 million over the past six years, with 2,600 ship arrivals last year and a turnover of $282 million. All award staff along with their entitlements and conditions will move across to the new organisation and all current employment contracts will be honoured.

I want to thank Bundaberg port's current chair, Glen Toll, the board and the 25 staff for their work and contribution in an increasingly difficult transport market. The government wants to ensure that the port of Bundaberg has a long-term and growing future. That is why, for example, the Queensland government is undertaking the Bundaberg ring-road project. It will bring efficiency benefits to the port as well as the city of Bundaberg. During the election campaign I announced that the government would conduct a study to investigate a dedicated rail freight line north of the river to the Bundaberg port. Ultimately, projects such as a dedicated rail line will depend on the port's capacity to grow significantly and, with it, grow new jobs and inject more money into the local economy. Make no mistake, this will be a challenging task but, with the dedication and loyalty of staff based in Bundaberg and Brisbane, we are now giving Bundaberg port the strategic mass, backed by a strong balance sheet, to chart the course ahead.

Electricity Supply

Hon. GJ WILSON (Ferny Grove—ALP) (Minister for Mines and Energy) (10.19 am): This drought is the worst in living memory and has put pressure on our most vital commodities: water and power. They go hand in hand. We cannot have one without the other. We need power stations to provide us with electricity to get on with our daily lives.

A report on the impact of the drought on electricity by NEMMCO, the National Electricity Market Management Company, is expected to be released on Friday after the Ministerial Council on Energy has had an opportunity to consider it. The impact of the drought paints a grim picture for everyone. We are not alone. The consequences of the drought are being felt right across all the eastern states and Tasmania. We are in it together. And Queensland, like other states, has its eye on the ball. Several months ago I set up a special task force made up of key stakeholders from across government and industry to analyse in depth what the drought meant for electricity. The expert advice to the task force is based on a range of complex estimates and assumptions, including hydrology modelling. The task force meets every fortnight and monitors the situation every step of the way.

The state government is working with the power industry on ways to save water while at the same time maintaining a reliable and secure bulk electricity supply. We will shortly appoint an independent expert to double-check the work that has been done. This is about striking the right balance between providing a secure and reliable electricity supply and meeting the water needs of the people of south-east Queensland.

Power stations are also playing their part. The Tarong Power Station has made significant water savings by reducing its generation by 70 per cent, the Tarong North Power Station will reduce its generation by 40 per cent, and the Swanbank site by 25 per cent. CS Energy also decided to further reduce Swanbank B's generation to two units for much of May to save more water. Advice from the task force is that Queensland is taking the right action to maintain a reliable and secure bulk supply of electricity for homes and businesses in south-east Queensland.

We are building now to meet future electricity needs. The recycled water pipeline will provide recycled water to Tarong and Swanbank. What we are putting in place now is our investment in the long-term future of each and every Queenslander.

Drought Assistance

Hon. TS MULHERIN (Mackay—ALP) (Minister for Primary Industries and Fisheries) (10.21 am): This state's primary producers are receiving unparalleled assistance from the Queensland government during this extremely difficult time—and so they should. Primary industries and fisheries contribute nearly $11 billion to the gross value of production of this state annually—this despite 62.2 per cent of the land area of the state being drought declared. Eighty-three shires, one part shire and 39 properties in a further 10 shires have been drought declared based on the recommendations of local drought committees. As well as state drought declarations, which qualify commercial primary producers for a raft of assistance, producers in areas deemed exceptional circumstances may also qualify for state and/or federal government assistance.

Since January 2002, nearly $40 million in assistance has been paid for 21,542 claims through the state funded Drought Relief Assistance Scheme. From July last year to date, just under $10 million has been paid for 4,890 claims. Under DRAS, primary producers qualify for freight subsidies on the transport of fodder and water during times of drought and restocking and returning from agistment in the recovery period. Through the Queensland Rural Adjustment Authority, producers in drought-declared areas also may qualify for drought recovery loans, drought carry-on loans and interest-only payments on existing loans. Other assistance for which primary producers may qualify through exceptional circumstances include interim income support for six months, land rent deferrals, electricity cost concessions, subsidies of up to 50 per cent of annual interest rate costs and a 50 per cent rebate on local government rates.

In the period from 1 July last year to 31 March this year, QRAA has provided record levels of assistance for those affected by events, including the drought and cyclones Larry and Monica. In the financial year to date, QRAA approved $305.3 million in assistance to 5,203 producer applicants across state and federal programs. This government values its primary producers. They are hard working, resilient and adaptive to change. The vast majority of our primary producers have tackled head-on the challenges provided by drought, biosecurity risks and increasing overseas competition. But on occasions they can use a helping hand. The Beattie Labor government will continue to provide that help.

Tourism Industry, Climate Change

Hon. MM KEECH (Albert—ALP) (Minister for Tourism, Fair Trading, Wine Industry Development and Women) (10.24 am): Climate change is the next great challenge facing Queensland's tourism industry. Queensland is home to some of Australia's—indeed the world's—greatest natural tourism assets. The Great Barrier Reef, the Daintree and our many wonderful national parks attract thousands of visitors to the state every year. The potential effects of climate change put Queensland's second largest export industry at risk.

It is clear that we need to act now to address the impacts of climate change, particularly on the tourism industry. The Beattie government is working closely with industry to tackle this issue head-on. We are united on the need for action and, with Queensland's excellent record on environmental and ecotourism issues, our tourism industry is best equipped to lead the charge.

The impact of climate change was identified as a key issue for the tourism industry during the development of the Queensland Tourism Strategy. Regional climate change briefings for the industry and an online best practice sustainable tourism package are among the environmental and ecological tourism initiatives resulting from the QTS.

While Queensland is working hard to address this worldwide issue, our tourism industry is being let down by a lack of action from the federal government. In a Howard-Costello election year grab-bag budget, the big omission was a serious attempt to tackle global warming. At a recent climate change summit delegates were told that, long before our natural tourism product is affected by global warming, changes in consumer perceptions could have a negative impact on tourism jobs and export earnings. There are fears that an international perception that Australia has failed to act on climate change could undermine any branding investment and our reputation as a natural tourism destination.

The Howard government has been dragging the chain on this issue for too long. Tourism is an industry worth $18 billion a year to Queensland, and our tourism operators have been let down by the federal government's budget. It is time to take action. The Beattie government and Queensland's tourism industry are doing their bit. It is time John Howard did his.

SCRUTINY OF LEGISLATION COMMITTEE

Report

Mrs SULLIVAN (Pumicestone—ALP) (10.27 am): I table the Scrutiny of Legislation Committee's *Alert Digest No. 5 of 2007.*

Tabled paper: Scrutiny of Legislation Committee 'Alert Digest No. 5 of 2007'.

PRIVATE MEMBERS' STATEMENTS

Local Government Reform

Mr SEENEY (Callide—NPA) (Leader of the Opposition) (10.27 am): There is a tidal wave of anger and protest sweeping regional Queensland as communities everywhere realise the extent of the attack on their future and viability that has been launched by the Beattie Labor government. That tidal wave of anger and protest has resulted in protest meetings and public meetings right across the state. Those meetings have been attended by people from right across those communities—from community leaders, mayors and councillors through to council workers who wear safety shirts every day, not just when they want their photo taken.

The announcement that we heard in the parliament this morning from the Premier that he is prepared to put some money in the budget next week to guarantee those people's jobs will do little to abate the anger that has been expressed at those public meetings. It gives the lie to the claims that have been made by the Deputy Premier that nobody is going to lose their jobs because of this process. Of course people are going to lose their jobs. The people in the communities know that, the people who value those jobs know that, and no small amount of government compensation is going to compensate them for that loss.

There has also been an extraordinary attack by the Premier on people who serve as mayors and councillors on behalf of their communities right across Queensland. Queensland's councillors are not politicians; they are community workers. They are people who work in a semi-voluntary capacity for the betterment of their own community. They work for their community in a local capacity. That is what the members opposite do not understand. Those councillors work for their community because they love their community, and they will fight to protect their community. Those councillors should be commended for the great many things they do on behalf of their community. They should not be attacked by the Premier and a government that is set on a politically motivated course of action.

Time expired.

QUESTIONS WITHOUT NOTICE

Local Government Reform

Mr SEENEY (10.29 am): My first question without notice is to the Premier. Under the Premier's government, Queenslanders have a water crisis, they have a health crisis and they have a power crisis. Queenslanders face a failure of the Ambulance Service, they face overcrowded public transport and severe housing affordability issues. Why then is attacking local government a priority for the Premier? Why can he not solve just one of his crises—just one—before he seeks to attack local government and destroy local communities?

Mr BEATTIE: I thank the honourable Leader of the Opposition for his question. Currently, Queensland has 1,258 councillors—that is, 1,117 mainstream councillors, 79 Aboriginal councillors and 62 Islander councillors—in a population of four million. As we all know, the QTC prepared a report that indicated that a number of councils had financial issues that needed to be dealt with. In my view, all sensible Queenslanders who want to see good government would be concerned about that report.

We established an independent commission to consider the future of council boundaries. Let us look at who is on it: former local government minister Terry Mackenroth, who is well regarded, and Di McCauley, a former National Party local government minister—

A government member: And a life member.

Mr BEATTIE: Indeed, she is a life member of the National Party—former president of the Local Government Association Tom Pyne, former Queensland Liberal leader Bob Quinn, who was a member of the EARC committee as well as the chairperson of the former Electoral Commission, and Kevin Yearbury as well. Sir Leo Hielscher is also a member. They are all distinguished Queenslanders who will take on board all the matters raised by the councils and all the issues raised by local government representatives from around the state.

Those independent commissioners will take on board the two years of hard work that was done by the councils. Even though that hard work would not have produced the results that the community wants, which is some amalgamations, it will be taken on board by the commissioners. What do we have? We have independent commissioners who are going to consider all the suggestions from the mayors, whether they are in rural Queensland or elsewhere. The bottom line—

Mr Seeney: Why don't you answer the question? I am happy to ask it again.

Mr BEATTIE: I am happy to answer the question.

Mr Seeney: Do you want me to ask it again?

Mr SPEAKER: Order! The Leader of the Opposition, you have had a fair go. You will let the Premier answer the question.

Mr BEATTIE: It is about—

Mr Seeney interjected.

Mr SPEAKER: Order! I will ask the Leader of the Opposition to decline interjecting while the Premier answers.

Mr BEATTIE: If we had done nothing about the QTC report, in a few years time when a number of councils fell over, Queenslanders would quite rightly ask why we did nothing. Doing nothing is not an option. We will fix it up.

Mr SPEAKER: Before calling the Leader of the Opposition for his second question, I welcome to the public gallery this morning students and teachers from St Augustines Parish Primary School in the electorate of Currumbin, represented in this House by Jann Stuckey.

Local Government Reform

Mr SEENEY: My second question without notice is also to the Premier. The Queensland Treasury Corporation analysis that the Premier referred to and that rated local councils found that the problems centre around current asset values and depreciation rates. No Queensland council has ever gone bankrupt because of depreciation. Can the Premier explain how non-current asset values and depreciation rates now pose an imminent threat to the financial future of any Queensland council?

Mr BEATTIE: It means that they are not planning for replacements. They have no long-term strategy for the future of their council and anybody who had any idea about financial management would know how ridiculous a question that was. That question was absolutely ridiculous.

Let me make it clear: I am happy to stand by Sir Leo Hielscher at any time and in any place. He has served National Party governments, coalition governments and Labor governments. He is a man of impeccable integrity and he is a man who understands when councils have issues. Let us look at the long list of councils—

Opposition members interjected.

Mr BEATTIE: Members opposite are attacking Sir Leo Hielscher!

Opposition members interjected.

Mr BEATTIE: They do not like that. Sir Leo Hielscher is chair and head of QTC. If I had to make a choice between those opposite and Sir Leo Hielscher, can members guess whom I would choose?

Ms Bligh: That's the easiest call.

Mr BEATTIE: It is the easiest choice on the planet. They are worried about their mates; they are worried about their political hides. I make it clear—

Mr Seeney: Answer the question.

Mr BEATTIE: I already have. Let us look at the position of the QTC. As at 18 May, of 105 councils, two fall into the category of distressed, very weak, 11; weak, 28. In other words, of 105 councils, 41 are either distressed, very weak or weak. No government worth its salt could ignore the QTC report.

Mr Fraser interjected.

Mr BEATTIE: I take the minister's interjection. The Auditor-General has raised very serious issues about this. This list indicates one thing: government needs to act and my government is acting. I know this is difficult and it is hard, but I will ensure that councils have a future. We want strong, viable councils for the future of Queensland and that is exactly what we will do.

I know that there is a lot of misinformation around. I heard some reference to a letter that Richard Branson had written to me the other day. I have Sir Richard's letter, and he writes—

As always, I hope this note finds you very well.

I understand that your Government is pursuing a program of local Government reform, including the likely amalgamation of a number of local councils. This I'm sure is being applauded by the vast majority of Queenslanders and, as a 'frequent' Queenslander myself, well done on this initiative.

I saw some nonsense up in Noosa. I say, 'Sir Richard, you are always welcome in Queensland!'

Local Government Reform

Mr HOOLIHAN: My question is to the Premier and Minister for Trade. Does the government have a preferred view on how the council boundaries across Queensland will look after the Local Government Reform Commission brings down its findings?

Mr BEATTIE: The answer is no. I thank the member for Keppel for his question. The government has entered into this significant and vital reform of Queensland's 157 councils in an open and transparent way. We have no secret set of boundaries. There is no hit list. I know of the rumours that the National Party is spreading in the bush. Is there any set agenda? The answer is no.

We have appointed a former National Party minister for local government, and Di McCauley does not do anything that I or the Leader of the Opposition wants. Di McCauley will do what she wants. At the end of the day, she is not subject to instruction from either the Leader of the Opposition—as he well knows—or me.

With more than 1,200 electoral councillors, far too many councils are not sustainable. The Queensland Treasury Corporation has issued an updated report on the financial status of councils. As the minister has reported in the House this morning, 40 per cent are categorised as weak, very weak or distressed. I referred to those before.

Just which councils will be amalgamated will be decided not by members of the government but by an independent commission. The seven members of the Queensland Local Government Reform Commission are good people. They are people with vast experience and reputations for integrity and honesty. They will consider all of the submissions provided to them by community members, councils and other organisations. The commission chair is former electoral commissioner Bob Longland, and I went through the other members before.

I cannot understand why those opposite have no faith in Bob Quinn and no faith in Di McCauley. That is what I am worried about. These are former conservative members of this parliament. Indeed, both of them are former ministers, both of them with good reputations. I have to say to those opposite: I have faith in Bob Quinn and I have faith in Di McCauley. They were colleagues of members opposite. I have faith in both of them to come up with a fair outcome.

As I mentioned before, Sir Leo Hielscher is involved. The commission will also establish an Indigenous reference panel to help consider the future structure of Aboriginal and Torres Strait Islander councils. The reform commission has a strict three-month time frame to make recommendations to government on amalgamations and boundary changes. It is drawing on information and opinions from the two-year Size, Shape and Sustainability program, a scheme initiated by local government itself.

The terms of reference to the commission make it clear that it must take into account the decentralised nature of our state—the sheer distances that current council boundaries cover. There is no determination that councils in the bush will be amalgamated. There may not be any amalgamation. Who knows? What councillors should do is make submissions to the commission.

Let us look at the terms of reference. Specifically, the regulated terms of reference provide that the commission has to have regard to the grouping of like communities of interest to maintain the social fabric and character of communities.

Local Government Reform

Dr FLEGG: My question without notice is directed to the Premier. The basis of the Premier's current attack on local government is the application of a new accounting standard for depreciation of their assets like local roads. The Premier applies a different set of rules to his own government. He does not make such provisions for depreciation on his roads, schools or hospitals. If the Premier applied the same rules, this would make his government's financial position look sicker than most of the councils that he is attacking. Is this not a double standard designed simply to smear local communities for the Premier's own political purposes?

Mr BEATTIE: I have to say that I am absolutely mystified as to why the Leader of the Opposition and the Deputy Leader of the Opposition do not know that we went to accrual accounting in this state some years ago. I cannot believe that they do not understand that.

Ms Bligh interjected.

Mr BEATTIE: Keith De Lacy did it.

Mr Seeney interjected.

Dr Flegg interjected.

Mr BEATTIE: You can protest all you like but you have actually embarrassed yourself to show that you are not even fit to be in opposition. Keith De Lacy established accrual accounting. The question the Leader of the Liberal Party just asked is absolutely bizarrely stupid. The reality is that we have gone to accrual accounting. I suggest that both the Leader of the Opposition and the Leader of the Liberal Party get a briefing on how government works. Get a briefing on accrual accounting. They have no idea of the system of government. The Leader of the Liberal Party's question is absolutely nonsensical.

Mr Seeney: Go and talk to the councils and see what they have to do.

Mr BEATTIE: No, the member is just trying to cover up for the fact that—

Mr SPEAKER: Order! Leader of the Opposition!

Mr BEATTIE: Mr Speaker, Keith De Lacy brought in accrual accounting. The questions asked by both the Leader of the Opposition and the Leader of the Liberal Party are unbelievably ridiculous. It shows that they have no idea how government works. It is just ridiculous.

Let me go back to the terms of reference. Specifically, the legislative terms of reference in section 159U of the Local Government Act, as amended in April 2007, provide for the Local Government Reform Commission to have regard to the following: the grouping of like communities of interest to maintain the social fabric and character of communities, and options for community representation that reflect the diversity of the state's regions and that promote representation of discrete communities. That means that the bush has to be given special consideration, and it will be.

Let make it very clear: I say to the bush, to all our country cousins and to all the people whom my government will represent and has always represented, 'Do not believe the National Party's self-interested propaganda.' I have made it clear that we will look after the bush. I have made it clear that the terms of reference reflect looking after the bush. I say to the bush, 'Put in your submissions. Do not believe the National Party propaganda, and let us see what comes out of the report of the commission on 1 August.'

Water Infrastructure

Mrs MILLER: My question is directed to the Premier, and I ask: can the Premier advise on the progress of key water supply projects being undertaken as part of the water grid?

Mr BEATTIE: I thank the member for Bundamba for her question. Work on the water grid is progressing well. For example, the Home WaterWise Service retrofit program continued the significant progress achieved in recent months, with approximately 13,000 homes retrofitted with water-saving devices in March. Secondly, businesses are continuing to do their part under the Business Water Efficiency Program, with forecast savings of approximately 8.6 megalitres per day by 30 April 2007. The $1.2 billion desalination plant is on target to commence production in 2008 and ramp up delivery of full production of 125 megalitres per day to the system by January 2009. Construction is continuing on the southern regional water pipeline project, with 21 kilometres of pipeline laid up until Friday.

Work on the Western Corridor Recycled Water Project is also progressing well and remains on track to be completed by the end of December 2008. In fact, on Thursday the Deputy Premier and I visited Caboonbah, near Esk, to review progress on the work. On site there are around six kilometres of pipe—about 1,000 pipe lengths ready to be laid. Also on site are associated fittings, collars and rings. The advanced water recycling project is the largest of its kind in Australia and the third largest in the world. We also saw the operation of the largest magnum chain trencher in Australia. The T1660 magnum chain trencher is an 800-horsepower machine measuring 16 metres long and weighing 143 tonnes, equivalent to about 70 Land Cruisers.

Ms Bligh: A big mother.

Mr BEATTIE: That is right; it is one big mother. We have an army of more than 2½ thousand workers busily building the grid, ensuring our short- and long-term water security. They are working at more than 30 sites across the south-east and I want to thank every one of them for their efforts. I want to say to the workers: well done; you are doing a fantastic job for this state, and every Queenslander is very proud of what you are doing.

Last night I was disappointed to hear the Leader of the Opposition state, 'Kids building cubbyhouses would not make as many mistakes.' That is an insult to all these workers. It is an insult to all these workers working hard to deliver our water grid. The Leader of the Opposition owes them an apology. Why attack the workers who are building this water grid? They are people who are working long hours. They are people who work a lot harder than the Leader of the Opposition ever has. They are people who know what hard work is all about. Those people are out there bending their backs to build water infrastructure for this state, and all they get is derision and ridicule by the Leader of the Opposition. I say to the Leader of the Opposition: my government stands by the workers who are building this water grid, and he owes them an apology.

Local Government Reform

Mr HOBBS: My question is directed to the Premier. Has the Premier provided the Local Government Reform Commission with any independent financial analysis, apart from his QTC report, that supports his claim that forced council amalgamations will lead to savings? Can the Premier advise the House today what actual savings will be achieved through forced council amalgamations? Can he tell us what savings he hopes to achieve?

Mr BEATTIE: I thank the member for the question. One of the reasons we appointed Sir Leo Hielscher to the commission is that he is not only a distinguished Australian but he has also served all sides of politics. When it comes to running budgets and managing finances, I have to tell the House that there is none better. He is the one who advised Sir Joh Bjelke-Petersen. He advised Sir Gordon Chalk. He advised successive governments of both sides. Sir Leo Hielscher's reputation is beyond reproach.

What it means—and I will answer the member's question—is that the commission can take whatever advice it wants. It is an independent commission. It can take whatever financial advice it wants. But it has a man sitting there, Sir Leo Hielscher, who has a reputation in that regard that is impeccable.

Recently, when I attended BIO with John Mickel, Sir Leo asked me if I would attend a lunch in Boston of people who were attracting money from financiers—and the Treasurer does these; all Treasurers have done them. I have to say what an impressive man Sir Leo Hielscher is. Here are world bankers with billions of dollars to invest and he was absolutely impeccable. If those opposite want to know where their advice is coming from, there is none better than Sir Leo Hielscher.

Let me come back to the nonsense that was asked by the Leader of the Opposition earlier. Here is the updated interim report from the Queensland Treasury Corporation about what was taken into account. It says—

In determining whether a local government is weak, very weak—

Mr HOBBS: I rise to a point of order.

Mr BEATTIE: I will ask for an extension.

Mr HOBBS: My point of order is relevance. I asked the Premier to detail what the savings were and he is not responding.

Mr SPEAKER: There is no point of order.

Mr BEATTIE: We are not doing this for savings; we are doing this to ensure an efficient local government. This is about sustainability. That is what this is about. It is about sustainability. No wonder we have trouble getting the National Party to understand. This is not about savings; it is about sustainability.

Let me come back to the report—

In determining whether a local government is weak, very weak or financially distressed no single factor takes precedence over another. Rather it is a combination of a set of factors.

It is no single factor. The member mentioned depreciation. This report clearly states that no single factor takes precedence over another. In relation to weak, it states—

Historic and forecast operating deficits over many years.

So deficits were taken into account. It goes on—

Moderate to low own-source revenue; likely deterioration in community net worth; many local governments do not have integrated asset management plans connecting future capital expenditure and asset management and estimates with financial forecasting; past decisions regarding revenue increases not reflective of the cost of operating the local government; in many cases increases have been pegged to CPI or less; backlogs in the maintenance of assets; average liquidity.

It goes on—

Limited capacity to be able to manage the business risks.

That is clearly what it states in relation to weak. Let us look at very weak—

Poor liquidity; less than three months of operating expenditure less depreciation; some local governments have a number of villages or small towns that require town water, sewerage, waste collection without the attendant economy of scale benefits; absence of a commitment to address issues.

Mr Speaker, that is a clear answer.

Water Infrastructure

Mr WENDT: My question is to the Deputy Premier, Treasurer and Minister for Infrastructure. I note that she and the Premier visited Caboonbah last week to inspect pipelaying activities and large component stockpiles and, of course, we know and appreciate how important this is. However, there have been recent reports about some pipes being dug up. Can the minister please detail to the House why this happened?

Ms BLIGH: I thank the honourable member for his question and for his interest in this pipeline and his understanding not only of how important it is to water security in the south-east but also the opportunity it gives to local companies to have a share of what is one of the largest infrastructure projects happening around the country.

At a little town called Coominyah, which the member for Nanango knows well, there is a company called Rockwell Quarry. This is a relatively small company that employs on average between 10 and 20 people. This company supplies a crushed sandstone product. That product is around $10 a tonne cheaper than other comparable products used to lay pipe. This material, if it could be used on the pipeline, would not only be a great boon for that company but also would provide a significant cost saving of around $10 million across the western corridor project as well as ensuring less truck traffic around local communities in that area because the product was so close to the pipeline.

Not surprisingly we were very keen to use the Rockwell Quarry product. Australian Standard 2566.2:2002 clause 5.6.2 requires that when looking at products to lay pipe on companies are required under the Australian Standard to trial at the commencement of pipelaying any product for proof of compaction methodology and materials. So there is a requirement to test materials before they are used. This is a very sensible and reasonable requirement that ensures the safety of the project.

This trial took place with the material from the Coominyah Rockwell Quarry company. It took place at the beginning of the project when the project was being established. Several other activities also took place, including site establishment, clearing of the right of way and other detailed design and commencing of excavation. Other products were also trialled including sand. Unfortunately, the trial of the Rockwell Quarry material was unsuccessful as the bedding material could not be easily compacted. Just over 800 metres of pipe therefore had to be re-laid.

There is no other way to test compaction. The pipe has to be laid on the material, left there for a period of time and then the compaction tested. That is what happened with this product. Unfortunately for this company we could not use the material and sand is now being sourced from other local companies. But it has to be sourced from further away, including the Brisbane River, meaning much longer haulage routes and a much more expensive product.

The facts are that there was no mistake, no gaffe, no accident. This was a carefully planned trial.

Opposition members interjected.

Mr Hobbs: 800 metres!

Mr SPEAKER: Member for Warrego!

Ms BLIGH: This was a carefully planned trial of a local material according to the Australian Standard.

Local Government Reform

Mr HOPPER: My question is to the Premier. Before I ask that question, I welcome the kids and teachers from Oakey State School in my electorate.

Mr SPEAKER: You saved me the welcome I was going to give. I endorse the welcome as Speaker to the teachers and students from Oakey State School. As you have just been told, it is in the electorate of Darling Downs which is represented in this place by Ray Hopper who is asking the question.

Mr HOPPER: My question is to the Premier. The Premier has claimed that many councils are facing bankruptcy. Jondaryan Shire Council is one of those councils on the list. How can Jondaryan, with a $4.9 million surplus, net assets of $121 million and nearly $4 million in the bank possibly be going bankrupt?

Ms Bligh: It depends on what their liabilities are.

Mr BEATTIE: Exactly. It depends on what their liabilities are.

A government member: Doesn't he understand what it is all about?

Mr BEATTIE: I know who understands what around here. The Leader of the Opposition was bragging that he was going to do some accountancy course. I say to him to hurry up because based on what he has said today he does not have a clue about numbers. I will answer the honourable member's question very directly. QTC has made a determination on all factors, not just the selective factors that those opposite have decided to pick out today. As I have already pointed out, QTC in its report identified a range of issues, not just one. Look at what its description is in relation to the word 'distressed'—

Refer to weak and very weak above. In addition, the following factors are likely to play a role.

The ones I mentioned before, in addition to these, deal with distressed councils—

Liquidity is less than three months of operating expenditure less depreciation.

Just think about that.

Secondly, a very poor regional economy. However, in both cases the regional economy was once quite strong... incapacity of councils to make decisions. The outcome is a result of a combination of poor decisions over a number of years.

Mr Hobbs interjected.

Mr BEATTIE: The member does not want to hear the truth, all he wants to do is complain.

A significant number of local governments have reported operating deficits before capital items during most years of the historic period and in some years of the forecast period. In most cases a significant factor influencing these results seems to be issues relating to the calculation of depreciation charges including the appropriateness of useful life estimates, valuation of assets and residue value estimates.

Mr Seeney: There you go. That's it. That's what you need to understand.

Mr BEATTIE: Hang on. One factor. Let me go on—

Terms of depreciation is a major issue which the local government sector needs to resolve. The primary financial focus of the majority of local governments is on current year performance cash accounting approach not accrual.

This is what the member opposite did not understand before—

Long-term financial forecasting—

Mr Seeney interjected.

Mr SPEAKER: Leader of the Opposition, I warn you.

Mr BEATTIE: I repeat—

Long-term financial forecasting ie. greater than three to five years, is generally poor ... lack of appropriate tools and processes although a few exceptions exist. Historically many local councils have not recognised their true underlying cost with revenue increases often based on CPI.

What the opposition refers to is only one tiny part of a total consideration by Sir Leo Hielscher and the Queensland Treasury Corporation. The answer to the question is simple. Sir Leo Hielscher is someone who is respected by both sides of politics. I suspect Sir Leo has never voted Labor in his life but he is a distinguished Queenslander who understands money and finances. In addition to that we also have reports from the Auditor-General about the viability of councils.

What the other side of politics wants to do is ignore financial reality. We are not going to ignore financial reality. We are going to fix this up. There will be better local government as a result.

Local Government Reform

Mrs KIERNAN: My question without notice is to the Minister for Local Government, Planning and Sport. Different councils from all corners of the state have very different roles and provide very different services. Does the government believe that one size fits all?

Mr FRASER: I thank the member for Mount Isa for the question and also for her and every other member of the government's steadfast support for the necessary but difficult task that the government is undertaking in reforming local government. Can I affirm to the House that one size does not fit all. Can I affirm to government members that if the members opposite, and indeed other people in the community, took the time to read the terms of reference they would find that those terms of reference provide for, as was indicated earlier, 'the grouping of like communities of interest to maintain the social fabric and character of communities' and identifying 'options for community representation that reflect the diversity of the State's regions and that promote representation of discrete communities'.

There can be no question that the government has not embarked on a one-size-fits-all approach. There is no quota. There is no set number of local governments that we are trying to achieve. We do not mind how many local governments there are. What we do mind is that they are sustainable and on the best set of boundaries. There is no set quota of people per shire. There is no set quota of square kilometres. There is no function thereof. I fully expect that the commission, in taking its terms of reference and that broad remit, will come back with different sizes and shapes all around the state.

In terms of clearing up some issues I would like to take this opportunity to clear up some misapprehensions the Leader of the Opposition had in a letter he wrote to me a couple of weeks ago. He asked for the federal government to be represented on the Local Government Reform Commission because he said that it provides 90 per cent of funding to councils through financial assistance grants.

There has been a lot of talk this morning about financial literacy, and in that regard I would like to assist by tabling two pages out of the budget strategy from last year.

Tabled paper: Copies of pages 164-165 of the Budget Strategy and Outlook 2006-07

It provides that current estimates indicate that the proportion of funding provided by the Queensland government will further increase in 2006-07 to 63.1 per cent. That is a long way from 10 per cent in anyone's language. Fact No. 1 cleared up.

The other point to make is that there has been much store placed on what the federal government should do. Jim Lloyd came up here on budget day with Ron Boswell and wrung his hands pretending to be caring for local government while dudding local government in the budget on the same day. In my view it seems that their time could be better spent.

The reason that Jim Lloyd has a problem—and it is the reason that the federal government does not need to be represented on the Local Government Reform Commission—is that the federal government already has a view about amalgamations. It already has a view about involuntary amalgamations. Jim Lloyd, as the local government minister, last year, when Desley Boyle was the minister, provided for a new national principle under the Commonwealth act. The federal government legislated a principle which took away the disincentive to amalgamate. The federal government legislated to provide financial support for councils to amalgamate. Its policy is clear. More to the point, what does the line say? 'It also applies in the case of involuntary council amalgamations.' The federal government does not need to be included on the commission because its policy is clear. I would say that that is a man-sized mistake.

Mr SPEAKER: Order! Before calling the member for Gladstone, I welcome the principal and student leaders from Nerang State High School in the electorate of Gaven, which is represented in this House by Phil Gray. I call the member for Gladstone.

Local Government Reform

Mrs CUNNINGHAM: My question without notice is to the Premier. If the government amalgamates two or three councils and they bring different debt levels to the new entity, how does the Premier propose this new council will resolve the financial inequity created?

Mr BEATTIE: Let me deal with a couple of issues in terms of parts of Queensland that are benefiting but also pressured by growth. The member for Gladstone's area is one. We all know that with the expansion of the coal industry comes extra pressure. What this is about in terms of getting the commission to look at the future of local government is not just finances. It is not just about sustainability. It is about dealing with future growth.

Queenslanders understand that every week there are an additional 1,500 of us. We have to have a council system that will take us into the 21st century, this century. We cannot simply sit back and assume that a model that has been there for 100 years is going to work indefinitely into the future. That is why there are regular reviews of state government boundaries. We are having one this year. There will be a redistribution of state boundaries. The federal government has had one.

These boundaries have been around since Adam and Eve were in shorts. There is some suggestion that they should be written like one of the tablets that Moses brought down from the mountain—one of the Ten Commandments. Are we suggesting that these boundaries that have been around for 100 years should never change? What a nonsense.

Mr Lucas: We would never have had the City of Brisbane Act.

Mr BEATTIE: I will take that interjection. If we had adopted that attitude we would never have had the City of Brisbane Act, for example. We would never have had the strong Gold Coast council that we have now. We would have had a mess. This is about preparing Queensland, through local government—and they are not the only part—for the 21st century. That is what these reforms are about.

Let me come back to the question. Obviously, when putting councils together—and it is up to the commissioners to make recommendations; it is not up to me—they will take all those issues into account. They will look at viability. They will look at assets. They will look at whatever they need to. Clearly, they will make recommendations based on the long-term sustainability of those councils.

If there are debt levels—and of course there will be debt levels in councils as there is in any government organisation—they will have to be weighed off against assets and weighed off against all sorts of other potentials. As I have said, this is not a decision for my government; this is a matter for the commission. In the end, the buck stops with us. Those issues that the member for Gladstone was referring to will be taken into account by the commissioners.

I say again: why do those opposing these amalgamations have no faith in Sir Leo Hielscher? I do. I have faith in Di McCauley. I have faith in Bob Quinn. I have faith in Terry Mackenroth. I have faith in the others who have been appointed to do this job. Sir Leo Hielscher was the Under Treasurer of this state for years. Sir Leo Hielscher was the brains of the Bjelke-Petersen government. He has been the brains of a succession of governments here and given them the financial leadership that has actually built modern Queensland. If ever there was a father of modern Queensland in finances it is Sir Leo Hielscher. I believe in his abilities.

Emergency Services

Mr FENLON: My question is to the Minister for Emergency Services. The Emergency Services personnel in my electorate are highly committed and dedicated to serving the Queensland community. Can the minister advise the House of any recent developments that reflect the commitment through the wider community?

Mr PURCELL: I thank the member for Greenslopes for his question and in answer to his question, I can. I also thank the member for Greenslopes for the support he gives the Emergency Services personnel in his electorate. It gives me great pleasure to announce to the House that our paramedics have, once again, been voted Australia's most trusted profession, closely followed by the firefighters. It is the fifth year in row that our Emergency Services have received this accolade in the highly regarded *Readers Digest* poll. The accolade is richly deserved.

Emergency Services personnel are always there when the community needs them most. By their very nature paramedics are passionate, professional and highly trained people who have dedicated their working lives to making the community a safer and healthier place. They are there for people when they find themselves in medical emergencies. To put it simply, they are an incredibly committed group of men and women. I am delighted that their hard work has been recognised by the nation.

The QAS is the fourth largest and second busiest ambulance service in the world across all codes, initiating a response to demand for service on average every 42 seconds. That is why the Beattie government has more than doubled the QAS budget since 1998. Our paramedics work in the community delivering safety advice, safety messages and offering life-saving advice. This strengthens the bonds they have with the public.

The fact that firefighters came in as the second most trusted profession should also come as no surprise to people in this House. Our heroic, dedicated men and women of the Queensland Fire and Rescue Service live up to their reputation each and every day, dedicating their lives to the protection of life and property. The role of firefighters in today's society, be it urban or rural full-time or volunteer, is one of commitment and sacrifice.

Whether it be pulling someone from a burning building or educating the public on fire and road safety, they do it with professionalism and compassion at all times. Each and every day of the year firemen come to the rescue of those in need, and I am sure that all members of this House would agree that this recognition is extremely well deserved. I take this opportunity to commend Queensland paramedics and firefighters. I can assure them that the Beattie government is committed to providing them with the resources they need to continue to serve the community with such distinction.

Local Government Reform

Mr JOHNSON: My question is directed to the Premier. Premier, following the demise of the Aboriginal Coordinating Council and the Aboriginal and Torres Strait Islander Commission, Indigenous communities became excited at the prospect of their councils falling under the blanket of the Local Government Association of Queensland. Now with the government's forced amalgamations of local governments, Indigenous communities that are meant to be celebrating the 40th anniversary of their right to vote will further lose their right to have a say. Can the Premier guarantee that Indigenous councils will not be forcibly merged into large centralised shires, further disenfranchising these people?

Mr BEATTIE: As the honourable member for Gregory knows, this is a matter for the commissioners to make recommendations on. I believe that they will take into account the special circumstances involving Aboriginal and Torres Strait Islander councils. As I have made reference to before, they have a particular mechanism in place to take into account Aboriginal and Torres Strait Islander councils. As I said, I have made reference to that before and do not need to repeat it. I want to make the point that in these reforms the terms of reference, which the minister Andrew Fraser and I have made reference to, clearly require the commissioners to take into account many of the issues that are concerning bush councils.

Miss Simpson interjected.

Mr BEATTIE: Can I just ask the member not to be rude for once. I am trying to give the member for Gregory a serious answer. He is someone for whom I have a bit of respect and I am trying to treat him with courtesy, and the member opposite might do the same. Let me make the point: we are determined to ensure that the bush—and that is why we wrote the terms of reference that we did—is properly considered, and it is the same for Indigenous councils. It may well be—and I do not know what they will recommend—that at the end of this there will be very few changes, if any, to bush councils. It may well be that there are few—if any—changes to Aboriginal councils, and the reason for that is—

Mr Hobbs: Come on! You're talking to us now!

Mr BEATTIE: It would be really nice if you had some manners.

Mr SPEAKER: I warn the member for Warrego.

Mr BEATTIE: I am genuinely trying to answer the member for Gregory's question, because while we have political differences he is actually respected by both sides of this House. I want to make the point that the terms of reference actually require the commissioners to take into account the special circumstances of the bush and indeed Indigenous communities, and the question the member asked was one of the issues we were concerned about. That is why we wanted to make certain that those sorts of issues were taken into account. That is why we did it that way. I do not know, member for Gregory, what they will come back with. But I expect the commissioners—and so does my government—to take into account isolation, distance and those sorts of problems that the bush has. We expect them to take into account all of the issues involving Indigenous communities, and we know that they will. That is why we have people like Di McCauley and Terry Mackenroth as commissioners, because they are practical hardheads who understand the bush.

Let me come back to the point, and I am talking now about all councils. One of the difficulties at the moment is that councils are having problems—and this was happening well before this process started—about getting the necessary expertise and skills to do some of the things that need to be done such as planning. What happens in a growth state is that many planners and many engineers have been stolen by coal companies and mining companies, and fair enough. I am not being critical, but that is what has happened. There has been, if you like, a bit of a brain drain because they have not had the clout to be able to provide the expertise necessary. In a growth state some of the councils that will be put together will have more clout. Also, I now come back to the member for Gladstone regarding her question. Councils will be able to cope with debt more effectively, and that is what happened in Brisbane city. Let us see what comes out of this. I make this final point: this is not one size fits all. We expect there to be different outcomes in different parts of the state dependent on the geography of Queensland.

Mr SPEAKER: Before calling on the member for Inala and before I get gazumped by the member for Darling Downs, I welcome another group of students from the Oakey State School, which is represented in this House of course by the member for Darling Downs, Mr Ray Hopper.

Child Protection

Ms PALASZCZUK: My question is to the Minister for Child Safety. The minister has announced that specialist staff will be hired to boost the protection of toddlers and babies in the child protection system. Can the minister please inform the House what these specialist officers will do and how they will work with families?

Ms BOYLE: I thank the member for Inala for her question. Unfortunately, there are too many children in her electorate and other members' electorates who are not being properly looked after by their parents or their families. This $12 million initiative called One Chance at Childhood has been

announced and will employ about 36 specialist staff to boost the protection of babies and children in the child protection system. These specialist staff will intervene at three critical stages. When babies and toddlers first enter the child protection system—when they and their families are brought to our attention—we will have early childhood specialists who will work with those families but will also coordinate other services from government to work with those families to head off any child abuse issues. In more serious situations—that is, stage 2 when babies and toddlers have had to be taken from their parents' homes and are in our care—we will have specialist reunification officers who will work with the families to make it clear what the case plan is and what changes are required in those families if their children are to be reunified with them. Sometimes, however, that will not work and within a reasonable time period the children's needs must come first. Therefore, our third tier of officers, our permanent placement officers, will find alternative, loving and safe homes for these babies and toddlers before they are too affected by the abuse and neglect that has characterised their homes.

Unfortunately, we have found through recent research around the world that chronic neglect and abuse during the early years of childhood is not only unpleasant in itself but has permanent and debilitating long-term physical and emotional effects. Our message through this program to parents is very clear: the government will give you intensive help, but if you do not get your act together then your children will get a happy, stable and permanent home elsewhere. There are many people who would be willing to provide children with a good home and there are many parents who are not taking up their responsibilities. This program will give them an intensive chance over a period of one to two years and then very clearly the children's needs will come first. We have to think of their long-term wellbeing as well as their immediate needs. We have to make those hard decisions while the children are young.

Local Government Reform

Mr KNUTH: My question is directed to the Premier. Premier, under the Goss Labor government rail services were reformed across the state and the workforce was reduced from 25,000 to 11,000. Local government reforms in Victoria and South Australia had a similar impact. Given Labor's track record, how can workers trust the Premier and his government when he promises that no jobs will be lost?

Mr BEATTIE: I should indicate again that I have announced today that our employment package to assist local government transition to the new arrangements next year will be supported by an initial allocation of $12 million in next month's state budget. We will legislate to protect and preserve jobs as part of our reform package. So the protection is there. That will have its basis in legislation. The second point I want to make is that as someone who was involved in rail in the late seventies and early eighties I know exactly what the National Party did to destroy jobs in the Queensland Rail system. So I think it is a little bit hypocritical. The member for Charters Towers may not have been around for as long as I have, but I remember exactly what the National Party did to the workshops and to ordinary railway workers across this state. It treated them really badly and it never had the strategy that my government has had about no forced redundancies. It threw people out the back door.

However, there are some matters that I do want to refer to. I notice that the Leader of the Opposition sought to personally attack the local government minister, as he tried to attack me personally yesterday, not that I am particularly worried about that. He actually made reference to the minister's age. Let me tell members: not all wisdom rests with those of a mature age based on that attack, because one of the ironies is that the Leader of the Opposition no doubt was concerned about the last person who became a minister in his 30s. Lawrence Springborg and Andrew Fraser were one day apart in terms of age when they became ministers. So when the member opposite attacks his youth, I know he is attacking the former Leader of the Opposition. I understand the sensitivity. If it is good enough for Lawrence Springborg to become a member at that age it is good enough for Andrew Fraser.

Let me make a point. The local government minister and I are in constant contact. He received a letter from Mr Springborg the other day requesting a delegation, which is fine and that is appropriate. It is dated 10 April 2007. It states, 'Lawrence Springborg, MP, Member for Southern Downs and Leader of the Opposition.'

Mr Messenger: Bon voyage.

Mr BEATTIE: The Leader of the Opposition is always terrified about young ministers. I say to Mr Springborg: you are not back yet; you actually have to win the vote. My advice to him is: I would be very, very careful. There is no doubt that Mr Springborg will be back. Let me make a Nostradamus prediction: Mr Springborg will be back. This is an omen. What we are seeing today is an omen, and I table that omen for the information of the House.

Tabled paper: Copy of letter, dated 5 April 2007, from Mr Lawrence Springborg MP, to the Minister for Local Government, Planning and Sport relating to a deputation from the Warwick Shire Council.

Mr Messenger interjected.

Mr SPEAKER: The member for Burnett did talk about a naughty place before. I ask him to stop interjecting or he may be there himself.

Federal Road Funding; Flood Mitigation

Mr WETTENHALL: My question is to the Minister for Transport and Main Roads. Can the minister advise the House if the Prime Minister provided any extra money to boost flood immunity works on the Bruce Highway while in Townsville and Cairns last week?

Mr LUCAS: I thank the honourable member for the question. Certainly the Prime Minister has been going everywhere in Australia. He is going backwards and forwards and up and down—even in his own electorate. As far as he goes, it does not make a difference because he has tried to fool the people of this state and this country for too long.

The Prime Minister came up to north and far-north Queensland and he delivered nothing for flood works. He said the Queensland government was awash with federal government money. The only thing that we are awash with in north Queensland and far-north Queensland is floodwaters that federal government funded works do not deal with enough.

Let us have a look at the facts. The federal government provided $348 million in total for flood work. Let us put that in perspective. That is $348 million compared with $1.2 billion that it wasted on a road in your electorate that you do not want, Mr Speaker. Part of that $128 million Tully flood works project is underway. The Tocalong to Laddercross Street project starts in July. Design is underway for the Mulgrave River bridge. Mind you, the federal government has told us that it wants the lesser option; it will not give us Q50 flood immunity. And planning is designed for continuing projects at Arnot Creek, Seymour River and Gairloch.

But it is worse than that. Not only did the Prime Minister not bring up any money but when the federal government, despite my personal pleas to the deputy prime minister, delivered money for the Mount Low Parkway, which is an important project, it ripped the $40 million out of the flood moneys that we got for north and far-north Queensland. How cynical is that? How outrageous is that? People in Victoria and New South Wales would not accept what people in north and far-north Queensland are expected to accept.

The *Courier-Mail* is a wake-up to the federal government as is everybody else. Business down south is saying that we have to come up with fifty-fifty projects on the National Highway. What about the fifty-fifty we have been on about for the Pacific Motorway for years and years? They will not pay us fifty-fifty on the projects we want to do; they want to pay us fifty-fifty on the projects they want to do and not put the full amount of money in there.

I say this to the opposition in all sincerity: when the member for Gregory was transport minister he was a burr under the saddle of the federal government, and I follow in his footsteps in that respect. During the last federal election campaign we got a commitment from both sides of federal politics—in fact, from federal Labor first—to fully fund the Tully flood mitigation works. Members from both sides of this House need to say to people in Canberra, 'Regardless of whether you are John Howard or Kevin Rudd, roads will be an issue in this coming federal election campaign.' It is not good enough for the federal government or, indeed, the federal opposition to get out of this federal election campaign without promising justice and a fair spend for people. People on the Gold Coast spend $333 million a year in fuel tax. We have not had a major road project announced on the Gold Coast since April 2003, which was when we got the money for the Tugun bypass—$120 million for a $543 million project. Roads are an important issue. Mr Howard, bring cash, do not just bring the plane.

Local Government Reform

Mr ELMES: My question without notice is to the Premier. Over the last couple of weeks I have received hundreds of emails and letters from people totally opposed to the forced amalgamation of the Noosa council. I take it from the Premier's actions and comments that he obviously does not care about what ordinary Queenslanders think, yet today he selectively quoted from a letter from businessman Richard Branson which he claimed supports forced amalgamations. Will the Premier table this letter that he says supports his position or, better still, could he read out the letter in full to the House right now?

Mr BEATTIE: I thought the honourable member's colleague sitting next to him, Steve Dickson, offered to run for the mayor of the amalgamated shire. So those two should have a bit of a chat. He has publicly said that he is going to run for the amalgamated shire. He should make up his mind. The member should be a bit careful. He should talk to the 'mayor' next to him. I want to know if he is going to support him as the mayoral candidate. Frankly, there is an opportunity.

Mr Elmes: Just read the letter.

Mr BEATTIE: Please do not point. That is very rude. Good heavens! His finger will go off and he will look silly. If he is considering a career in local government he will have to leave us, and that will be a sad moment but not for long. Those guys cannot work out what their position is. Was the member talking about the Sir Richard Branson letter?

Mr Elmes: Absolutely.

Mr BEATTIE: I have seen the Sir Richard Branson letter reported. All I have done is give balance to the other side of what he said in the letter and I make no apology for that. I have had enough reporting of the other side of it. Let us move on.

Mr ELMES: I rise to a point of order. I asked a direct question and I am asking the Premier to give a direct answer.

Mr SPEAKER: There is no point of order.

Mr BEATTIE: He will get a direct answer all right. He will get a little bit more before I am finished.

Mr HOBBS: I rise to a point of order. I move—

That the Premier table the letter.

Mr BEATTIE: I do not have it with me. It is gone.

Mr SPEAKER: The member for Warrego has moved a motion and the Premier has informed me that he does not have the letter.

Mr BEATTIE: I seek leave to have the letter incorporated in *Hansard*.

Leave granted.

18 May 2007

The Right Honourable Peter Beattie
The Premier of Queensland and Minister for Trade
PO Box 15185
Brisbane City East Qld 4001

Dear Premier,

SUBMISSION ON NOOSA COUNCIL LOCAL GOVERNMENT AREA

As always, I hope this note finds you very well.

I understand that your Government is pursuing a program of local Government reform, including the likely amalgamation of a number of local councils. This I'm sure is being applauded by the vast majority of Queenslanders and as a 'frequent' Queenslander myself, well done on this initiative.

Of course I genuinely hope that the team pursuing this program consider the risks that a 'no exception' policy could have on the likes of Noosa.

As you may know, I am regular visitor to Noosa Shire and also own property with Brett which I use as my Queensland base.

I am totally opposed to Noosa Shire being amalgamated with any neighbouring shires.

From my visits, I see Noosa as a distinct and iconic location that provides a unique experience to international and domestic visitors. I am strongly supportive of how Noosa has differentiated itself from other locations due to its environmental management and creation of strong brand recognition based on its unique community values. This differentiation needs to be protected at all cost.

I have been a strong supporter of tourism in Queensland and want to emphasise the importance of market and brand differentiation. Noosa certainly has this and clearly, it is so different from its neighbours. Any suggestion that Noosa should be amalgamated with adjoining areas should be avoided as it would dilute its special character.

I have recognised that the village atmosphere of Noosa has a very different look and feel to the surrounding areas. The casual non-urban approach to development is what I love and why I keep coming back.

I would urge the Commission and the State Government to keep Noosa as a stand-alone area, recognising the unique values that differentiate it from other regions and a key reason why it is such a sought after, invaluable and irreplaceable tourism 'jewel' for Queensland.

Peter, both Brett and I have been working on this, so should you wish to contact me regarding this note, please have your people come back to him in the first instance and he will track me down.

Kind regards

Sir Richard Branson
Chairman Virgin Group

Mr BEATTIE: I am absolutely relaxed about it being incorporated in *Hansard*. I want every part of it read, not just the tiny bit that everyone up there leaked. I want the full letter read, which is what I have done and I am delighted about that.

Let us talk about Noosa. Let us talk about what it means for tourism. Let us talk about what has happened on the Gold Coast. Let us talk about whether Noosa is going to be better from a tourism point of view. I understand that the tourism minister is going to be meeting a little bit later on today with the member and others. I can remember speaking at some length with representatives from the Noosa area about tourism. There was some gloom and doom in the early nineties when the Gold Coast and the Albert shires were merged. Now we have the sixth largest city in Australia; a booming economy; a booming tourism industry, investment and infrastructure; and great confidence in the future. To the same degree, having four councils on the Sunshine Coast has held the region back. I want to make sure that Noosa continues to go to the world. Richard Branson, who is a good friend of mine, knows and everyone else knows that amalgamation is a good thing.

Palm Island Youth, Policing

Mr WEIGHTMAN: My question is to the Minister for Police and Corrective Services. How is the Queensland Police Service helping our young people on Palm Island to avoid a life of crime?

Ms SPENCE: I thank the honourable member for the question. Every day the police on Palm Island are working with the local community, particularly the young people on Palm Island, to establish a good rapport. I know that if members listen to the media they would believe that it was a tenuous relationship at best, but that simply is not the case.

Every week the Palm Island PCYC hosts team sporting events on Saturday, with around 120 participants, and primary after-school sports on Monday, with around 60 children attending. After-school care is conducted daily, with activities such as movies, play-time puzzles, stories, and art and craft. The Palm Island PCYC also hosts boxing tournaments, which attract up to 600 people. One of our police officers up there is a former Queensland cricketer and so the PCYC hosts a cricket program. There are also blue-light discos once a month, which are attended by around 250 people. The PCYC also has a special entertainment room, which is attended each day by about 50 children.

Today I would like to announce that the Police Service is going to take its very successful Beat the Streets program, which started in the Valley, up to Palm Island. It will be called the Drumming Palms project and it has already commenced. This program gives young people an opportunity to participate in drumming sessions, which would generally be run at the PCYC. During these weekly sessions young people will learn new skills. This activity has already been proven in the Valley, where the police have been working with young homeless people, to relieve boredom, give young people a sense of self-esteem and allow them to show off among their peers. The instructors from the Queensland Police Service, who are fantastic drummers themselves, have been posted to Palm Island specifically to run this particular project. We do not hear about a lot of the good work that our police do in working with young people, but those of us who have PCYCs in our electorates and who know about their activities applaud them for their outstanding work.

Mr SPEAKER: Question time has ended.

MATTERS OF PUBLIC INTEREST

Local Government Reform

Mr SEENEY (Callide—NPA) (Leader of the Opposition) (11.31 am): This morning in this parliament we saw the very reason councils and communities right across Queensland are so angry and so frustrated. This morning it became very obvious that the Premier and his government are not interested in the detail, they are not interested in the facts, they are not interested in understanding the real situation facing councils and communities across Queensland; they are simply interested in the politics. As always, it is the politics that drives the Beattie Labor government. In the Premier's answers to the questions we asked, there was absolutely no understanding of the situation that confronts councils right across Queensland.

The truth—and councils know the truth—is that there is no imminent financial collapse facing any number of councils in Queensland. There are not a significant number of councils facing imminent collapse and anyone who takes the time to understand the information that was provided by the Queensland Treasury Corporation in the documents that the Premier has tabled, and to which he referred, can very quickly decide that for themselves. There are a number of categories. The one to which the Premier referred the most was this issue of liquidity. I think that category demonstrates best the lie that the Premier and the government like to make in this situation—

Mr DEPUTY SPEAKER (Mr English): Order! That word is unparliamentary.

Mr SEENEY: I withdraw. It best represents the misrepresentation that the Premier and the government tried to make about this situation. Obviously, a measure of liquidity is the ability of a council or an organisation to pay its bills. The 'very weak' category that the Queensland Treasury Corporation uses indicates that a council would have poor liquidity if it had less than three months of operating expenditure in its current account. That would mean that any council that did not have enough money to pay all of the bills that it was likely to expect in the next three months, without any further revenue, would be classed as being very weak. Many businesses in Queensland would love to be in a position to have enough money to pay all of the bills that they are likely to receive in the next three months.

Of course, that does not mean that that council, which is classed as being very weak, is in any grave danger of collapsing financially. Of course it does not. It means exactly what it says: it is an identification of their liquidity position. It means that they can continue to operate, but it is an identification of their liquidity position. To represent that 'very weak' categorisation as evidence of some sort of looming financial disaster is misrepresentation at its best.

The other issue that this morning the Premier just ignored completely was the issue of funding accumulated depreciation. Without realising it, in the very words that the Premier read out himself, he agreed with the point that we were trying to make. The major factor that led to the categorisations that were made by the Queensland Treasury Corporation is how councils fund their long-term depreciation on non-current assets. They are big words I know, and the government backbenchers might have a bit of trouble understanding them, but they do not mean that councils are going to collapse financially in the next month, or in the next year, or in the next two years. They mean that there is an issue about how they replace their assets in the long term. That does not mean that there is an imminent financial collapse. It does not mean, as the Premier tries to make them mean, that there is some sort of financial calamity about to befall local governments in Queensland.

The other point I want to make in response to the insults and the ludicrous comments that the Premier makes to us when we ask very sensible questions about local government is this: I challenge the Premier to have a debate with me about local government accounting standards and local government financing any time he likes. I spent five years of my life steering a council through the transition to accrual accounting. I understand the elements of that process. I understand how that process is reflected in a council's financial statements. The Premier completely misrepresents the situation. If he wants to have a serious debate about it, then I am ready anywhere at any time. The Premier can get away with making cheap comments here in question time. He can get away with making cheap insults in response to questions, because he knows that I have to sit here and cop it. But any time the Premier wants to have a debate or a sensible discussion about it, then I am more than happy to participate in that.

The Premier is misleading the people of Queensland when he claims that he has to act because there is some looming financial disaster in local government. There are some long-term issues that have to be addressed by local government. Local government was addressing those issues through the Triple S process and councils deserve the right to determine their own future. Local communities deserve the right to have a say in their own destiny. They could have that say through determining the structure of their own local governments, which can then make local decisions for local people living in local communities. They do not need a power-drunk dictator telling them how the community should go forward—

Mr DEPUTY SPEAKER (Mr English): Order! That language is unparliamentary. I ask the Leader of the Opposition to withdraw.

Mr SEENEY: I withdraw.

Drought

Dr FLEGG (Moggill—Lib) (11.37 am): Brisbane is facing an unprecedented water crisis, with the catchments that supply Brisbane's water down to around 19 per cent and going down by around one per cent every 25 days. I want to talk about two aspects of the government's response to that. Firstly, I refer to this absurd notion that somehow confiscating the water assets of south-east Queensland's councils will deliver more water into south-east Queensland. Communities have spent their money building up these assets. If those assets produce returns, they go back into the communities that funded them. Now, the state government simply wants to confiscate those assets. It wants to confiscate those returns.

We have heard a lot about accounting standards, but there is no guarantee that those returns will go back into water infrastructure. They will go the way of the other assets that we have seen in south-east Queensland, namely the energy assets. The government will simply sell them off when it needs to raise money.

Confiscating the assets of south-east Queensland councils will not deliver one more drop of water to south-east Queensland. Maybe building some new infrastructure over recent years would have delivered some water—building some of the dams that should have been built, building some of the connections that should have been built, or recycling some of the water. This confiscating of the water assets is purely a stunt and a diversion. It is part of a relentless war that the Premier is waging against local government, but it will not do anything to deliver water to south-east Queensland. It is shameful that the Premier is going down this path knowing how dishonest it is to suggest that confiscating assets and taking revenue streams from local communities would, in fact, deliver water to south-east Queensland.

I turn to another action of the government and, unlike the Premier, I am quite willing to table my piece of paper. The *Sunday Mail* and other newspapers ran an ad about a worker working on the water grid. This cost thousands and thousands of taxpayers' dollars that could have been spent on water projects of one sort or another, but it does not give one useful piece of information. It does not tell residents of south-east Queensland anything about how they might better save water. It does not tell residents of south-east Queensland the true situation in relation to water.

What do we have? This is probably the most blatant political ad that I have ever seen. It gives no public information. This is a shameless political ad aimed at diverting attention. This is the PR agenda. This is what you get when you don't get water. You get PR, you get spin and you get a load of expensive taxpayer-funded rubbish that the people of south-east Queensland can see straight through. I table that for anyone who is interested.

Tabled paper: Copy of an advertisement in The Sunday-Mail, dated 20 May 2007, titled 'I'm Wazza: I'm building our water grid'.

Both this wasteful and blatant political advertising and the government's threats to confiscate water assets from local communities are a distraction from the government's failure to deliver water infrastructure, that is, dams, pipelines, recycling systems and water conservation measures.

Time expired.

1967 Referendum

Mrs LD LAVARCH (Kurwongbah—ALP) (11.41 am): At the outset I acknowledge the traditional owners of the land on which we gather this morning. Sunday 27 May marks the 40th anniversary of the passing of the referendum removing discriminatory provisions from the Constitution in respect of Aboriginal people. The 1967 referendum was an important milestone in Australia's history. It represented a positive affirmation by an overwhelming majority of Australians of the place that Aboriginal and Torres Strait Islander Australians have within Australia. However, with the benefit of 40 years to assess the progress that has been enjoyed by Indigenous Australians, it is fair to say that the 1967 referendum has been more of a symbolic victory than a pivotal decision that has assisted true reconciliation and advanced the health, economic and social wellbeing of Indigenous Australians.

As we mark this occasion and celebrate Reconciliation Week, it is timely to reflect on what the 1967 referendum did and did not do. It is also a time to assess public policy during the past 40 years in respect of Indigenous Australians. The starting point of such a reflection is the understanding that public policy has swung backwards and forwards between the need for integration and self-determination during the past 40 years. It is also an opportunity to look at what the future may hold and at what steps government might consider to progress true equality for Indigenous Australians.

The 1967 referendum has acquired myth status in Australia. It is portrayed as possibly the grandest gesture in reconciliation as the non-Indigenous community voted by a massive majority to remove discriminatory provisions from our national Constitution and to afford Aboriginal Australians the same legal standing as given to all others. While the significance of symbolism should never be understated, the 1967 referendum itself was a relatively modest change in strict constitutional terms. The referendum changed two provisions in the constitution, namely, section 51(xxvi) and section 127.

Section 51 (xxvi), the so-called 'race power', was amended to delete the exclusion of Aboriginal people from the scope of the power. In other words, the consequence of the referendum was that the Commonwealth parliament was empowered to make laws with respect to the people of any race for whom it is deemed necessary to make special laws. This means that, since the passing of the referendum, the federal parliament is able to pass laws about Aboriginal Australians as a race of people. While it was believed that the intent was only to pass laws to the benefit of Aboriginal people, subsequent actions by the federal parliament, for example, the passing of the Hindmarsh Island bridge legislation and the subsequent High Court decision, have shown that the race power may well be used to the detriment of Aboriginal people.

The second change brought by the referendum was to section 127. This change removed the exclusion of Aboriginal people from the calculation of the national population. In other words, Indigenous Australians were to be included in the census.

It is a very interesting exercise to look at the arguments advanced at the time about what those changes would mean and to reflect on what has happened in reality. A reading of the *Courier-Mail* from the days leading up to the referendum proved a most interesting exercise. To my surprise, perhaps for the first and last time that I can recall, the usually very conservative *Courier-Mail* was gung-ho in its embrace of human rights and civil liberties. It was quite refreshing to read the paper from that time. For instance, in its editorial of 17 May 1967, the *Courier-Mail* stated that 'it would be a tragedy and stark injustice' and a 'national shame' if there was not an overwhelming majority in favour of the referendum. On 26 May 1967, a second editorial stated, 'Australia has no room for race prejudice and no need for second class citizens.'

The 1967 referendum was important and it is right that we should be marking the 40th anniversary of its passage, but of itself it was never going to fundamentally improve the position of Indigenous Australians. The sad fact remains that, as a group, Aboriginal people are the most disadvantaged in our nation if basic measures of living standards, life expectancy, education, health outcomes and wealth are reviewed. How the nation and Aboriginal people should respond to this reality has been probably the most unsuccessful area of public policy over the past 40 years. My point in raising the issue is not to pass judgement on that policy but to reflect that the best stance for government to take is yet to be found.

Social Productivity

Ms DARLING (Sandgate—ALP) (11.46 am): Federal Treasurer Peter Costello is very proud of his economic credentials. He has been riding the wave of the mining boom but has presided over a decline in productivity. It was Paul Keating who led the reforms of the late 1980s and 1990s which drove productivity gains and paved the way for the economic growth of the 21st century.

John Howard claims that the Australian people have never had it so good. In reaching this conclusion, the coalition reaches for statistics that conveniently ignore the hidden unemployed, the homeless, the disabled or the less abled, and the disenfranchised. The federal budget offers nothing for the increasing number of people who are suffering in silence. A massive funding boost is needed for human services to build our country's social capital. Those suffering in silence are easy targets. The latest changes to Commonwealth electoral laws are surely designed to drop as many difficult people off the electoral roll as possible, helping the statistics to look even better. I want to speak up for human productivity.

To have a productive society, we need to build our social capital so that we have the capacity to support and empower all willing people to participate and make a real contribution to their communities. Forcing single parents and disabled pensioners into the workforce has just robbed Peter to pay Paul by diminishing the volunteer workforce of local communities.

The ability to be productive starts with the security of a home. First home buyers are being priced out of the market. Renters in capital cities and regional centres are faced with having to fork out an extra 30 per cent in rent or move out of the suburb and community and away from the social networks which are essential to their wellbeing. Human productivity starts with access to affordable housing. Once safely housed, increasing participation in the community and workforce depends on support, mentoring and treatment for people who have been subjected to domestic violence, people suffering from mental illness, people recovering from addictions, people needing retraining following retrenchment, people caring for other people and people with disabilities.

Next, improved productivity depends on education and training. At the end of 2006 there were 6,157 school based apprenticeships and traineeships—that is, students in training—in Queensland, and more than half of all the new commencements around Australia came from Queensland. Kevin Rudd has seen the success of Queensland's school based apprenticeships and traineeships and has designed a visionary program for schools across Australia. Finally, productivity gains can only be realised when workers are treated fairly and offered top-quality training in technologies and emerging industries to keep ahead of the game and stay competitive in the global market.

We need to position ourselves for the best long-term economic future for all our citizens but not at the expense of decent working conditions for our people. Job security is essential when assessing the risk of borrowings for housing and investment. Australia must assess its performance at home, in its Asia-Pacific region and globally. I believe a civilised Australia that recognises the value of its citizens needs to, firstly, recognise past wrongs like the treatment of Aboriginal and Torres Strait Islander people and say sorry; secondly, recognise and take its place amongst Pacific and Asian neighbours and trading partners; and, thirdly, honour the UN conventions and protocols of developed nations that recognise human rights and environmental responsibility.

Queensland has recognised that productivity can be driven by innovation. Market niches are identified and innovations are commercialised. We create the jobs for the future and we must educate and train our people to fill those jobs. The Queensland government has created the research and business environment to boost productivity. Queensland's economic growth has outstripped all other states and we continue to have the fastest job growth in the nation. Our economic base is broad, with trade, property and services investments as well as mining contributing to our sustainability.

Under Peter Costello's watch, Australia has become the highest taxing, lowest spending government in the OECD. Of the OECD countries, Australia sits at No. 16 in terms of productivity performance. It is time to invest in the people of this country. Of what use are productivity gains through AWAs, tax cuts, ICT and offshore production if there are not benefits for every paid and unpaid worker in this country?

On 25 April this year my sister-in-law Kerrianne lost her mother in a house fire on the Gold Coast. The suspected arsonist has since been charged with murder. Betty Stapleton was a giving woman and she was a forgiving woman. She had been through tough times, fought her own demons and grown to be a loving mother and grandmother. She believed that everyone deserved a second chance. She gladly took boarders into her home not only to pay for her rent but also because she could not turn down someone in need. I want to pay tribute to Betty for having the heart to care and for seeing the potential in all people. I suggest Peter Costello get down amongst those people who have fallen off his statistics to get a real perspective of the productivity gains urgently needed in this country.

Local Government Reform

Mr HOBBS (Warrego—NPA) (11.51 am): We heard today from the Premier about local government amalgamations, but I do not believe anyone can really believe what he said, at the end of the day. We are going through a Queensland version of ethnic cleansing in rural Queensland. This is not the real horrors of what happens overseas. We are not killing people, but I will tell you what he is doing: he is tormenting people. The Premier and his government are frightening people. They are creating uncertainty about the future of those people. They have fought droughts, they have been able to compete with falling commodity prices and now we have a dictator coming in here taking away their rights, their jobs, their futures and their homes. It is an absolute disgrace.

What happens when they have to sell their homes in one of these death declared towns and try to buy one in a neighbouring town or maybe in a major provincial centre? You cannot realise what you are doing. You absolutely have not been out there. You do not understand what it is like in those particular areas.

Mr DEPUTY SPEAKER (Mr English): Order! Please direct your comments through the chair.

Mr HOBBS: Through you, Mr Deputy Speaker, Labor members need to go out there and have a good look. If they want to have a look at what is going on, they should come to some of the rallies. Those town halls are filled to the rafters with people. Some 1,500 people—

Mr Hoolihan interjected.

Mr HOBBS: Oh sure, all 1,500 people bussed in! How could they bus 1,500 people in? They walked there, they got there, they drove there by themselves. They are out there protesting at what this government is doing to their towns and their communities.

Look at the Aboriginal communities. Look at what has happened to them in relation to local government. The Labor government has taken away their rights. Premier Beattie has reduced 17 Torres Strait Islander councils to one, which means that 62 voices from those councils are gone. Fifteen Aboriginal councils—79 voices—will also be taken away. I am not sure how many we will end up with. What are they giving them? A couple of flags and a didgeridoo to put in Parliament House! For God's sake, Captain Cook came over here and he gave the Aborigines beads and mirrors, and now the Premier is giving them flags and didgeridoos to put in the parliament and is taking away their say. That is an absolute disgrace. They should have a right to have their say. They are like any other community: they need to be able to have their say. They are not being allowed to do that. It is being taken away by this dictatorial attitude of the Premier. He has thrown out the voluntary Triple S process, which was looking for the best way forward for the councils.

The Premier said that councils were not sustainable. He said that 43 per cent were unsustainable. That is simply not true. Probably 13 per cent have some financial issues. But guess what? Half of those councils are big councils and half of them are small councils. So it does not necessarily mean that the smaller councils are the ones that are having financial difficulties.

Let us look at the councils. They have $52 billion worth of assets. Do you think they are going to go broke? I do not think so. Had this review been done 10 years ago they would have got the same result. There are always councils in a business cycle that go up or down. It is a bit like the Premier's salinity map that he brought out. At that time he said, 'We have a catastrophe coming because we are all going to be eaten up with all this salt.' Had that map been printed 100 years ago or 1,000 years ago it would have been the same. This is what councils go through. They go through a business cycle that goes up or down. They might need to borrow $15 million for sewerage infrastructure and the figures of course might not look too flash, but in a few years time they turn it around. It is like any business, but most of those opposite would not know about business. But that is the reality. That is what happens.

The PricewaterhouseCoopers report said that 25 per cent to 40 per cent of councils were unsustainable. And guess what? It did a review of New South Wales, Victorian, South Australian and Western Australian councils, and three of those major states—New South Wales, Victoria and South Australia—all had mass amalgamations. The report quite clearly says that that should not be done. There were 15 reports examined by Professor Brian Dollery. He said that sustainability has nothing to do with mass amalgamations. There is no link at all. So it is totally wrong for the Premier to go out there and use that as an excuse.

The Premier mentioned the terms of reference of the commission and the fact that he put Sir Leo Hielscher on the commission. Leo is a good guy, but the reality is that, with the terms of reference that the commission has, the commission has no choice but to come up with one answer. We know what the answer will be. Everyone knows what the answer will be. The maps have been drawn for a long, long time. Everyone knows that.

Let me turn to the QTC report. In a rural shire the highest category it can get is 'moderate'. It does not matter if a rural shire has no debt; the highest category it can get is 'moderate'.

Time expired.

Public Transport

Mr REEVES (Mansfield—ALP) (11.57 am): It gives me great pleasure to rise in the MPI debate to talk about public transport. Since TransLink began in 2004, public transport patronage in south-east Queensland has surged an extraordinary 27 per cent. Over the same period the number of people using public transport in Melbourne rose just eight per cent and in Sydney it did not go up at all. The patronage explosion in the south-east has, without doubt, put the system under pressure. That is why in the last three financial years the Queensland government has increased its investment in bus service improvements by $63 million. We have put more than 280 extra buses on the roads in addition to 220 replacement buses.

Mr Lawlor interjected.

Mr Reeves: I take that interjection. There will be a great service to Suncorp tomorrow evening.

Mr Lawlor: You won't be using it!

Mr REEVES: Unfortunately, I will not be one of them, but that is another story.

The Beattie government has also pledged to boost bus services by $60 million over four years in Brisbane, Logan and the Gold Coast, but that is not the end of the public transport story. Hopefully I will be able to catch the bus to the third game.

The Beattie government is already investing heavily in new busways, laying new rail tracks and building new trains to significantly boost transit capacity. Under SEQIPP we have committed $9 billion from 2006-07 to 2014-15 for public transport infrastructure. Major rail initiatives include $310 million on the third track between Corinda and Darra; $320 million on the Springfield passenger rail line; $279 million on additional tracks and upgrades for Ormeau to Coomera, Helensvale to Robina and Salisbury to Kuraby; $330 million on additional tracks for Coomera to Helensvale, Kuraby to Kingston and Salisbury to Park Road; $300 million on a southern extension of the rail line from Robina to Elanora; $1.1 billion on the CAMCOS rail corridor from Beerwah to Maroochydore; and $550 million on an additional rail line from Caboolture to Beerburrum to Landsborough. We are also investing a further $580 million to deliver 44 three-car train sets by June 2011 targeted at providing extra services during peak periods.

Mr Lawlor: Maryborough trains!

Mr REEVES: Yes, produced in Maryborough. Our four-year TransLink Network Plan commits to a rollout of $1.763 billion to update rail and bus infrastructure including major public transport commitments outlined in SEQIPP and improving bus stations, park and ride facilities and bus stops across the south-east Queensland network. The work will include construction of the inner northern and the Boggo Road busway; planning and commencing construction of the eastern and northern busways; planning the Gold Coast Rapid Transit Project; upgrading Maroochydore, Indooroopilly, Brookside, Carindale, Aspley and Loganholme bus stations; expanding park and ride facilities at key locations across the network, including rail stations at Burpengary, Morningside, Ferny Grove, Narangba and Petrie and bus stations at Aspley, Moggill Road, Kenmore and Chandler, with access improvement to the Sleeman Centre. The TransLink Network Plan commits $695 million over the next decade providing additional bus services to south-east Queensland.

Overall in 2005-06 the Queensland government has spent approximately $628 million on contracted bus, rail and ferry services in south-east Queensland. In the same period fare revenue for these services was approximately $198.8 million. That is a difference of $429.2 million—a massive subsidy from taxpayers—to improve public transport across south-east Queensland. Many people do not realise that. They believe that the fares cover the costs. There is the proof. We collected about $200 million and subsidised another $430 million. That does not include the infrastructure or the new buses or trains.

We are considered a world leader when it comes to providing public transport infrastructure. People come from all parts of the world to look at our great south-east bus network, of which I am the No. 1 ticket holder. A lot of the patronage increases have been in the outer suburbs. In the third quarter of 2006-07 there was a 7.5 per cent increase in bus patronage in Brisbane Transport but an 18.3 per cent increase in patronage of Brisbane Bus Lines; an increase of 22 per cent in the Bribie Island bus service; Hornibrook Bus Lines had a 29.3 per cent increase; Clarks buses had a 20.3 per cent increase; Veolia had a 14.1 per cent increase; and Sunshine Coast Sunbus had an increase of 18.5 per cent. That is because we are injecting money into it where it counts and public transport users are getting on board.

Queensland Ambulance Service

Mr MALONE (Mirani—NPA) (12.02 pm): Sadly the mismanagement of the services of Queensland is not confined to water, health, education, electricity, roads and public transport. Under the Beattie government our emergency services have been seriously mismanaged and none more so than the once proud and efficient Queensland Ambulance Service, which is now teetering on the edge of meltdown. They are not my words but the words of front-line paramedics who have been forced to plead with the Beattie government for more staff and more vehicles before lives are lost.

How have we got to this pathetic state of affairs with our Queensland Ambulance Service—a service which we rely on to provide emergency medical assistance to accident and critical illness victims? How has this happened? All of us recall the Premier's promise when he introduced the ambulance tax. He promised Queensland the world's best ambulance service and he dismissed legitimate concerns about the unfairness of the tax and the fact that some Queenslanders would have to pay this tax two, three, up to five times or more.

At the time Mr Beattie pushed through his tax the QAS was in trouble. Staff were rightly complaining about a shortage of paramedics and vehicles which was resulting in declining levels of service where ambulance response times were blowing out and people dialling triple 0 were left on hold; staff were stressed out, they feared harassment and bullying if they spoke out; sick leave and resignations were high and morale was low. But the Premier rushed through his ambulance tax to manage the crisis to give his government the wherewithal to deliver to Queenslanders—in his words—the world's best ambulance service.

It is nearly four years since the ambulance tax took effect on 1 July 2003. What has been the result? Why, after Mr Beattie's tax which raised nearly $450 million, is our Ambulance Service in meltdown? Why are staff still complaining about a lack of resources? Why are staff being bullied to work up to 20 hours straight and instructed to hit 'at scene' buttons when they are nowhere near to falsify response time logs? Why are student paramedics regularly left in charge of large stations in high demand areas? Why are major Brisbane ambulance stations regularly closed and left unmanned at night and in particular over weekends? Why has there been a 10 per cent blow-out in sick leave in the past two years and why do 77 per cent of staff say they are taking more sick and stress leave than ever? Why are ambulances with more than 500,000 kilometres on the clock still on the road? Why are complaints of Labor cronyism in QAS management worse than ever? Why are staff threatened with $3,000 fines for speaking out about the roster system? Why have the minister and the Premier been in denial?

On the threat of industrial action, the Premier has attempted to brush these issues aside, telling us things will happen in the budget and to 'watch this space'—his usual style: spin over substance. We have heard all the promises before when our money has been taken and things simply get worse. The Premier and his minister have had four years to sort out this mess. They have failed the hardworking QAS staff and they have failed the people of Queensland.

We need an open and independent inquiry into the management of the Queensland Ambulance Service. This issue is far too important to be left to Mr Beattie and the current minister who have done nothing but ignore the many serious complaints of the hardworking staff, patients and their families.

I call on the Beattie government to immediately appoint a qualified and respected person to conduct an open and independent inquiry into the management of QAS where all staff are afforded full whistleblower cover so that the inquiry can hear all legitimate concerns and where staff can be assured of protection from bullying and harassment. This inquiry needs to be a matter of urgency. This is a life and death issue and is far too important to be again swept under the table by the Premier.

Mr DEPUTY SPEAKER (Mr English): I acknowledge students, staff and parents from St Augustine's Parish Primary School in the electorate of Currumbin which is represented in the chamber by the honourable Jann Stuckey.

Fisheries Agency of Japan, Whale Slaughter

Mr McNAMARA (Hervey Bay—ALP) (12.07 pm): Earlier this year I drew to the attention of the House the continuing slaughter of whales by the Fisheries Agency of Japan in the whale sanctuary in the Southern Ocean. In 2005 FAJ killed 1,000 whales by harpooning them, slicing them up and delivering them boxed and frozen to markets in Japan. This outrageous behaviour occurred despite commercial whaling having been banned by the International Whaling Commission in 1986 due to catastrophic collapse in whale numbers worldwide.

The FAJ continues this annual disgrace by using a loophole in the international law that allows for whales to be taken for so-called scientific testing. As I informed the House in February, over the last 18 years the Fisheries Agency of Japan has killed around 6,800 whales in the Southern Ocean, producing four scientific papers which contain information that required lethal force in order to be obtained. That information was how old the whale was when it was killed.

Last year the FAJ proposed to add 50 fin whales and 50 humpback whales to this unjustifiable slaughter. The humpbacks are, of course, the whales that pass along the Queensland coast each year birthing in the Whitsundays before resting between July and September in Hervey Bay on their way back to the Antarctic. Only a fire on the mother ship prevented those appalling targets being met this year. We look forward to all of our regular Cetacean visitors coming to Hervey Bay this year.

Make no mistake, the defenestration of scientific ethics engaged in by the FAJ will continue next year unless Australia takes strong action to let Japan know that this slaughter is unacceptable. The Southern Ocean cannot continue to be a valley of death for whales. It is a whale sanctuary and Australia

must step up its efforts to protect these magnificent creatures. The Howard government has talked about opposing whaling for 11 years but has had no effect whatsoever in stopping this blatantly commercial culling of whales. It has talked and talked and talked and passed resolutions condemning the slaughter of whales yet still the whales die each year.

In this time the Howard government has found the diplomatic effort to negotiate a security declaration with Japan. Pursuant to that declaration, Japanese troops will undertake training in Australia. The security declaration is a deliberate step on the path to a formal defence treaty. It is nothing short of a national scandal that the Howard government has negotiated this security declaration without putting the cessation of scientific whaling on the table as an issue that must be resolved between our countries to ensure our close relationship with Japan is not slowly poisoned.

I welcome the commitment made this week by the leader of the federal opposition, Kevin Rudd, that a Rudd Labor government would move to enforce Australian law by intercepting vessels operating in Australian waters and by taking Japan to the International Court of Justice. Mr Rudd is to be congratulated for his commitment to greater surveillance of the Australian fishing zone and the possible use of the Navy to intercept ships involved in illegal whaling.

This policy will be welcomed by the people of my electorate and indeed by all who have ever seen these magnificent creatures. It was amazing, but predictable, that Foreign Minister Alexander Downer came out and immediately slammed this sensible proposal as piracy. It is one of the continuing mysteries of Australian public life that many otherwise intelligent people continue to take Alexander Downer seriously. This buffoon has been embarrassing Australia around the world for a decade, presiding over deteriorating relations with every nation in the Pacific during that time.

This is the man who argued for four years that Australia's invasion of Iraq, undertaken without a UN mandate in pursuit of weapons of mass destruction that did not exist to defeat terrorists who were not there when we started but certainly are there now, was justified. Mr Downer advocates an undeclared without-justification war against Iraq but turns up his nose at taking direct action to protect Australia's unarguable interest in the welfare of whales in the Australian fishing zone.

Enough is enough. This annual slaughter cannot be allowed to continue. The Howard government has had 11 years to fix this problem and has failed miserably. A Rudd Labor government will ensure that Australia gets serious about enforcing the moratorium on commercial whaling. Since 1999, some 400 whales have been killed in Australian waters, not international waters, and it has to stop.

There are many reasons to toss the Howard government from office but up and down the length and breadth of both the east and west coasts of this nation Australians who have grown to love these extraordinary creatures will have a clear choice between Rudd Labor, which will end the slaughter, and the tired Howard government that will wash its hands and let the whales continue to be turned into sushi.

Education, Syllabus

Mr COPELAND (Cunningham—NPA) (12.12 pm): I rise to speak about the future of education in the state of Queensland. As the shadow minister for education and training, I have spoken to many people about the current standard of education and also what teachers, parents, students and other parties hope to see achieved in the future. There is no doubting that the Queensland syllabus is in need of a dramatic overhaul so that our children can have the best possible structure for learning in the years to come.

Recently a report was compiled by the government's own Smart State Council titled *Education and skills for the Smart State*. I found this report to be a very interesting read as it detailed numerous areas where improvements could be made to the education system. The report pinpoints four fundamental areas requiring immediate attention. One of these areas is—

> The construction of a relevant and engaging curriculum that details core content that is standard across the state, allowing a degree of local and personal specialisation, and reformation of the senior syllabus landscape to provide a balanced education and flexible enabling platform for students to pursue varied careers and choices that will serve industry demands.

I urge the government to take heed of the recommendations in this report. We have an opportunity to improve the education standard in Queensland but it will be to our detriment if the government fails to act now and allow for positive changes to be made. If we can take positive steps to improve education in Queensland the flow-on benefits are endless.

The Smart State Council reports that there is an increasing criticism locally and nationally of current school syllabuses from which Queensland has not been immune. There is a case that the current Queensland Studies Authority syllabuses are vague and content poor. I repeat that: the syllabuses are vague and content poor. I completely agree that one way to address this problem is to overhaul the current syllabuses so that they become clearer, more specific and more detailed. This will allow for a better understanding of what is to be taught and what is to be achieved.

In particular, the senior levels, years 11 and 12, need a clear direction so that students can be prepared to the best of their abilities for entering the workforce, beginning a trade or embarking on tertiary study. Focusing on the basics would ensure that core subjects are given more depth and that there is a strong focus on understanding the fundamentals.

An example of a curriculum that endorses the values of breadth and depth in learning that has been raised with me is the Singapore physics syllabus. It clearly defines what is to be taught and overall appears to be logical and readable. The Singapore physics syllabus has managed to avoid the ramblings which are present in most curriculum documents. While the Singapore physics syllabus has dozens of pages of content outlining what must be taught and the depth of coverage, the Queensland physics syllabus has one page. That single page is fairly unhelpful. Because the Queensland syllabus does not contain specifics and has many undefined areas there are varying levels of what is taught in the classrooms around the state.

Last year I met with an academic staff member from the James Cook University who, along with other colleagues, was dismayed at the ability of many first-year students. He believed this was a direct consequence of problems with the Queensland school curriculum. It was pointed out to me that the physics syllabus allows teachers to teach more or less anything they like in as little or as much depth as they choose. This means different schools can teach completely different parts of physics and at varying intellectual standards.

In relation to the Queensland physics syllabus he noted that the sections on equity, safety and copyright are each longer than the section that is supposed to outline what is taught in the classroom. We have just recently seen a meeting of the English teachers association highlight the inadequacies they see with the English syllabus. Decisive steps must be taken in order to improve the entire Queensland school curriculum so students are best equipped when they leave the school system.

Structured, specific, logical and well defined syllabuses must be put in place so that teachers have a clear vision of what content must be delivered in the classroom. Students will then be able to gain the most out of these indepth teachings that also underscore the importance of fundamentals. Just to revisit the Smart State Council's education report, it notes that a number of curriculum issues are being considered by the Queensland Studies Authority. However, it states, 'It could benefit from government leadership and clear direction.'

As the shadow minister for education and training and also as a parent I urge the state government to make the necessary improvements to the Queensland school curriculum, syllabus and teaching profession. We must provide the very best possible education for future generations of children. Ensuring that the Smart State is more than just a political slogan depends on it.

Federal Budget

Mrs REILLY (Mudgeeraba—ALP) (12.17 pm): The day after the federal budget the *Courier-Mail* front-page headline declared 'Every child wins a prize'. For a fleeting moment that appeared to be the case. On closer scrutiny the harsh truth was revealed and it seems that not every child wins from the top shelf. In fact, many who play the game have been shafted—left to shuffle off with a cheap plastic toy or nothing at all.

There is nothing in this year's budget for housing. There is nothing in this year's federal budget for the average schoolkid. There is nothing in this year's federal budget for early childhood education. There is nothing in this year's federal budget for people with disabilities or those on a disability pension. There is nothing in this year's federal budget for the Gold Coast's burgeoning roads and vital stretched infrastructure.

But then that is little surprise because there has been nothing in the federal budget for these crucial areas since the Howard government has been in power. Not a penny for public housing or affordable housing for 12 years and barely a pencil topper for state schools and kids facing economic and educational disadvantage. There has been nothing for major Gold Coast roads for over four years.

Let us look at this in a bit more detail and try to work out why the Prime Minister hates poor people, small children, state schools, people with disabilities and the Gold Coast. Is it because they do not or cannot vote for him or is it because he takes them for granted and thinks that they will vote for him anyway because they always have?

The Howard government effectively defunded public housing 11 years ago and shifted to a misguided policy of funding private rental through taxpayer subsidies. More than $4.5 billion has been spent over the last nine years on subsidising private landlords through the piddling rent assistance paid to those struggling to keep up with the rent. It is no coincidence that rents have skyrocketed in the same period. That $4.5 billion would have been much better spent actually building and maintaining public housing for the 33,000 people on the Queensland public housing waiting list.

It is a simple fact that more and more people—not less—have put their names on the public waiting list since John Howard started putting taxpayers' money into the pockets of private landlords. The Beattie government in contrast has continually increased the housing budget over the past eight years to more than $700 million despite the federal government ripping $400 million out of the Commonwealth-State Housing Agreement. But if members want further evidence that John Howard hates those who cannot or do not vote for him, just have a look at the federal government's education policy. It offers absolutely nothing for the average Australian state school kid, even though 70 per cent of Australian children attend state schools. That is more than two million children who will miss out because John Howard does not like their parents.

The federal government's education policy is short-sighted and punitive. Threatening to strip funds from so-called underperforming schools—schools where children are struggling with literacy or numeracy—is akin to saying to children, 'Learn or I'll smack you!' Taking money from schools and from children who need it the most will do nothing to improve their educational outcomes and future opportunities and blatantly ignores many factors such as economic disadvantage, demographics, family breakdown and crisis, isolation and other issues that affect these children's ability to achieve literacy and numeracy standards. These are the children who need more money and whose schools need more funding, not less.

At a time when the country is facing a chronic skills shortage the federal government is continuing to ignore and punish the state based TAFE system and TAFE students by diverting much-needed funds to its own Australian technical colleges which are proving to be a dismal failure and do nothing more than try to reassure rich parents that the money they have spent on little Johnny's private school education has not gone to waste because 'it's okay to pick up a trade if you can't be the CEO of a bank like daddy'. Why have John Howard and Peter Costello once again ignored the Gold Coast, the fastest growing city in Australia, and still failed to put funds up for the much-needed Pacific Highway while raking millions from Gold Coast drivers in fuel excise and throwing it at the same highway in northern New South Wales to the tune of $1.6 billion over the next 10 years? The answer is very simple: they have ignored the Gold Coast. John Howard hates the Gold Coast even though Gold Coasters vote for him because he has lazy federal members who take those votes for granted.

Margaret May and Steven Ciobo, the members for McPherson and Moncrieff, have had no reason—no incentive—to go down to Canberra and fight for representation. They are just completely lazy. And now Margaret May is teasing Gold Coast drivers like a parent with a lollipop at a naughty child: 'Maybe there's some money coming. Oh, it's on the radar. There might be $500 million. Oh, but it's not a state responsibility but we might give you some money if you're good little children and you wait.' We are sick of waiting! We want the money now! We are ready to build that highway. We are ready to start calling tenders tomorrow for the constituents of my electorate. Stand up and fight!

Time expired.

Banking Industry

Mr FOLEY (Maryborough—Ind) (12.22 pm): Over the past 12 months in this House I have raised the issue of alleged malpractice and corruption in our banking system, affecting the businesses, livelihood and lives of Queenslanders and other Australians. In this respect I further draw to the attention of the House a fantastic book by banking investigator Mr John Salmon titled *The untouchable banks: the sting* with a picture of a lovely bee on it. It is a great book and I urge all members to get a hold of it. I am also happy to provide for members a copy of a damning indictment of banking malpractice and government and judicial inaction over it by noted Sydney university economics and business professor Dr Evan Jones. Dr Jones calls for a complete overhaul of regulatory practices and responsibilities of the government appointed agencies ACCC, ASIC and APRA to redress the damage caused and also to close loopholes and processes which allow the banks to operate unscrupulously, deceitfully and unconscionably. He makes the point that the political class declines to go near bank victims. He is also scathing in his criticism of the legal profession and the judiciary in his assessment of the issue and claims that banks hide behind the fulsome integrity of the legal system while the detail behind the public relations facade conveys a very contrary story.

The issues raised here by Dr Jones and by the other material that I have mentioned over the last 12 months reflect growing community concern and alarm throughout not only Queensland but the rest of Australia on these particular issues. These concerns simply cannot continue to be ignored or swept under the carpet, as they have up until now. In the interests of decency and equity and fair play for all people dealing with our banking institutions and especially for those who have become victims of the banks' highly unethical and unconscionable malpractices, these issues must be faced by the government and also must be acted on. I brought to the attention of the House last year the absolutely tragic case of Sante and Rita Troiani from Bundaberg who are wonderful people. I met with them and heard stories of how they came to Australia without a penny and built a magnificent business empire only to have it mechanically and in a very planned way pulled down by the banks until they ended up broke and growing flowers to sell to augment a pension. This is a blight on our history of Australia as a nation.

John Salmon upon retirement says that he put his banking career behind him and he thought at the time his association with banking was finished except for the aspect of his personal banking matters. His expectation in this regard was to prove incorrect, because in April 1987 Mr Salmon received a telephone call from an old established firm of solicitors and attorneys in Brisbane. The caller informed him that his firm had clients who considered they had been defrauded by employees of the National Australia Bank—his former employer—and would he be prepared to assist principally relating to matters of his former employer's discovery of documents. This is a legal process of course that requires a party to the litigation to make available all documentation that they hold on behalf of a litigant participating.

It was only after the third such telephone call from the solicitors that Mr Salmon agreed to assist, and that was on the clear understanding that he would only do so after he had examined the bank's discovered documents and confirmed to himself that the solicitor's clients had been defrauded by his former employer. He was extremely reluctant initially to comply with the solicitor's request because he considered that after giving nearly 37 years of loyal service to the National Australia Bank he was not about to play the part of a turncoat even though he had retired. He went on to say that he admitted that throughout his career experience it had been revealed that his former employer had unlimited power and was easily able to subvert the statutes of this country if it chose to do so. Mr Salmon was absolutely shocked at the extent of the sting that had been uncovered when he looked through this particular bank case. Little did he realise at that time when he agreed to assist in any way possible just how large a role that would be, and I commend Mr Salmon and his wonderful investigations to this House.

Time expired.

Local Government Reform

Ms NOLAN (Ipswich—ALP) (12.27 pm): I stand before the House as the member for Ipswich—an electorate which sits entirely within the Ipswich local government area, a council that was successfully amalgamated with Moreton in 1994 and which has been moving forward progressively, optimistically and efficiently ever since. As such, angst about local government reform bemuses me to an extent. Since the state government announced on 17 April that we were to establish a commission to determine council boundaries independently, just as happens for state and federal electorate boundaries, one of the real questions that has arisen is just what can possibly explain the utter hysteria of the Local Government Association of Queensland's response.

Why is it that when the mayors of Brisbane, Ipswich, Gladstone, Rockhampton, Cairns, Dalby, Logan, Caloundra, Maryborough, Mount Isa, Redcliffe and Hervey Bay have supported the move, describing it as everything from essential to visionary, the LGAQ has described it as a betrayal? Why is it that when the Queensland Treasury Corporation evidence shows in black and white that 40 per cent of councils are in a weak, very weak or financially distressed situation the LGAQ describes the exercise as one of deceit? And why is it that, when the LGAQ has itself for more than two years openly acknowledged the need for reform, now it is happening it puts its hand on its heart and talks about its deep sense of loss?

The answer to that question lies in the most reliable of all motives: pure unadulterated self-interest. Page 7 of the LGAQ submission gives us the key. There under the self-congratulatory heading of 'leadership' the LGAQ tells us—

> ... the Association in response to market failure has supported its members through the establishment of key business initiatives. These include: Local government Mutual (insurance and risk management), Local government Workcare (workers compensation), Local Buy (procurement), Resolute IT, Local Government Infrastructure Services Corporation (infrastructure project advice and management) and Queensland Partnerships Group—Shared Services (business transactional services).

So what is this market failure of which the LGAQ speaks? Is it the case that a reasonably sized organisation, such as the Ipswich, Rockhampton or Toowoomba councils, finds the market unable to respond to its needs for IT, insurance or professional advice on project management? No. Is it the case that such organisations lack the critical mass or expertise to do these things themselves? Of course it is not. Strong and sustainable councils are players in the market. In contrast, the LGAQ has set up business services—indeed a profitable cash cow for itself—out of providing services to those councils which are not big enough.

The LGAQ is an organisation with a proud history. Established in 1896, its self-described objectives are the promotion of members' interests, ensuring efficiency, dealing with government on legislative reform and providing counsel to members. At no point does the Local Government Association's history or its own mission describe as central this service provision role. The issue here is that the Local Government Association of Queensland has built its own empire, feeding a bloated bureaucracy out of the proceeds of local government weakness and failure. The LGAQ has made a cash cow out of charging councils that are too small to fend for themselves for the provision of services such as IT and procurement. For the LGAQ unsustainable and financially weak councils have become a monopoly based revenue stream. That is what explains the LGAQ's political decision to react hysterically to a reform process wholeheartedly praised by the association's biggest, most professional and most prominent members.

As Queenslanders watch this debate I am sure they have cottoned on to the self-interest implicit in the screaming of some of the 1,200 mayors and councillors set to lose the titles and perks they get from representing, in some cases, as few as 500 people. Self-interest, not community interest, is the defining characteristic of this debate. What Queenslanders should now realise is that the Local Government Association of Queensland, which likes to tell us that it is an historic, apolitical group fighting for democracy, is in fact just as bad.

QUEENSLAND BUILDING SERVICES AUTHORITY AND OTHER LEGISLATION AMENDMENT BILL

First Reading

Hon. RE SCHWARTEN (Rockhampton—ALP) (Minister for Public Works, Housing and Information and Communication Technology) (12.32 pm): I present a bill for an act to amend the Queensland Building Services Authority Act 1991 and other acts. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

Second Reading

Hon. RE SCHWARTEN (Rockhampton—ALP) (Minister for Public Works, Housing and Information and Communication Technology) (12.32 pm): I move—

That the bill be now read a second time.

Today I am pleased to introduce the proposed amendments to Queensland's building services legislation. The amendments relate to the Queensland Building Services Authority Act 1991, the Domestic Building Contracts Act 2000 and the Professional Engineers Act 2002. Queensland has some of the strongest building services legislation in Australia. The new amendments are intended to consolidate Queensland's reputation as a national leader in licensing and home warranty insurance. The amendments will better protect the consumers of this state while continuing to promote a thriving Queensland building industry.

One of the key initiatives in the bill is the introduction of occupational licensing for fire protection workers. The 2000 report entitled *Building fire safety in Queensland budget accommodation*—the Childers report—which was released following the Palace Backpackers Hostel fire in Childers, made a range of recommendations to improve fire industry standards. These recommendations include the introduction of fire protection contractor licensing, which was implemented on 1 January 2001 pursuant to amendments to the QBSA Act. An outstanding recommendation of the Childers report is the establishment of an occupational licensing regime for the fire protection industry. The bill amends the QBSA Act to provide the statutory framework to implement this recommendation.

The benefits to the community of an occupational licensing system for fire protection workers include improved compliance with building fire safety regulations leading to reduced costs for owners, occupiers, government, emergency services and local government; better training and improved worker safety for fire protection workers; greater community confidence that work is performed by appropriately skilled workers to the prescribed standards; and reduced risk to firefighters responding to fire emergencies.

The bill also makes important changes to supervision of building work in the state. Appropriate supervision by qualified persons is a critical element for quality building work to be carried out. Research by the Queensland Building Services Board indicates that poor site supervision is one of the major causes of serious defective building work and that there is a shortage of licensed supervisors in the industry to carry out on-site supervision.

The bill widens the pool of persons who may undertake supervision in the state by creating a two-tiered licensing system for supervisors, which for the first time provides for a specific licence for site supervisors. The benefit of this new system is that it acknowledges that site supervisors have different levels of skills and qualifications when compared to nominee supervisors who have broader supervision responsibilities within companies. A further benefit of this new system is that it will promote a career pathway for those wishing to enter the industry and will reduce the cost of licensing for persons who wish to be licensed site supervisors.

A number of amendments are also proposed to improve compliance and enforcement. These measures include—

- increasing the maximum penalties for a number of offences—for example, unlicensed contracting—to bring them in line with other comparable legislation;
- expanding the existing demerit point regime for licensees who consistently fail to comply with fundamental obligations—for example, payment of insurance and failing to rectify defective building work in accordance with a direction;
- creating new offences which address serious misconduct—for example, obstruction or assault of an inspector; and
- allowing the Queensland Building Services Authority to refuse to issue a licence or permit where a person does not take the necessary steps to discharge a fine for an infringement notice offence against the QBSA Act or the Domestic Building Contracts Act.

In view of the time, I seek leave for the remainder of my second reading speech to be incorporated in *Hansard*.

Leave granted.

The Bill also introduces a licence fee differential.

The effect of this differential is that contractors who have been issued with a direction to rectify defective work will pay a higher licence fee than those contractors whose work is not defective.

This proposal arose from the National Competition Policy Review of the QBSA Act, and is intended to provide a strong incentive to licensees to perform a satisfactory standard of work.

The Bill also makes important amendments to the Home Warranty Insurance Scheme.

For the first time the BSA will be able to conduct audits for compliance with the insurance requirements under the QBSA Act as part of its audit functions.

The Bill also amends the QBSA Act to ensure developers cannot claim on the Home Warranty Scheme for defective building work carried out as part of their development.

The purpose of the Scheme is to provide protection for home owners. It is not and never was intended to cover business risks associated with commercial development projects.

The Bill further amends the QBSA Act to allow the BSA in specified circumstances to issue a direction to a developer to rectify defective work.

The intent of the amendment is to make developers more accountable in circumstances where they have intentionally entered into an agreement with a building contractor to carry out work in a way, or use materials, likely to result in defective building work.

These types of arrangements tend to occur in “off the plan” type development arrangements and in a number of recent cases have led to significant consumer detriment without appropriate remedy.

The Bill also provides that a direction given under this provision may be included on a public register maintained by the BSA under the QBSA Act to warn future consumers.

The Bill will also amend the owner-builder permit provisions in the QBSA Act to minimise the likelihood of permit holders carrying out defective building work, clarify ambiguities in the existing provisions and generally improve the administrative framework for the permit system.

A small number of amendments are also proposed to the Domestic Building Contracts Act 2000.

These amendments increase the maximum penalties for a number of offences, expand the range of demerit offences, insert an offence provision for failing to keep prescribed documents, and clarify the types of contracts intended to be covered by the Act.

Finally, the Bill amends the Professional Engineers Act 2002 to correct an administrative oversight with respect to professional engineer registrations made under transitional provisions which apply the provisions of the repealed Professional Engineers Act 1988.

Mr Speaker, I commend this Bill to the House.

Debate, on motion of Mr Stevens, adjourned.

WINE INDUSTRY AMENDMENT BILL

First Reading

Hon. MM KEECH (Albert—ALP) (Minister for Tourism, Fair Trading, Wine Industry Development and Women) (12.38 pm): I present a bill for an act to amend the Wine Industry Act 1994. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

Second Reading

Hon. MM KEECH (Albert—ALP) (Minister for Tourism, Fair Trading, Wine Industry Development and Women) (12.38 pm): I move—

That the bill be now read a second time.

The last Wine Industry Amendment Bill was introduced into this House in 2000. Since those amendments were enacted in 2001, I can proudly say that the state's wine industry has grown from strength to strength. There are now 180 wine producers and wine merchants operating across Queensland's 10 wine regions, which spread from the Granite Belt and South Burnett areas to north Queensland's unique fruit wine region. The industry has more than doubled in size since 2001 when there were 91 producers, which outstrips growth in all other states.

As Australia's first minister for wine industry development, one of my tasks was to put in place a strategy to develop a sustainable, diverse and innovative Queensland wine industry. Released in December 2004, the Queensland Wine Industry Development Strategy has 69 development activities scheduled for implementation over the five years to 2009. One of these activities is the review of the legislation to ensure it provides a supportive and efficient business and regulatory environment encouraging growth in a responsible way.

The existing Wine Industry Act is unique. Queensland is the only state in Australia to have specific legislation dedicated to the development and regulation of its wine industry. The changes in this bill will ensure the law remains up to date and reflects industry trends.

The key objectives of the Wine Industry Amendment Bill 2007 are to streamline licensing procedures and improve the availability of Queensland wines at existing sales outlets. The reforms support the two categories of licence under the act: the wine producer licence and the wine merchant licence.

Wine producers are the nucleus of the Queensland wine industry, with operators having invested substantially in establishing their vineyards and wineries. There are currently 171 producers, who include Sirromet Wines, owned by Terry Morris; Ballandean Estate, operated by Angelo Puglisi and his family; and Robinsons Family Vineyards at Stanthorpe.

Wine merchants do not need to own a vineyard or winery. However, their business must demonstrate value-adding to the industry. For example, a business buying Queensland grapes and using a local winery to convert them to wine would be eligible for a wine merchant licence. There are currently nine approved wine merchants.

The proposals in this bill have evolved from wide consultation and the release of a consultation paper in November 2005. A total of 67 responses from all industry sectors were received, including from major stakeholders such as the Queensland Wine Industry Association, regional wine associations, and the Queensland Hotels Association. I thank all licensees and associations for their valuable contribution.

Key provisions of the bill

The bill will enable the holder of a wine merchant licence to more readily convert that licence to a wine producer category. Currently, some operators use the merchant licence as a stepping stone to a full producers licence while they are waiting the three to five years for their vines to become productive. Once wine is being made from that fruit, a merchant licence is no longer suitable and an application must be lodged for a producer licence with associated application fees and processes. The bill proposes to cut this red tape of having to apply for a new licence. When the operator becomes eligible, the licence may be converted with all relevant associated approvals.

The bill will also streamline wine permit procedures. Permits allow wine producers to market their wine away from the main premises at festivals, trade shows and other events for promotional purposes and over 1,200 approvals are issued annually. The bill proposes to, firstly, extend this benefit to wine merchants and, secondly, remove the need for a permit for wine tastings and sales conducted at private events.

Given the time, I seek leave to incorporate in *Hansard* the remainder of my speech.

Leave granted.

A private event is one that is not publicly advertised or open to the public or casual attendance. This will enable wine makers to conduct tastings for small groups. While a permit will not be needed, the licensee must notify the chief executive of the activity and location prior to the function.

A permit will continue to be necessary for promotional activities at public events to ensure the supply of wine is appropriately reviewed and monitored. The extension of these promotional activities to wine merchants will increase the public's awareness of the availability and quality of Queensland wines.

It is proposed to provide discretion to the chief executive when considering new licence applications to decide whether public advertising is necessary, and what form it should take. Currently an applicant must place a notice in their local newspaper on two occasions, publish the notice again in the Government Gazette and erect a sign at the proposed premises. This represents an additional cost to the applicant of approximately $1,000 to $1,500.

While advertising may be appropriate in some cases, in the majority of wine licence applications, the business is remote from town and neighbours. This discretion for appropriate circumstances will not only mean savings for the applicant, but it will also shorten application processing times.

Wine merchants will benefit from some relaxation of current business name restrictions relating to the use of "winery", "vineyard" and "cellar door". The Bill will ease these restrictions to enable a wine merchant to use these terms to properly describe and promote their activities and business.

Queensland's worst drought on record is a stark reminder that our primary producers operate in a tough and unpredictable environment and can be faced with unavoidable times of hardship. Maintaining a wine producer licence is predicated on having a product to sell. The amendment Bill proposes to preserve the status of a licence for a period of time in cases of natural disaster such as fire, hail, flood or drought or if a crop has been destroyed by a disease or pest. This will provide producers with some breathing space to get back on their feet.

The Bill also proposes to standardise trading hours under the Act. Wine producers may commence from 8 am and wine merchants from 10 am. The sales outlets for both are typically cellar door venues attached to a vineyard or production facility located in a rural area. The standard opening time will be from 8 am. This will remove the need for a wine merchant to apply for an early opening approval.

The 10 am opening time also applies to satellite cellar door outlets which are operated by producers. There are now 76 of these uniquely Queensland outlets across the State which enable a producer, located for example on the Granite Belt, to market in Noosa and benefit from the tourism exposure in that area.

Wine at these outlets is usually available from a designated area or shelf within an existing retail shop such as a tourism centre or specialist delicatessen. One of our Stanthorpe producers has established a satellite cellar door at a shop in Toowoomba to display his wines alongside various local gourmet produce, which can boost sales of these complementary products and increase consumer awareness of Queensland wines.

As the other retail activities of the store operate earlier than 10 am, it is proposed to apply the standard 8 am opening to the sale of wine at these stores also.

The changes will not extend the authorised trading hours—they will merely replace the need for licensees to apply for a permit. Operators will not be forced to commence early trading. This is completely at the licensee's discretion. For satellite cellar door shops, it is a common sense amendment for trading hours that are currently approved under a permit. For wine merchants it will provide flexibility for certain days of the week, or times of the year to cater for visitors at their main premises.

The Bill will introduce new application assessment criteria for satellite cellar door approvals to assist the chief executive in decision making. Applications will be considered in terms of the existing number of outlets being operated by the licensee and the nature of the retail business associated with the sale of wine. The inclusion of these assessment criteria supports the objective of the Act to minimise harm and the Government's longstanding policy position to prevent the sale of liquor in supermarkets.

The Bill also contains a number of minor administrative amendments including a definition for the term satellite cellar door and a revised definition for winemaking to clarify the processes including the use of fruit juices in wine production. Additionally, it will make consistent with the Liquor Act 1992, the penalty for a breach of a licence condition.

I am pleased to introduce this Bill which will support the continued development of the Queensland wine industry, provide opportunities for increasing the profile of Queensland wines and enable wine makers to get on with their business without unnecessary regulatory interference.

I commend the Bill to the House.

Debate, on motion of Mr Stevens, adjourned.

ENVIRONMENTAL PROTECTION AMENDMENT BILL

First Reading

Hon. LH NELSON-CARR (Mundingburra—ALP) (Minister for Environment and Multiculturalism) (12.44 pm): I present a bill for an act to amend the Environmental Protection Act 1994. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

Second Reading

Hon. LH NELSON-CARR (Mundingburra—ALP) (Minister for Environment and Multiculturalism) (12.44 pm): I move—

That the bill be now read a second time.

In November last year the government announced a proposal to make changes to legislation to protect Queensland's environment from the impacts of littering. The changes make it easier to fine people who throw litter from a vehicle. The changes also introduce a new offence for dangerous littering.

The Environmental Protection Amendment Bill 2007 fulfils the government's commitment on these two issues and goes further by providing the ability for an authorised person to direct the clean-up of litter where more than 20 litres has been dumped—commonly referred to as illegal dumping.

According to the latest litter count figures issued by Keep Australia Beautiful in February 2007, 55 per cent of the volume of litter in Queensland is found along our roadsides. This is higher than the national average of 49 per cent.

In New South Wales, where an authorised person has the ability to issue an infringement notice to the registered owner of a vehicle, the volume of litter found along highways and roadsides is only 40 per cent, and in Victoria, where public reporting is also used to report littering offences from vehicles, this figure drops to 32 per cent.

The Environmental Protection Amendment Bill 2007 will make enforcing littering offences in Queensland significantly easier and safer, particularly from a vehicle. The bill allows an authorised person to issue an infringement notice for littering from a vehicle to the registered owner of the vehicle. An authorised person will also be able to direct the removal of litter where more than 20 litres has been deposited. The introduction of these provisions will assist in reducing the amount of litter in the Queensland environment.

In particular, the changes to the legislation allow for the safer enforcement of littering offences involving a vehicle. Under the existing litter legislation contained in the Environmental Protection (Waste Management) Regulation 2000, an authorised person has to stop the vehicle, obtain the details of the person who littered and issue the infringement notice directly to that person. This can be dangerous and confrontational for the authorised person. As a consequence, very few litter infringement notices have been issued since 2000.

The Environmental Protection Amendment Bill 2007 will mean that, based on the numberplate of the vehicle, an authorised person can send an infringement notice to the registered operator of a vehicle from which a littering offence has been observed by an authorised person. This is similar to camera-detected speeding offences, where the owner of the vehicle receives the infringement notice in the mail.

Owing to time restraints, I seek leave to incorporate in *Hansard* the remainder of my second reading speech.

Leave granted.

The existing littering provisions of the Environmental Protection (Waste Management) Regulation 2000 will be repealed when the Environmental Protection Amendment Bill 2007 is passed into legislation and all litter offences will come under the Environmental Protection Act 1994.

As the Bill deems that the owner of the vehicle is the person who committed the offence, that person has a number of options available to them to deal with the infringement notice.

The person can pay the fine; elect to have the matter heard in Court, do nothing (in which case the notice may be referred to the State Penalties Enforcement Registry for further enforcement action); or complete one of four declarations—an illegal user declaration, a known or unknown user declaration, a sold vehicle declaration or a passenger declaration.

Once the registered operator has completed a declaration nominating another person as either the driver of the vehicle or as the actual offender, the infringement notice is re-issued to that nominated person.

The Environmental Protection Amendment Bill 2007 expands on the existing State Penalties Enforcement Registry regime by adding the new category of passenger declaration to the list of declarations that can be used as defence against the offence.

Mr Speaker, the passenger declaration allows a person named as a known user (the driver of the vehicle) to give a declaration that they did not commit the littering offence, but that another named person (a passenger) committed the offence.

Once a passenger declaration is given by one person for the offence, another person is not able to give another declaration for the same offence. This is to prevent different passengers each blaming the other for committing the offence. The passenger named in the declaration, while not able to nominate another person, still has the right to contest the matter in court.

The new legislation will see significant changes to the way littering from vehicles is enforced. As the legislation provides for a new approach to the enforcement of littering from vehicles, vehicle owners whether they are individuals or corporations will be affected. As the registered owner of a vehicle, organisations such as rental car companies, and taxi companies and public transport providers such as bus and ferry passenger vehicles, where the driver is the litterer, will receive a litter infringement notice in the mail.

The Environmental Protection Amendment Bill 2007 also introduces two new littering offences and penalties: the first is depositing litter from a vehicle and the second is dangerous littering. Depositing litter from a vehicle has a maximum penalty of 30 penalty units or an infringement notice penalty of $225. Dangerous littering has a maximum penalty of 40 penalty units or an infringement notice penalty of $300.

Dangerous littering means depositing litter that causes or is likely to cause harm to a person, animal or property. Dangerous littering may include throwing a lit cigarette onto dry grass during extreme fire danger conditions, smashing a bottle and leaving the broken glass on the footpath, leaving a hypodermic needle in a garden bed or near a children's playground or throwing an item from a car at another road user or a pedestrian.

The changes contained in the Environmental Protection Amendment Bill 2007 send a strong message that littering in Queensland will not be tolerated. For too long, litterers in Queensland have been within their rights to assume that there were no consequences to their actions but with the introduction of this new legislation the chances of being fined have increased considerably.

Mr Speaker, the introduction of this Bill will provide consistency in the way littering offences are enforced in eastern seaboard States. Both New South Wales and Victoria have legislation that allows a litter infringement notice to be issued on the basis of the registration details of the vehicle. Legislation in Western Australia also provides the same ability and the Tasmanian Government has recently drafted a Bill to include these provisions in legislation.

Local governments support the changes to the way litter is enforced in Queensland. There are particular difficulties under the current legislation in enforcing littering from vehicles, especially in relation to the illegal dumping of more than 20 litres of litter.

Several local governments (including Brisbane City Council) have indicated that they are unable to take action in circumstances where cameras in identified 'hot spot' areas have photographed the registration details of the vehicle or trailer. There is currently no provision within the Environmental Protection Act 1994 to require Queensland Transport to release this information for these types of offences.

The introduction of the ability for an authorised person to use the registration details and for a requirement for the chief executive (transport) to provide the information as it relates to the offence mean that local governments have greater capacity to penalise offenders.

Mr Speaker, an authorised person will also have the power to direct a person to remove the litter where 20 litres or more has been dumped. The longer litter stays in an area the more likely that other people will see it and dump their rubbish in the same spot. By directing a person to remove the litter, an authorised person may be able to have an area cleared before more litter can be deposited.

The Government is allowing time for individuals and local governments to become aware of the changes. A three-month amnesty period will allow time for awareness of the changes to be communicated to the community and to allow authorised-person training to be conducted. During this time, an authorised person may issue a warning notice in place of the infringement notice, along with information about the changes and the impacts of litter.

Additionally, the Environmental Protection Agency is developing communication material including fact sheets, template press releases, posters and postcards for local governments, State government departments. The information will also be distributed to organisations such as Keep Australia Beautiful and the Royal Automobile Club of Queensland, as well as car rental and taxi companies so they can communicate the changes to their clients and members.

The primary message of the communication material is Want to Litter … Fine! to demonstrate to people that there are financial impacts associated with littering, whether in the street or from a vehicle. As the provisions of the Environmental Protection Amendment Bill 2007 cover land and water vehicles, information will be provided with littering circumstances in both environments.

Mr Speaker, I commend this Bill to the House.

Debate, on motion of Mr Stevens, adjourned.

LOTTERIES AMENDMENT BILL

Second Reading

Resumed from 17 April (see p. 1210).

Dr FLEGG (Moggill—Lib) (12.49 pm): At the outset, I declare that I hold a number of shares in Tattersalls. I make that declaration because of the need in this place to conduct ourselves with appropriate propriety, and doing so is right and proper. On this side of the House, we do not sign the contracts, we do not handle the government's money and we do not have any influence over decision making. However, I do seek to ensure that we conduct ourselves with the utmost propriety, so I make that declaration at the beginning of my contribution. That holding will not stop me from expressing my reservations about aspects of this bill.

It was interesting to note that, in her second reading speech, the minister made no mention of the proceeds from this bill being diverted to fund the Queensland Children's Hospital. That struck me as being very odd because the government had trumpeted this as being one of the great achievements of the bill. We will remember the newspaper headlines and the press release that the Deputy Premier issued on Monday 16 April titled 'Casket jackpot for Queensland's children'. When briefings were conducted, much was made of the fact that the funds would be diverted to the Queensland Children's Hospital, yet that was never mentioned in the minister's second reading speech.

This was an afterthought, because the government realised what the public reaction would be to selling something that had been a Queensland icon since 1917. I suspect very strongly that it was an afterthought also because of the government's deteriorating budget position. The Queensland Children's Hospital was a previously announced initiative and the government had spoken about the funding arrangements for it. However, suddenly, as an afterthought, it announces that an iconic asset that the people of Queensland have held since 1917 will be sold to fund the hospital.

I thought long and hard about whether the opposition should support this bill and the sale of an iconic Queensland asset that has been held by the people of the state since 1917. For reasons that I will elucidate at some length during my speech, there are very valid reasons why this asset should not have been sold. There are two reasons why I recommended that the opposition should support this bill, albeit with grave reservations.

First, on this side of the House we do not wish to be seen in any way to be voting against the children's hospital. Even though the government had already announced it and, presumably, this funding was not critical to its delivery, it would have been easy for the government to have painted us as somehow opposing the construction of a Queensland Children's Hospital. However, why would the coalition oppose a Queensland Children's Hospital? We had already announced publicly our support for the hospital, but were screamed down by the Premier and the government, who brought a motion into this House in effect condemning us for that support. The reasons for—

Mrs Reilly interjected.

Dr FLEGG: I take the interjection. The member can go back and look at the *Hansard*. The government moved a motion in this House, the effect of which was to condemn us for supporting a Queensland Children's Hospital.

The Queensland Children's Hospital came about as a result of a report into concerns about pediatric cardiology being conducted at the Prince Charles Hospital, an adult cardiac facility, and the safety of the rostering arrangements between the three intensive care units that service neonatals and children at the Mater, the Royal Children's and the Prince Charles hospitals. Not only did we immediately support the findings of that report but we also announced that, had we been successful at the last election, the Queensland coalition would have proceeded to build the children's hospital. Therefore, we would never oppose in any way the building of a children's hospital when our policy position had helped to force this government to proceed reluctantly with that project, despite its initial rejection of the report.

The other reason we decided that, despite our severe reservations, we would not oppose the bill is the underlying belief that social infrastructure such as hospitals, schools and the like should not be debt funded. Past and present coalition governments have had no problem with appropriate debt funding of economic assets, but it is a whole different ball game when one debt funds social assets that do not produce financial returns to support that debt funding.

The Deputy Premier underscored this point better than I could in her press release of 16 April. That press release states that money that would have been spent meeting borrowings would be freed up for other health needs. In other words, the Deputy Premier states that for many years money would have been drawn out of the Queensland budget to pay the interest on the debt funding of the Queensland Children's Hospital when, in fact, that is social infrastructure that would not have serviced that debt. The question that needs to be asked is: why did the government attempt to debt fund a hospital when, in fact, Queensland should be in a strong enough financial position to fund the health needs of the state from revenue sources?

Because the Deputy Premier made reference to the funding of the children's hospital not in her second reading speech but in her press release of April 16, I will table that press release for the benefit of people who may be following this debate.

Tabled paper: Press release, dated 22 May 2005, issued by Hon Peter Beattie MP, Premier and Minister for Trade, regarding the Golden Casket Lottery Corporation.

Obviously it is a central issue in the bill and I am at a complete loss as to why that information is contained in a press release rather than a speech to the parliament. I sincerely trust that that does not reflect on the government's lack of commitment to its statement that this funding would go to the children's hospital.

During briefings to members of parliament, flow charts and associated notes were used to underscore the government's intention to divert the funds from this sale and funds taken from cash reserves to the Queensland Children's Hospital—a total of $530 million from the proceeds of the sale—and a Queensland Treasury Corporation estimate of between $140 million and $150 million, which is categorised as a capital return and which appears to have represented cash reserves in Queensland's Golden Casket, which has operated since 1917. However, why do we need to sell this sort of asset to fund a hospital, when, in just five years, the Golden Casket through various taxes on its operation as well as—

Sitting suspended from 1.00 pm to 2.30 pm.

Dr FLEGG: I resume my speech in relation to the Lotteries Amendment Bill 2007. Before we broke for lunch, I was referring to the flow chart that was used as part of the briefing for this bill clearly showing that the funds being raised by the sale of Gold Lotto would be flowing into the construction of the children's hospital. But, because there was no mention of the children's hospital whatsoever in the minister's second reading speech, I might table that information that was given to MPs because I think it should be available. It has a few of our own notes on it, but it is quite clear.

Tabled paper: Diagram titled 'Transaction Structure Diagram' and notes in relation to changes to lottery arrangements.

Earlier when I referred to the government's initial vehement condemnation of the concept of having a children's hospital, there were interjections from the Labor backbench. From *Hansard* on 30 March 2006 the Premier—no less than the Premier himself—moved the following motion in this place. For brevity, because it is available on the *Hansard* dated 30 March, part 4 of the motion moved by the Premier stated that this parliament—

... opposes the decision of the coalition health spokesperson—

who at that time was me—

that they 'will work towards establishing a single paediatric hospital' ...

One could not make it any plainer than that. Our support for a single paediatric children's hospital was roundly condemned by the Premier to the extent that he used the time of this parliament to move a motion to attack us for the temerity of proposing that, in the best interests of the health care of children, we need a children's hospital in this state. The Premier on that occasion went on to state—

Under coalition policy announced by the shadow spokesman for health there will be a single paediatric hospital.

At least he spelled out our policy very clearly for us, but it is a quite amazing turnaround that an election campaign can bring. The Premier was so complete in his condemnation of our proposal that he went on to state—

The opposition does not comprehend care and compassion.

This is the Premier who was moving a motion in parliament condemning the idea that we should have a Queensland Children's Hospital. I am pleased that eventually, and under the light of the policy that we released for the election, the Premier did announce support for a children's hospital. In fact, he was shamed into supporting that policy and I would rank that as a significant achievement for the coalition.

I am still scratching my head as to why the Deputy Premier and Treasurer made no mention of the children's hospital in the second reading speech of this bill. I have about 45 minutes left. I will take up a fair bit of that time. That might give her a bit of time to think up an excuse as to why this appears to have been an afterthought. I think it is clearly the case that here the government is selling off an icon of this state, and to try to make it palatable to the people of Queensland it was attached to something as important as a children's hospital. In fact, this has become a formula for this government. When it wants some money, when it wants to sell something off, the government simply attaches it to some other promise that has already been announced and already funded in an attempt to diffuse any criticism that might be made.

Queenslanders have always said that the Golden Casket is to support the hospitals of this state. That is why the Deputy Premier belatedly linked the sale of this iconic asset to an already announced project, details of the funding of which had already been announced. We can expect to see more asset sales like this to prop up the poor performance of this government.

Throughout this speech I will refer to the 'sale' of the Golden Casket. I know that the Deputy Premier will want to leap to her feet later and say, 'It is not a sale; we have leased the rights' or some other terminology 'to Tattersalls in relation to Golden Casket.' This is until 2072. I think in terms of any lease, sale, or whatever you want to call it, if you are giving it away until 2072, that is a sale in any common usage of the word. I think we ought to have a look at what it is that we are selling, because we are selling more than revenue; we are in fact selling history.

Government members interjected.

Dr FLEGG: I will take those interjections from the backbench, because the sheet which I have from one of their reports is in fact headed 'history', and it is an important part of this state's history. If we look over the history of this state's Golden Casket, it goes back to 1916 during the First World War, when presumably the government could justify needing asset sales. In 1916 the Entertainment Committee of the Queensland Patriotic Fund established the Golden Casket Lottery and sold 125,000 tickets. That is almost a ticket for everybody in Queensland at the time. They were a patriotic lot indeed.

In 1917, the first draw of the Golden Casket occurred in this state. Ironically, this year is the 90th anniversary of that first draw. First prize was, for those days, the very princely sum of 5,000 pounds in 1917. In 1920 the government took over the ownership and control of the Golden Casket. In 1932 it was first drawn by a machine, and so on we see the history of the Golden Casket over the 90 years since the first draw.

I notice at the top of that history, in recent times, in October 2005, Oz Lotto was launched as Oz 7 Lotto and as recently as January 2006 the corporation's internet based lottery sales option Lotto Direct was launched. So this was a business that was still evolving, still innovating and still, after 90 years, returning dividends and taxes to the people of Queensland.

Golden Casket has not just meant to Queensland the $20 million or so that it is currently making in net profit a year. In the last two financial years that we have complete figures for—2004-05 and 2005-06—the turnover of Golden Casket rose from $813 million to $863 million. That is substantial growth for a company that is 90 years old. The Golden Casket return to the state of Queensland via dividends and taxes in 2004-05 was $203.6 million. In the financial year 2005-06 Gold Lotto returned to the people of Queensland $214.2 million. The return to the people of Queensland is still growing. Anybody listening to the debate on this bill will understand that we are getting in excess of $200 million a year in taxes and dividends. The people of Queensland are entitled to ask why we could not afford a $700 million children's hospital with a growing stream of Gold Lotto revenue of this huge proportion. Just 3½ years of that revenue would completely fund the hospital. The hospital is not expected to be completed until somewhere between 2011 and 2014. That is long enough for the revenue coming into the coffers from Gold Lotto to fund two children's hospitals, not just one.

Out of some $20-odd million of profit—that is, after the payment of some $12-odd million of income tax to the federal government—Gold Lotto was in a position to pay $16.1 million to the Queensland government in dividends alone. In the past five years this amazing source of revenue has generated for the Queensland government around $1 billion. When the government says what a great deal it got—and we will never know whether it got a great deal or not because of the sale process—it ignores issues such as new products and innovation that has occurred even as recently as 2006.

Mr Mickel: So you wouldn't sell it?

Dr FLEGG: In relation to the sale process itself there are legitimate questions to be asked.

Mr Mickel: Are you supporting it or are you against it?

Ms Bligh: Are you coming or are you going?

Mr Mickel: I reckon you are better on our election ads than in this speech.

Dr FLEGG: If the minister is patient, all will be revealed. In relation to the sale process, it was quick. In fact, some could argue it was too quick. It was at a questionable price. It was used as an opportunity for the government to loot the $150 million of cash reserves that were sitting too temptingly in Golden Casket. There was $150 million in cash reserves in what is commonly referred to as a hollow log, and it was just too much temptation for the government to resist snatching that money that otherwise would have been temptingly just out of its reach.

This 90-year-old Queensland icon which has delivered rivers of gold to the taxpayers of this state was sold not as an open tender, not by inviting the nation and international gaming companies to offer their best price and not by so doing making this a transparent process for all to see, but it was done as a secretive process where the government dealt only with one preferred buyer. If the government were a homeowner selling a house, I do not think there would be a lot of faith in getting the best price for the house by going to one buyer, keeping it secret from all the other buyers and seeing what the one buyer left in the field was willing to pay. These assets belong to the people of Queensland. When the state government sells these assets the people of Queensland are entitled to see an open and transparent process. They are entitled to be assured that the best price has been obtained for their asset. The only way of knowing that you have the best price is to see what the others are prepared to offer.

The question then remains: was this sold too cheaply? Revenues, and especially taxes, during the state-controlled ownership could easily have covered the cost of the children's hospital. As a result of this sale, a cash stream of dividends is foregone. Last year that stream was $16.1 million from a profit of $20 million. Was it necessary to sell Golden Casket? The state government will still receive lottery taxes. They are expected to be around the $185 million mark. In the seven years until 2014—the later date expected for the completion of the children's hospital—that would amount to some $1.2 billion that could have been applied to that project.

I stated at the beginning of this short contribution on this bill the reasons why the opposition, despite these very substantial reservations, will not vote against the bill. If we had a coalition government, this would have been a different process. A coalition government in this setting would have ensured that this sale process was transparent; that it was not a private, secret deal with only one potential buyer.

Ms Bligh: So you would sell it now?

Dr FLEGG: It is interesting to hear the Deputy Premier asking questions in relation to the sale.

Ms Bligh: I can't figure out your position!

Dr FLEGG: I am not surprised at all because the process not only has not been transparent but also has been a confused process. The government announces a children's hospital to be funded in a certain way. It then announces that it will sell these assets instead. It has changed its mind about the children's hospital. Perhaps that is because it decided it could not afford it any other way. Then, when it introduces the bill that is supposedly going to deliver a children's hospital, it does not want to say a word to parliament about the sale process and why this asset is being sold in this way.

There are clearly some merits in relation to this sale. Some $530 million is a lot of money, plus the hollow log of somewhere between $140 million and $150 million in tempting cash reserves. That amounts to almost $700 million. There is to be $10 million over three years given to the Mater Foundation. There will be protection measures for the existing Golden Casket staff and agencies. I note that the measures that guarantee no forced redundancies apply for only three years. The amount of money going into distribution agencies is some $60 million. It is a very tempting and large amount of money. That protection, welcome as it is, will only apply for three years.

The head office of Golden Casket is to remain in Queensland. Obviously, that is something we would have expected to have been a precondition no matter who bought this business from Queensland taxpayers. Tattersalls' national and international lottery business will be managed from a national lottery centre within Queensland. Again, that is the sort of decision we applaud but it is the sort of decision that one would expect to have been a precondition of sale. The Queensland government, as I am sure the Deputy Premier will be only too enthusiastic to remind us, will keep the Golden Casket branding, trade names and lottery licences. The business itself has now in effect been sold until 2072.

I will conclude my remarks in relation to this bill by saying that we think this is a sale process which does not measure up to the standards of accountability and openness that should be expected with the sale of an iconic asset. The government has been too cute by half in its explanation as to why this asset was sold by belatedly linking it to an already announced hospital project.

Mr ROBERTS (Nudgee—ALP) (2.52 pm): I will respond to one of the issues raised by the member for Moggill. I have a completely different understanding of the arrangement that has been entered into with Tattersalls. The member talked about the sale of the assets. It is perfectly clear that the actual ownership of the key assets of value of the Golden Casket will be retained by the Queensland government through the Queensland Lottery Corporation.

If we look at the valuable assets of most organisations in today's modern economy they are usually intangible assets. The same applies to the Golden Casket. Its most valuable assets are its licence and its brand name. The ownership of those two assets will be retained by the Queensland people through the Queensland Lottery Corporation which of course is owned by the Queensland government.

Golden Casket has a proud 90-year history in Queensland. As a result of the arrangement entered into between the government and Tattersalls it has the opportunity to celebrate another 90 years as an iconic Queensland institution. The arrangement negotiated by the government means that Golden Casket will be operated by Tattersalls under a lottery operator's licence that will run until the year 2072.

Such long-term arrangements are not unusual in the gaming industry. In fact, UNiTAB has a licence in Queensland which runs for 99 years and all Queensland casino licences are ongoing unless they are cancelled or surrendered. In any event, the government has always intended that Golden Casket would have an ongoing role in operating lotteries in Queensland and its licence, which would otherwise have ended in 2022, would be extended.

One of the well known aspects of Golden Casket's operations has been its contributions to worthy causes in the community. Under the Rainbow Kids program grants are provided to both the Royal Children's Hospital Foundation, the Mater Children's Hospital and other projects approved by Queensland Health. Since 1992, approximately $1½ million has been donated annually via Queensland Health. This funding is provided and allocated by the state government out of the lottery taxes that it receives.

Currently 8.5 per cent or around $15 million per annum of lottery taxes is paid into the Community Investment Fund, which in turn provides funds for the government's responsible gambling initiatives and also makes a contribution to the Gambling Community Benefit Fund. The government will continue the current community funding arrangements through lottery taxes received from Golden Casket and the funding to the current recipients will not be diminished as a result of the new arrangements. Importantly, Golden Casket will continue with its tradition of association with a wide range of community projects.

Under the agreement entered into by the government, the state and hence the people of Queensland, as I have already indicated, will continue to own the Golden Casket brand and the actual lottery licence. However, the $530 million agreement allows Tattersalls to operate Golden Casket's Queensland business until 2072 and under an exclusive licence arrangement until 2016 and to use the Golden Casket brand in Queensland.

Queenslanders who continue to support Golden Casket every week will not notice any change when they purchase their tickets. For agents all current five-year agency agreements will be extended out to 2012 and life of business agreements will remain. Golden Casket also has around 200 employees and the arrangements ensure that all existing entitlements will be rolled over and there will be no forced redundancies within the first three years of the new operation under Tattersalls.

The government has therefore ensured that the Golden Casket brand name will remain a Queensland icon. The Golden Casket will remain a Queensland based lottery operator with a board of directors, senior executives and all major functions located in Queensland and, in a significant coup, Tattersalls will now establish its national and international headquarters of its lottery business in Queensland. Overall, this arrangement delivers significant benefits for the people of Queensland, the staff of Golden Casket, agents and the government and, accordingly, I am pleased to commend the bill to the House.

Mr STEVENS (Robina—Lib) (2.57 pm): I rise to speak in the debate on the Lotteries Amendment Bill 2007. I say from the outset that I agree with my coalition colleagues about the concerns and reservations regarding the bill. From the outset I would like to tell the Deputy Premier that if it were us in government we would not be selling this iconic Queensland asset.

The bill seeks to amend the Lotteries Act 1997 by moving to an alternative licensing model for the operation of lotteries in Queensland. This two-tiered model will allow for the transfer of the Golden Casket Lottery Corporation Ltd business operations to the private sector. I agree with the member for Nudgee that the most valuable asset is the intangible asset. It is the price that we got for that intangible asset that concerns me greatly and where it goes and where we go in the future.

The state government will maintain ownership of the lottery licence and specific Golden Casket Lottery Corporation Ltd intellectual property. These brands and trademarks of the Golden Casket corporation will be held by a new state owned entity, the Queensland Lottery Corporation Pty Ltd.

However, there will be contractual obligations committed to by this desperate Queensland Labor government that will enshrine the selling off of a Queensland taxpayers' lucrative income stream from Queensland scratchie players to the greedy gambling tsars of the southern states.

The mechanics of the two-tiered model, which will consist of a lottery licence and a lottery operator's agreement, will be as follows. Golden Casket will relinquish its current lottery licence and be issued with a new lottery operator's licence and enter into a new lottery operator agreement with the Queensland Lottery Corporation. This arrangement will be in place up until 2072, although I understand that the protection against new competitors in the industry is available only to 2016.

This lottery operation agreement stating business operations and standard requirements must be approved by the minister. The new owner, Tattersalls Ltd, will acquire all shares in the Golden Casket and has agreed to the following with regard to the management of the existing structure. In a media release Tattersalls has agreed to retain Golden Casket's head office in Queensland; to establish a national lotteries centre in Queensland which will oversee Tattersalls' lottery businesses; the government will retain ownership of the lottery licence and the Golden Casket brand; to appoint Golden Casket as the licensed lottery operator until 2072 and grant it royalty free exclusive use of the Golden Casket brand for that period; not to issue another lottery licence until after at least 2016 without compensating the Tattersalls Golden Casket company; to offer protections to existing Golden Casket staff and agents; and to roll out a new lottery terminal replacement program in Queensland.

The two clauses that are significant are clause 50 and clause 62. Clause 50 inserts new sections 131A and 131B relating to payment of unclaimed major prizes to the CEO three months after the closure of the lottery which must be deposited into the consolidated fund, although I do notice that there is an amendment to that wording. This is to be repaid to the lottery operator if there is a successful claim for a prize that comes forward. The bill also seeks to amend the schedule in the Commercial and Consumer Tribunal Act 2003 and the Government Owned Corporations Regulation 2004 by deleting any reference to the Golden Casket Lottery Corporation as a government owned entity.

The sell-off of any major government entity should be considered only with caution and extreme care. This sale to Tattersalls Ltd will bring $530 million into the state government Treasury at a very critical time for this state government. I have concerns about a few aspects of the sale, and the first is the appointment of Tattersalls in a behind-closed-doors transaction. This transaction, along with any other government contract of sale, should have gone through the open tender process. There is no reason for it not to. This did not happen. Why? Can the Premier guarantee the people of Queensland that he has achieved the best possible price? I remember the launch of UNiTAB on the commercial market at the brilliant price of $2.25 a share. Now I believe those shares have gone well over the $13 mark. Who was the financial genius who recommended that? I ask the government for an explanation. It is the responsibility of any government to be open and accountable in any such process. It is also the commercial right for all to be given the opportunity to bid for the tender of such a major Queensland icon and entity. Also, if this sale were an open tender process it could have brought many more millions of dollars into the state of Queensland to fix the ailing health system that we are all so desperate to fix.

The next reservation I have is that any revenue and profit will go back to Tattersalls' head office in Melbourne which under the previous model would have come straight into the Queensland economy. Continuing on, one has to ask whether the restructure will have a major impact on staff which can only result in job losses. The new company, like any new company, will want to bring in its own staff to keep an eye on operations. I do note—and I hate to be cynical about these matters—that staff matters are protected and locked in for the next three years which will conveniently take it past the 2009 election.

Can the minister guarantee that there will be no forced redundancies after that first three-year period as she stated in her joint media release with the Premier dated 16 April 2007? I also make the point of what impact the continuation of Mr Bill Thorburn as CEO of the Golden Casket and his new responsibilities of being in charge of all Tattersalls' lotteries businesses but reporting to Tattersalls CEO Dick McIlwain—a former UNiTAB CEO as well who went on to bigger and better things who took most of the money that Queensland taxpayers were entitled to with them in their private company—will have on the Golden Casket operations. Will the focus of Mr Thorburn's attention be on other company gambling activities as opposed to his current focus on Queensland's own Golden Casket?

I will now move on to the revenue that our public hospital system has received from the Golden Casket. It was great to hear that Golden Casket has been giving an annual $1.5 million to our public hospital system, with last year $500,000 going to Queensland Health, $500,000 going to the Mater Children's Hospital and $500,000 going to the Royal Children's Hospital Foundation. Will this annual support continue? If not, why not? I ask the minister is this direct revenue to our public hospital system eventually going to stop and will our public hospital system be at the whim of Tattersalls Ltd? To me it sounds like the government is selling off more of the farm because it is in dire financial straits coming into this year's state budget and needs a cash flow to pay for the mismanagement of our public health system, the water crisis and the housing crisis in the upcoming budget. It is also a failure of this government—

Mrs Sullivan interjected.

Mr STEVENS: I will get to Mr Howard in a second, member for Pumicestone. There has been a failure of this government to manage the budget for the last eight years and now there is the need to sell the Golden Casket Lottery Corporation to pay for vital infrastructure that has been neglected. I compare this Beattie Labor government, which has enjoyed unprecedented wealth poured into its coffers by the resources boom, and John Howard's federal government GST. Let us compare the Beattie government to the federal government and what it has achieved with its clever fiscal management of the country. As the federal Treasurer has said quite clearly, we have two million more people in jobs than we had in 1996 when the Howard government came to power which means unemployment benefits to two million fewer people. Our national unemployment rate at 4.4 per cent is the lowest since 1974 despite the Beattie government trying to claim credit for low employment in Queensland.

Ms BLIGH: I rise to a point of order. I question the relevance of the member's contribution to the contents of the bill.

Mr DEPUTY SPEAKER (Mr O'Brien): I was actually distracted at the time. I do apologise. The member should refer broadly to the contents of the bill.

Mr STEVENS: Quite clearly I am, Mr Deputy Speaker. Thank you very much.

Mr DEPUTY SPEAKER: You would be best not to dissent from my ruling, which is for you to refer to the bill.

Mr STEVENS: Yes, I will. Is the ruling that what I said was wrong?

Mr DEPUTY SPEAKER: You would be best not to argue with the chair but to get on with it and refer to the bill.

Mr STEVENS: I will. Thank you, Mr Deputy Speaker. In terms of the bill that we are looking at to finance the state budget coming up, the budgets that used to be in deficit in the federal area are now in surplus as opposed to what we are probably heading to in Queensland in order to fix up the infrastructure in water, hospitals, roads and everything else that is going wrong throughout Queensland. That is why we have the sale of the Golden Casket going forward at this very important time. To compare the Commonwealth government with the state government, the Commonwealth government is carrying no net debt—no net debt—and there have been significant tax cuts for middle and lower income earners. I fail to see where this selling off of the Golden Casket will give tax cuts to the people of Queensland. If we look at the state government in relation to this money grab through the sale of the Golden Casket, it is obviously to fund the health crisis, the water crisis, the infrastructure crisis and the housing crisis.

Mr Hoolihan: Don't you want a children's hospital?

Mr STEVENS: We certainly want it. I take that interjection. We certainly want a hospital for the children of Queensland, but we want it funded through correct and proper processes. We want it funded without selling off the farm. We want it funded without selling off our income streams. It is no use putting it up today and having nothing to fund it with in three years time when those opposite lose power. It is an unbelievable state of affairs when a federal government has channelled all of this GST—receipts of $9 billion—into state coffers over the last five years yet we still have to sell a Queensland icon in the Golden Casket. What is going on? There is total mismanagement of the fastest growing state in Australia and the Premier should be very ashamed. I am sure he will be checking *Hansard* to read his letter from Mr Branson.

The final area on which I would like to make comment is the lack of consultation and the unreasonable excuse to say that 'due to market sensitivity we could not consult widely'. It is amazing to think that the government would use this excuse. The following areas were consulted: the Department of the Premier and Cabinet, Queensland Office of Gaming Regulation, Commercial Counsel, Economic and Inter-Governmental Relations Branch—Queensland Treasury—and Office of the Queensland Parliamentary Counsel. Independent legal, accounting and financial advice was also sought regarding the drafting of this bill. No private business except for ABN AMRO, who in a very private and confidential manner, was consulted. No industry advice was sought; only government and departmental advice. I would have thought that the government would have consulted widely on such an important sale of one of Queensland's iconic assets before coming to the informed decision on how to proceed.

In conclusion, I wish to reinforce the fact that this government is not being open and accountable by making the sale a closed tender process. It also demonstrates the Beattie government's fire sale desperation to find funds to pay for years of neglect of capital infrastructure such as roads, water infrastructure and hospitals in the fastest growing state in Australia—Queensland—and Queensland deserves better.

Mr LANGBROEK (Surfers Paradise—Lib) (3.11 pm): It is my great pleasure to rise to speak to the Lotteries Amendment Bill 2007, and the Leader of the Liberal Party and the member for Robina have noted that we will support this bill. It is based on our belief that the government does not have to be involved in activities that can be best performed by private enterprise. That is a principle that we certainly adhere to and gambling is not necessarily an industry that governments need to be involved in. Having said that, our support comes about mainly because of the fact that the moneys are going to be used to fund a new children's hospital.

I want to point out here today that the Queensland coalition was at the forefront in advocating that last year. The Beattie Labor government had the temerity to come in here on 30 March last year and move a motion that it opposed the decision of the coalition that we would work towards establishing a paediatric hospital.

I go back because I note that in the second reading speech of the Deputy Premier there is absolutely no mention of the children's hospital and the fact that the funds from the sale of Golden Casket will go towards the construction of a paediatric hospital. That was stated in a press release of 16 April that is headed 'Casket jackpot for Queensland children'. The Deputy Premier mentioned that the new arrangement would release $140 million to $150 million in surplus cash currently held by Golden Casket back to government and that when added to the sale moneys of $530 million there would be $680 million to fund approximately $700 million for the children's hospital. I will come back to the issue of why that money had to be found in a moment when we look at the details of that debate on 30 March 2006.

However, first we need to look at the genesis of the proposal for a stand-alone children's hospital and how that came about. It comes back to the failure by Queensland Health to be able to provide safe public hospital services. Last year the Labor government reviewed paediatric cardiac services with a number of eminent specialists and experts. They commissioned a report which recommended a Queensland Children's Hospital be established. As I say, the Premier came in here on 30 March during the Gaven by-election campaign and moved this motion and scaremongered in the debate on that motion that it would lead to the closure of paediatric services at Prince Charles, Royal Children's and Mater Children's Hospital. The Premier said on that day—

The coalition has made it absolutely clear what its policy is. It is in black and white. It is policy on the run but it is the coalition's policy nevertheless.

The health minister also had some comments to make. This is the crux of why this money has had to be found today. He said—

... I have already been on record saying that if we wanted to go down the path of a stand-alone hospital we probably would not get much change out of $500 million.

As it turns out, it will be $700 million. The health minister said at the time—

They are prepared to cop that, despite the fact that we have released a South East Queensland Infrastructure Plan for the infrastructure needs of south-east Queensland for how many years, Premier?

Mr Beattie: Twenty.

Mr ROBERTSON: The next 20 years. Where are they going to factor that in? What year is that hospital going to be built? If it is going to cost $500 million, what year will they factor that in?

In other words, they had no plans to build it. So they did not have the money to be able to build it. But six months later in an election campaign when they needed to do anything to try to get re-elected they said, 'We will build a children's hospital.' The health minister also said that day—

So on top of the costs of a new hospital there are refurbishment costs in each of those three hospitals to bring them up to a standard that can be used for adult medicine. They have not factored that in, either.

There was clearly no expectation within the budget of the health minister at that time that he would have to plan for a stand-alone children's hospital. Yet six months later in an election campaign it was promised as 'policy on the run'—the very thing we were accused of in that debate on 30 March. Six months later it was good enough for the government to promise it would spend $700 million and now it has to sell off the farm to find the money to do it. That is the crux of this debate: selling off the Golden Casket.

A government member interjected.

Mr LANGBROEK: We are supporting the bill. If the member wants to interject he should do so from his correct seat. When the Leader of the Liberal Party was the shadow health minister he said on that same day—

The only way we are going to have world-class paediatric services in the future is through the provision of a dedicated hospital for that.

So there was never any doubt from this side of the House about whether we would be prepared to build a children's hospital. The answer was always that we accepted the recommendations of the experts that such a hospital was needed and we would commit to doing that should we be elected.

Of course at the end of that debate at 4.34 pm the Premier said—

We will not be supporting the ... creation of a dedicated Queensland Children's Hospital.

That is what he said in the *Hansard* on page 1,083 on 30 March 2005. Six months later he said, 'We will build a children's hospital. We will do it. We will say anything to get re-elected and now we have to sell off the farm to fund it.'

We have seen that last year the Beattie government attempted to conceal reports of the failings within the system with respect to paediatric cardiac services. It was unbelievable that the Premier would stand in this House and move a motion opposing a children's hospital that this bill is now seeking to fund.

This bill exposes the hypocrisy of the Beattie government. It exposes that this government is still unable to guarantee the necessary levels of funding to provide essential infrastructure without the need for the asset sales. Clearly, as the member for Robina said previously, the income stream that this government would have continued to receive would have amounted to many millions of dollars over the next number of years but that is now going to be lost due to a one-off sale. That is something about which the government should hang its head in shame. I seem to remember those opposite criticising the federal government for selling off Telstra. Now they are guilty of doing exactly the same thing. The government should hang its head in shame that it needs to sell assets to fund essential services. This should sound a warning to Queenslanders that more assets will need to be sold in the immediate future to fund the many other shortfalls and shortcomings of this government in the budget to be delivered next week when clearly it is desperately looking for whatever hollow logs it can raid.

Mr CHOI (Capalaba—ALP) (3.18 pm): I rise in support of the Lotteries Amendment Bill 2007. Mr Deputy Speaker, at the outset I say to you that I am absolutely confused. The Leader of the Liberal Party spent 31 minutes of his speech telling us how wonderful Golden Casket is—and it is. He also told us about its history and its linkage to Queensland—and it is a very important part of Queensland history. Then he also told us that this new arrangement is almost akin to selling our family heirloom and made me feel really guilty. But at the end of the 31st minute of his speech he said that the opposition will not oppose it. I have to ask: why not? Why not oppose it if he so seriously and honestly believes that it is the wrong thing to do? I can only come to one conclusion: I do not know how good a doctor the honourable member for Moggill is, but I do know that he is a very good investor and he is a good businessman. He knows that this is the only thing we can do as a responsible government to ensure that Golden Casket delivers the outcome for Queenslanders. That is why the opposition cannot object to it. That is the only conclusion I can draw. Otherwise, I challenge the opposition members to stand up and oppose the bill. If they so seriously believe that this is the wrong thing to do, they should oppose it. It as simple at that.

The Golden Casket has been operating in Queensland for close to 90 years. It provides entertaining games of chance—instantly recognisable brands such as Gold Lotto, Oz 7 Lotto, Powerball and, of course, the ever popular last minute thank-you gift, the Instant Scratch-It. They are as much a part of Queensland life as beaches and barbecues.

From its humble beginning as a means for raising funds for our diggers from the First World War, the Golden Casket has been 100 per cent Queensland owned by the state government. The corporation has been an integral part of Queensland's economy, with its beneficiaries ranging from all types of local committee groups and not-for-profit organisations, schools and cultural projects right through to hospitals—all here in Queensland. The emphasis of the corporation is on putting back into the community, with a special emphasis on our young people—our children. All the initiatives that the corporation has either initiated or become involved in over the years are now established in their own right, with thousands of Queenslanders benefiting from them.

So why do we make these new arrangements? We have no choice. Whether we like it or not, the population of Queensland is only four million people. Therefore, the pool size is small. Increasing competition and advances in technology mean that the Golden Casket is facing extremely difficult challenges. It is the belief of this government that we will get the maximum benefit for Queenslanders by making this new arrangement.

This bill will support the transaction of transferring the business operations of the corporation to a non-government entity, which is Tattersalls, while ownership of the lottery licence and the instantly recognisable Golden Casket brand remains with the state government. A licence agreement governing the use of that brand for the next 60-plus years is part of that transaction.

As with any business transaction, part of that process is making sure that all the affected parties—in this case the 200-odd existing employees of Golden Casket—are looked after. This bill supports the collective agreement that has been negotiated by the ASU on behalf of the Golden Casket staff which ensures that current employees' entitlements are protected. Items such as long service leave, casual loading and access to personal leave are secure for three years, together with protection against forced redundancies.

Transitional provisions are also enshrined in this bill to ensure the continuity of operations by the Golden Casket Lottery Corporation so that there will be no break in the delivery of lottery products despite their changing status from lottery licensee to lottery operator.

Another important policy point that is contained in this bill is the establishment of the requirements that the licensee's head office and principal operational offices for key personnel and company services remain in Queensland. This bill confirms the Queensland government's commitment to deliver the maximum benefit to Queenslanders. I support the bill.

Mr SPRINGBORG (Southern Downs—NPA) (3.22 pm): The only way that we will be able to judge the success of what we are doing in this place today is in years to come to look back upon all the provisions that have been put in place. That is the way that I have tended to judge things that have occurred in this place over many years. We hear all of the policy contentions that are put forward by the government of the day to ensure certain protections, whether they be workers' entitlements or whether

they be the protection of the beneficiaries or whoever the traditional client of a particular service is. Often, a number of years later when we sit back and look objectively at the arrangement, the things that the government said should be delivered were not necessarily delivered. The real and ultimate test in this case is how the carriage of the legislative provisions which will pass through this parliament today will be enacted, carried forward, regulated and overseen.

I heard the member who spoke before me say that, because the opposition members have some concern about the government's approach, they should oppose the bill. I disagree with the honourable member. Members can express concern in this place. Members can have a policy difference in this place. But that does not mean that members necessarily oppose the legislation holus-bolus. That is the understanding of this parliament. It is the job of members to express their concerns and debate the issues that really worry them. I agree with the points that were raised by the members for Robina, Surfers Paradise and Moggill. This is not necessarily the best way of funding a new children's hospital in Queensland. There are some risks involved in this process. We could be selling the people of Queensland short. Maybe there is a better way of doing this.

But, as I have seen the government's approach towards a new children's hospital in Queensland, it is quite apparent to me that this legislation is the only way we are going to get a new purpose-built paediatric hospital in Queensland. The government is not going to fund it any other way. That is the simple reality. I see opposite the Treasurer, the Inspector Clouseau of internet survey manipulation, sniggering as I put forward that particular contention. Last year, this very same person could not wait—she virtually broke a leg to tear across to the opposition side of the parliament to vote against a new specialist paediatric hospital in Queensland. We did not need one. We did not want one. It was going to be over the Premier's dead body.

As has been pointed out in this debate by the honourable members on this side of the House, the reason we need a new children's hospital is that at the moment what we have is dysfunctional, fragmented and is not serving well the children of Queensland. Last year an expert panel of paediatric specialists and clinicians and other experts said as much to the government. On that very day the opposition members said that we would support the proposition by that expert panel that there should be a new purpose-built paediatric hospital in Queensland. We said on day one that we would do that. We said that we would work through the details as that process continued, and further recommendations were made to the government of the day as we absolutely needed a new purpose-built paediatric hospital.

What did we see from the Deputy Premier, the Premier and the other members opposite? The most scurrilous and scandalous process of hysteria and scaremongering that one could ever come across. They whipped out there and said, 'This would mean that the Mater Children's Hospital would be closed. Something that has stood the children and families of Queensland in good stead for decades would be closed down, would be torn asunder. What would this mean for the Prince Charles Hospital? What would this mean for the Royal Children's Hospital? We would be left in this wasteland, this never-never land somewhere out there.' We heard all of those sorts of things. At the time the opposition members said to the government, 'Be positive,' because this proposal was put forward by an expert panel.

The reason we need this hospital is clear. Over a period paediatric medicine has advanced quite significantly but, through fragmentation and a lack of specialisation, the specialist skills that are necessary to give our children in Queensland the best care that they need are not being delivered properly. It was properly pointed out by that committee of experts that there were children who did not receive the best of service and, as a consequence, who may have died.

It makes eminent sense to have a whole range of paediatric specialities in one place. There is no doubt about that. I also note that there will be other places that will specialise in specific areas of children's medicine, such as oncology. That is fair enough, as long as there is proper coordination and a proper speciality. But the reality is that, in this case, we should amalgamate all the specialities. That is all the opposition members ever proposed.

If the government thought that it was a good idea when it introduced this legislation as the precursor for the funding of this new hospital, then why did it not think that it was a good idea over 12 months ago when it was playing politics? What has changed, other than a process of political manipulation and opportunism? That is the only thing that has changed. If it was good policy 12 months or so ago, then the government should have said that 12 months or so ago, rather than playing politics at the time. That is what the government has done.

The reality is that this legislation is the only way this government, which is so financially mismanaging Queensland, can fund this new children's hospital. This government has dressed up something that should be a concern to the people of Queensland—the sale of an icon that has underpinned much of what we have been able to enjoy in Queensland because of the regular disbursement of funds back to the taxpayer. It has couched a highly supported policy position, the construction of a new specialist paediatric hospital, with the sale of the Golden Casket in Queensland. The government has taken those two contentions and put them together to make the sale of the Golden Casket fairly unarguable, even though it is not necessarily a totally honest process by which to fund a new specialist paediatric hospital in Queensland.

The government is doing this because it is fast running out of money. Members should keep in mind that last year the government came in here and said that we were going to have a modest budget surplus. However, since that time a whole range of infrastructure has had to be planned. That infrastructure is totally necessary for the provision of services to the people of Queensland, and particularly the people of south-east Queensland, but it will not cost just a few extra dollars a day; not even tens, hundreds or thousands of dollars a day. Over a period of just a few months, it will cost hundreds of millions of dollars. That has been the result of this knee-jerk approach to water infrastructure provisioning in south-east Queensland.

Something that in time could have cost $1 billion or maybe $2 billion will now cost $9 billion, and that cost is increasing day after day after day after day. Is it any wonder that the government is going to have to sell the family silver in order to pay for good policy decisions for the people of Queensland, such as the new specialist pediatric hospital? If this government had applied a stitch in time with regards to water infrastructure, then we would not have had to spend $9 billion. This government has turned a $1 billion cost into $9 billion and possibly even more.

Last year the government came into this place and said that we would have a modest $1 billion surplus but that everything would be okay. Then it announced that although we have to find extra—indeed, multiple— billions of dollars, we do not have a structural problem in the budget and will not have to sell off the family silver in order to fund necessary good policy for the state of Queensland. I remind honourable members, particularly the new members to this place, that this has happened because the government did not properly fund and provide infrastructure in time. As a consequence of knee-jerk reactions, and particularly the panic with regards to water, the government has been forced into selling things off to provide a new specialist pediatric hospital.

Let me provide a history lesson for honourable members opposite. In 2003, 2004 and 2005, the opposition came into this place and said that we had an emerging water crisis in Queensland that would require some application of money, and that if that did not happen in the future it would cost very much more. Do members know what the government of the day said? In 2003 it said, 'We do not have an emerging water crisis. We see nothing but a perfect example of good water management in Queensland. There is no emerging water crisis.'

The very next year, as a part of our budget reply we came into this place and told the government that it would have to spend some money because we needed infrastructure such as dams, pipelines and desalination plants because we were facing a water crisis. The government said, 'This is a typical 1950s dinosaur approach from the opposition. You do not build dams and infrastructure anymore. You use water management.' The member for Algester would remember that; she was here. What do we have now? Knee-jerk panic! The next year we raised the same issue. The government of the day told us, 'You don't build dams and infrastructure. They're blokes things.' That was said by the now Minister for Child Safety.

The government is now depriving the people of Queensland of assets—assets that return further assets—in order to fund by panic things that it should not have had to fund to this extent. That is what this is all about. It is good policy, although it has been couched in something that is not necessarily good policy. In most cases one would have to stand up in this place and say that it was unjustifiable but, frankly, we cannot pass up the opportunity to build a new specialist pediatric hospital in Queensland. That must be supported.

The coalition led the government on this issue by at least 12 months. It is a great pity that we had to do that and it shows the dearth of thinking on the other side. They were more interested in playing politics than formulating good policy. I caution the government: in the future it must ensure that it responds properly, and not politically as it did on the eve of the last Gaven by-election, and ensure that it provides the funding for infrastructure at the right time. The old adage of a stitch in time saves nine could have saved not only the government but also the people of Queensland untold future financial hardship, which is the consequence of the government's financial mismanagement and a lack of policy ideas in this state.

Hon. AM BLIGH (South Brisbane—ALP) (Deputy Premier, Treasurer and Minister for Infrastructure) (3.33 pm), in reply: I thank members for their contributions to the bill. I thank the opposition for its decision to support the bill.

This is a very important bill because it secures the long-term future of the Golden Casket. We have heard from those opposite a lot of conspiratorial nonsense about what has motivated the sale of the management rights of Golden Casket. To put people straight, I put on the record that there was only one motivation in our decision in relation to the new arrangements with Tattersalls, which was not only our desire but an urgent need to give Golden Casket a solid national footing.

There should be no misunderstandings about the increased competition for the entertainment dollar from a range of different gambling opportunities. Technological innovation means that increasingly lotto is an online activity. It can be conducted across different states. Other states are putting their licences for lottery and gambling onto the market. As a result of that we will see the likely consolidation of the lotto industry.

We were not going to stand by and allow a consolidated national lottery to form while the Golden Casket sat idly in Queensland and withered on the vine. I was pleased to hear every speaker from all sides acknowledge the importance of the Golden Casket to Queensland's history and the iconic nature of the organisation. As I said, our responsibility is to make sure that, in a rapidly changing national market, the Golden Casket has a solid future. Golden Casket is now part of the largest national gaming organisation in the country. It is a solid part of a large national organisation and the headquarters of that organisation is located here in Queensland.

Any suggestion that this is some sort of knee-jerk dash for cash is absolute rubbish. One really wonders how those opposite think that something like this happens. Do they think that one night I ring Tattersalls with an idea and they agree to buy it the next? These are very complex commercial decisions, not only for the government but also for the other organisation, which in this case is Tattersalls.

As someone who is a shareholder in Tattersalls, I can reassure the member for Moggill that Tattersalls undertook all of the due diligence that one would expect any responsible commercial organisation to take. Similarly, there has been all kinds of conspiratorial nonsense spoken about the sale process. I can reassure members on that point. Tattersalls came to the government and put the proposition for a merger. Tattersalls is the only national lotto organisation in the country. Putting it out to market would only have been necessary if the government was prepared to sell the management rights to the Golden Casket to an offshore organisation. I make no apologies for not sending this offshore—none whatsoever. We want the Golden Casket to remain an Australian organisation and for it to have a large Queensland presence, and that is exactly what this process has ensured.

In relation to income from the Golden Casket, the member for Moggill conveniently mixed dividends and taxes. If I separate those out for members, I can tell the House that in 2005-06, the Queensland government saw a return to the taxpayer of $185 million in taxes and $16 million in dividends. All of those taxes will continue to be paid by the organisation. The ownership of the organisation is irrelevant to its tax liability.

A government member: And more.

Ms BLIGH: And more. I take the interjection. As we see the Golden Casket grow because of this decision, we can confidently expect to see a stronger tax dividend from a stronger organisation.

The member for Robina asked a specific question in relation to current arrangements that see $1.5 million from the Golden Casket distributed across a number of our hospitals. That $1.5 million is taken directly out of the tax share and is paid through Queensland Health to those hospitals. That arrangement will continue under the new arrangements.

Much has been made of the fact that my second reading speech did not include a reference to the Queensland Children's Hospital. Those opposite sought to make much of that strange observation that they had made. However, they did not draw the attention of the House to the fact that one hour earlier I had made a comprehensive ministerial statement to the parliament, which is on the *Hansard* and the parliamentary record, outlining in detail that the proceeds of this sale would, indeed, be allocated to the Queensland Children's Hospital. Far from being an afterthought, as alleged by the member for Moggill, the funding for the Queensland Children's Hospital was in fact announced the day before the bill was introduced into the House. Therefore, the second reading speech was actually made after the announcement in relation to the Queensland Children's Hospital. Something that is done before is rarely described as an afterthought.

My second reading speech did what a second reading speech is designed to do, and that is to outline to the House the purpose of the legislation. The purpose of this legislation is very simply to put in place the necessary arrangements to ensure that the merger can proceed. It is not the purpose of this legislation to allocate funds to any purpose, whether it is the children's hospital or any other worthwhile purpose. Therefore, it was not relevant to this legislation. But, as I said, I outlined it fully on the parliamentary record about an hour earlier as well as making public announcements the day before.

As I said, I am pleased to hear that the opposition is supporting the bill, although I do not think I have ever heard a more mixed range of speeches in which people alternated between saying that they would sell it or they would not. The member for Moggill indicated that he thought it should be sold. The member for Robina assured the House that any government he was part of would never sell it. The member for Surfers Paradise acknowledged that gambling is not the core business of government and therefore supported the sale. As I said, I am really not sure if they quite know what it is that they would do should they ever be on this side.

Probably one of the most extraordinary contributions was the suggestion by the member for Robina that there was something untoward in our not being out in the marketplace talking about the likelihood of this merger prior to the parties deciding to go ahead with it. He dismissed offhand my reference to market sensitivity. It may come as a surprise to the member for Robina that Tattersalls is a publicly listed company. It therefore has legislative responsibilities for public disclosure. It would have been in contravention of those public disclosure responsibilities if Tattersalls had not announced this on

the day that we had, because that was the point at which we had reached agreement. But to do so any earlier would have had a potentially very difficult impact, or a potentially advantageous impact, on the share price of Tattersalls on the market. That sort of market information is sensitive and we make no apologies for protecting the market sensitivity of that information and applying due diligence throughout the process before making a final decision.

Some serious questions were asked in relation to staffing. Again, the member for Robina seemed to think that it was something shocking that the existing conditions of staff were not being preserved beyond three years. I am happy to explain to the member for Robina that the existing conditions of staff are contained in their enterprise bargaining agreement, and we can constrain the new owner to protect those conditions for as long as the term of the agreement. Unfortunately, there is this thing called WorkChoices. After the term of this present enterprise bargaining arrangement ceases in three years time, unless we see a federal government that is prepared to make some changes, it is not possible for the government, nor would it be legal for us, to constrain the new manager from exercising other industrial options as they see fit in consultation with the relevant unions, and nor could we do so.

There were some strange accusations about how the CEO might manage his business. I do not think the opposition can, on the one hand, praise this organisation for all that it has achieved while, at the same time, imply that management is incapable of taking on extra responsibilities. I think it is a great credit to Bill Thorburn, a great credit to his management team and a great credit to the organisation that they are held in such high esteem that they will now be managing this organisation nationally. Frankly, I congratulate them on that rather than criticise them for it.

In relation to the Queensland Children's Hospital, the Queensland Children's Hospital was an election commitment of this government. Work is proceeding apace between the Prince Charles Hospital, the Royal Brisbane and the Mater Children's hospitals to ensure that this hospital can be constructed in the time frame. It is, as I said, going full steam ahead. These funds were allocated because that hospital, like much other public infrastructure, would have been funded through debt—a responsible level of debt and a manageable level of debt. But when you get a windfall opportunity to retire debt it makes good sense to do so, and that is the decision that we have taken and one which I think is thoroughly and utterly defensible.

The member for Moggill seemed perplexed when members on this side were somewhat astounded to hear him talking about his commitment to the Queensland Children's Hospital. I can assure the member for Moggill that it was not his views on the Queensland Children's Hospital that caused some mirth. I think I would join with others in being somewhat astounded that he would ever want to revisit that episode. None of us will ever forget the press conference in which he was unable to name the number of beds that he would have in the children's hospital and how much it would cost, and then denied saying that he could not. It was one of his best moments and I loved seeing it over and over again. As I said, if I were him, I would have put that one right down.

It was a pretty bizarre and strange contribution, I have to say, from some members opposite. I do thank them for supporting the bill because it is an important bill. I am, however, at a complete loss to understand where they now line up on the question of public ownership of assets and whether they believe that any responsible government should ever look at its asset base and put its assets to better use when there is an opportunity to do so in a way that protects those assets in the way that this bill seeks to do.

Before concluding, I want to thank those Treasury officers who have been involved in this process. I can indicate that there have been a number of months of very hard, detailed, rigorous work and assessment, and they have done a very good job on behalf of the people of Queensland in managing this particular asset or the management rights transaction. Before concluding, I table for the benefit of the House the explanatory notes to amendments that I intend to move in consideration in detail. I commend the bill to the House.

Tabled paper: Explanatory notes for amendments to be moved during consideration in detail.

Question put—That the bill be now read a second time.

Motion agreed to.

Consideration in Detail

Clauses 1 to 49, as read, agreed to.

Clause 50 (Insertion of new ss 131A and 131B)—

Ms BLIGH (3.46 pm): I move the following amendments—

1 Clause 50 (Insertion of new ss 131A and 131B)

At page 28, line 26, '**consolidated fund**'—

omit, insert—

'Treasurer's unclaimed moneys fund'.

2 Clause 50 (Insertion of new ss 131A and 131B)

At page 29, line 15, 'consolidated fund'—

omit, insert—

'Treasurer's unclaimed moneys fund'.

3 Clause 50 (Insertion of new ss 131A and 131B)

At page 29, line 16, 'consolidated fund'—

omit, insert—

'Treasurer's unclaimed moneys fund'.

4 Clause 50 (Insertion of new ss 131A and 131B)

At page 29, lines 21 and 22, from 'must pay' to 'further appropriation'—

omit, insert—

'must—

(a) pay the amount from the Treasurer's unclaimed moneys fund; or

(b) if the amount has been paid into the consolidated fund under the *Financial Administration and Audit Act 1977*, section 46(3), pay the amount from the consolidated fund without further appropriation'.

5 Clause 50 (Insertion of new ss 131A and 131B)

At page 29, after line 25—

insert—

'***Treasurer's unclaimed moneys fund*** means the fund by that name kept under the *Financial Administration and Audit Act 1977*, section 46.'.

There are five amendments circulated in my name that relate to clause 50. Each of these amendments has the same effect, and that is to correct a drafting error which, if uncorrected, would see unclaimed moneys out of the lotteries fund go into the consolidated fund. That is not the intention. The intention is to retain the current arrangements, and that is that any unclaimed moneys out of the lottery would go into the Treasurer's unclaimed moneys fund, as has been the case for a substantial period of time. I think that the amendments are self-explanatory and uncontentious, and I recommend them.

Amendments agreed to.

Clause 50, as amended, agreed to.

Clauses 51 to 62, as read, agreed to.

Clause 63 (Insertion of new pt 12, div 6)—

Ms BLIGH (3.48 pm): I move the following amendment—

6 Clause 63 (Insertion of new pt 12, div 6)

At page 45, lines 1 and 2, '**into, and out of, the consolidated fund**'—

omit.

This amendment is an insertion into new part 12, which is the transitional arrangements that seek in the same way to ensure that the consolidated fund arrangements are maintained.

Amendment agreed to.

Clause 63, as amended, agreed to.

Clauses 64 to 67, as read, agreed to.

Schedules 1 and 2, as read, agreed to.

Third Reading

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

Motion agreed to.

Long Title

Question put—That the long title of the bill be agreed to.

Motion agreed to.

INDUSTRIAL RELATIONS ACT AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 18 April (see p. 1299)

Miss SIMPSON (Maroochydore—NPA) (Deputy Leader of the Opposition) (3.50 pm): Workers have a right to a fair go, as do their employers, with a focus on achieving a balanced industrial relations system which respects individual rights as well as the need to create an economy which continues to expand and create new jobs. That should be the test for any industrial relations bill this House is asked to consider. However, there is no balance in this legislation as it currently stands and there is no fairness for workers or the businesses which employ them.

We should never forget that in Queensland most businesses are small businesses, family operations run by mums and dads who are the backbone of the Queensland economy and who put their own capital into creating the jobs which spread the created wealth throughout our local communities. Job security requires a clarity of business conditions as much as it requires a fair, legislated industrial relations system. By failing to provide clarity and, in fact, deliberately legislating to create confusion with unconstitutional provisions, the Beattie Labor government is threatening jobs and adding dead costs to businesses—money which will not find its way into people's pay packets.

I believe that this legislation is tricky and deceitful and that it will, in fact, be a cost impost on more small businesses and in turn that will cost the people they employ. I will explain. This legislation is designed to try to make Queensland businesses and their workers who are covered by federal laws subject to a state based ombudsman. It will eventually be challenged and the contradictory aspects overturned in a higher court. However, what a dog's breakfast it is to expect small businesses to have to wear that cost. Many do not have the financial or legal fire power to fight unconstitutional aspects of this legislation. Once again they are the pawns in the union-sponsored campaign backed by this Labor government.

Why should workers and their employers have to be punished for the philosophical war between the state and federal government through the implementation of this legislation. There is a federal body already which is able to investigate claims of unfair work practices of people whose jobs are covered by federal laws. In fact, in recent weeks the federal government has announced that it will strengthen these provisions and create a federal ombudsman and introduce an additional safety net for workers earning less than $75,000.

There are some aspects of this legislation that we are not raising objection to, such as workplace health and safety and workers' compensation and rehabilitation changes. My main criticism is in relation to the main intention of the legislation. This bill as a whole could be redeemed if it actually applied to the new state ombudsman the task of addressing a very real area of failure in state industrial relations and that is the culture of bullying and intimidation within the public sector in Queensland. Never have we seen such a level of bullying and thuggery sanctioned and presided over by this Labor government within the public sector. It has risen to new heights in recent times and has led to high levels of staff stress and poor retention rates.

The Queensland National-Liberal coalition has affirmed our support for maintaining a state based industrial relations system for the state Public Service. That is our official published policy. We went to the last state election with it and it is still our position. However, we believe that there does need to be real and additional protection for the Queensland Public Service because, as I mentioned before, an industrial relations system must be fair for both the workers and the employers. Currently that balance does not exist in Queensland in the state Public Service. That balance, a fair balance of rights and responsibilities between employees and the employer—in this case being the state public sector—does not exist. There has to be a way of addressing this.

We believe that to address some of that imbalance it is important if there is to be a state based ombudsman dealing with these industrial relations issues that they should be able to also address the issues of bullying and intimidation in the public sector and its units. The state coalition intends to move an amendment to this legislation to address this anomaly, this failure in the current state system. We believe that there should be an ombudsman who can, in fact, address the issues of bullying and intimidation in our public sector. This is important not only for our public servants but also for those who rely upon the services that they deliver.

Despite numerous inquiries, workplace bullying and intimidation, staffing issues, poor morale and inadequate resourcing are still rife in the public sector in Queensland. Cultural surveys of government departments continue to highlight the very real problems that exist and the growing distance between the politicised upper echelon of the Public Service and front-line staff and officers. Despite numerous promises by the Beattie Labor government little has been done to address the issues identified by the Davies and Forster reports into Queensland Health. The negative culture identified in these reports has now become system-wide and endemic and threatens to cripple the Public Service unless immediate remedial action is undertaken.

The lack of an independent and impartial body to hear and progress workplace grievances by public sector employees has been identified as the chief cause of the discontent amongst staff and contributing to the malaise that affects many departments. It also substantially hampers efforts into the identification and elimination of unfair and intimidatory practices and behaviours within the workplace. Employees remain fearful of reprisals if they do report such aberrant behaviour through normal challenges. It was this very real fear of retaliation and punishment that contributed to the breakdown of the health system and led to the 'Dr Death' scandal.

It is therefore considered imperative that Public Service employees and other employees of the public sector be guaranteed the same access to the protection and assistance offered by the ombudsman that this bill offers other Queensland employees. The fact is that there is little to no evidence that remedial measures currently in place are having any effect. Media reports such as those I will outline reveal that despite repeated warnings and mounting evidence, Public Service employees are continuing to work in hostile and aggravating workplaces with the inevitable detrimental effects on staff health, morale, performance and turnover.

I will now turn to the supporting evidence. The Forster report, the final report into the Queensland health system, stated—

In the case of Queensland Health it has been frequently reported during district visits that at least a part of this culture can be described as one of bullying, threat, intimidation, coercion and retribution on the one hand and of secrecy, covering up of faults, blaming, accusing and avoiding responsibility on the other.

Bullying, intimidation and retribution have been described repeatedly throughout the state as typifying part of the Queensland Health culture. Descriptions such as tribalism, bullying culture, tokenistic consultation, no culture of teamwork and a culture of power and control were repeated themes throughout the consultation. Where bullying existed there were examples of inaction or lack of appropriate and timely action by management. Some managers cited cases where they were not prepared to manage poor performance for fear of being labelled a bully.

It is quite a confusing and disastrous situation when people are in such fear of reprisals in the Queensland health system, and that is continuing.

I will quote from the Davies report, the Queensland Public Hospitals Commission of Inquiry Report, 2.20, subsection (k)—

Doctors leave the public system because they see major compromises in the quality of care and do not wish to be part of that or because they are aware of intrusions into clinical autonomy and a culture of bullying.

At 5.310 Dr Aroney also said—

He could not work with the bullying, intimidation and threats of reprisals and he felt personally unsafe in his employment with Queensland Health after being previously threatened by Dr Scott.

Let me turn to a *Sunday Mail* article of 26 June 2005 which states—

Hospital staff were horrified when told to put any complaints to the Foster inquiry reviewing Queensland Health through their own manager's office. A member of the regional hospital executive told a staff meeting that a copy of their submission would be retained by the hospital for future reference. Lawyer Susan Moriarty, representing several Queensland Health staff, has written to director-general of Health, Dr Steve Buckland, expressing her concerns on the matter. 'One of my clients was extremely worried about reprisals,' she told the *Sunday Mail*.

There are other examples in the *Courier-Mail* on 18 May 2005. In one of the articles Susan Moriarty is quoted as saying—

In almost six years of practice as a lawyer specialising in public sector employment law, I find Queensland Health still tops the list of bullying agencies in the Queensland Public Service. It punishes its employees for the most innocent of infractions with the harshest of sanctions and it fights calls for fair treatment by its employees to the end of their financial tether. It's not a new minister that we need but a new culture.

In the *Cairns Post* on 20 December 2006 under the headline 'Welfare workers strike' we read—

Child Safety workers fear abused Cape York youngsters will continue to be neglected unless the department fixes its staffing crisis. More than 30 Department of Child Safety workers walked off the job in Cairns yesterday afternoon in protest at the lack of resources, high workloads and the treatment of three of their far northern colleagues. The union also said that the current Child Safety officers were being smothered by up to 60 cases each, four times the workload recommended by the Crime and Misconduct Commission during its 2004 inquiry.

Then we turn to the ambulance service. In the *Sunday Mail* on 6 May 2007 there was a headline 'Ambo service in meltdown: levy funds fail to halt problems'. Officers cannot be named because they have been threatened with fines and sacking if they speak out. Staff have been threatened with $3,000 fines for speaking out about the controversial roster reform or are told they will be sacked if they talk to the media. There has been a 10 per cent increase in sick leave figures in the past two years with more than 70 per cent of staff saying they are taking more sick and stress leave than ever.

These are just the tip of the iceberg. There are many other government departments and tragically many other examples where people who believe in the future of the public service have found themselves bullied, intimidated and demoralised. Eventually people of good intention and good heart burn out and get out. We cannot afford to see this culture of bullying and intimidation continue in the public sector. We cannot see these good people at the front-line and in other supportive roles leave the public sector.

The amendment that we have circulated will address this issue. It is time that attention was given to addressing this appalling bullying culture in the public sector. We welcome the support of the government for the amendment that we will move. This would genuinely show that there is some intention to address this culture that we know is still rife within the public sector. It must be addressed. There must be a legislative approach to provide those powers to an ombudsman to start to address this issue. Until that happens the future of the public sector, the future of the delivery of ambulance services and health services or services within the department of primary industries and so on are in doubt. There must be a fair system to address rights and responsibilities. I urge the House to support the amendment that we have circulated which will provide an avenue for the ombudsman to address this issue.

Mr MOORHEAD (Waterford—ALP) (4.04 pm): It is with great pleasure that I rise to support the Industrial Relations Act and Other Legislation Amendment Bill 2007. This bill proposes a suite of changes that will ensure that Queensland's legislative framework for industrial relations is providing a fair go for Queensland employees and employers in an ever changing legislative environment. Frankly, I do not know how the minister keeps up with all of the changes from the federal government to its workplace relations legislation.

Mrs Sullivan: They have a lot of deviation in their policies.

Mr MOORHEAD: I accept that interjection from the member for Pumicestone. On 27 March 2006, the WorkChoices extreme and radical laws became operative. Even though they were intended to make it hard for working people, the federal government has had to make more and more regulations and amendments because the laws had extreme consequences, beyond what they had even planned themselves. The minister should be congratulated on the introduction of this important bill before the House.

This bill will ensure that this state government does all it can to protect Queenslanders from the onslaught of the extreme workplace laws of the Howard government. This bill proposes some procedural changes to ensure that the Industrial Relations Act 1999 continues to provide the effective dispute resolution processes that it has since its introduction. This bill will ensure that the ability of the QIRC to certify a purported agreement is dependent not on the technicality of signing an agreement but rather on whether an agreement was actually reached. This approach was taken by the AIRC prior to the 2006 introduction of WorkChoices and is a sensible approach. Industrial relations is an environment where trust and integrity are important. It is important that the implementation of an agreement is not held up by one party trying to back out of a deal.

New chapter 8A in the Industrial Relations Act will introduce for the first time a Queensland Workplace Rights Office and the Queensland Workplace Rights Ombudsman. The establishment of the Queensland Workplace Rights Office will ensure that employers and employees can access a one-stop shop offering advice, information and support for fair industrial relations practices. This will assist employees and employers, particularly small to medium employers, who have to wrangle with the legalistic nightmare of WorkChoices. I find it difficult to fathom how any member of this House could not support such a move.

The Queensland Workplace Rights Office will have two main functions. Firstly, the office will facilitate and encourage the fair treatment of workers in Queensland. Secondly, it will provide advice to the minister on strategies to mitigate the negative effects of WorkChoices. It will do this by providing information to employees and employers on federal and state industrial relations laws, investigating unlawful, unfair or inappropriate employment practices and reporting on any findings. The Workplace Rights Office will also be able to bring these findings into the public arena.

As well, the Queensland Workplace Rights Office will refer cases of unlawful work practices to appropriate authorities, advise on ways to improve protections for vulnerable workers and promote best practice in industrial relations. These are fair and balanced objectives. No-one in their right mind could say otherwise. Compare this to the federal government's sham fairness test for AWAs where employees can still lose pay and conditions.

The Queensland Workplace Rights Office will be an important source for advice to the Queensland government on how best to continue to minimise the negative effects of WorkChoices. The QWRO, as a result of its investigations, will be in a strong position to provide advice on strategies to promote fair and equitable industrial relations and work practices in Queensland.

The information will be even more important because the federal government is unwilling to provide a transparent assessment of the impact of WorkChoices on workers and their families. We know this because when the Office of the Employment Advocate reported its findings of a survey of 250 AWAs in May 2006 the federal government was embarrassed at being exposed and, as a consequence, the employment advocate has decided against any further sampling of this sort. The survey of the 250 Australian workplace agreements demonstrated that AWAs are a useful tool to strip away award

conditions. One hundred per cent excluded at least one protected award condition such as rest breaks, overtime, annual leave loading and allowances, 64 per cent removed leave loadings, 63 per cent removed penalty rates, 52 per cent removed shiftwork loadings and 40 per cent removed payment for gazetted public holidays.

What is needed in this debate is real information and a real balance because the federal government's WorkChoices 'Protected by law' advertising campaign was purely and simply a con job. Now we have seen the word 'WorkChoices' removed from the latest taxpayer funded propaganda campaign.

It does not matter what one calls it; the laws are still unfair. The simple fact is that the federal government's workplace bodies—the Office of Workplace Services, the Office of the Employment Advocate or the Workplace Authority—cannot be relied upon to assist or report on the impact of WorkChoices on employees. One has to wonder why an open and accountable system has been ripped away in place of a secret regime that encourages secret negotiations, individual contracts that never see the light of day and a totally inept information system that even has employers up in arms over its inefficiencies. The state's own Wageline service, highly regarded by employers and employees alike, has had to carry the slack at added cost for the bungling of John Howard and his inept ministers. I understand that the minister has written to Minister Hockey seeking compensation for the extra work Queensland government infoline staff are being burdened with thanks to the pathetic service coming out of Canberra.

This is a reasonable request. If employees and employers are coming to the Queensland government to get information they cannot otherwise get from the federal government, then let the Prime Minister or Minister Hockey foot the bill—not Queensland taxpayers. Joe Hockey has abdicated his responsibilities to Queensland employees. The fact is that the Howard government owes the Queensland government $243,000 for services provided to employees and employers on federal industrial relations matters arising under WorkChoices. The Queensland Department of Employment and Industrial Relations, under contract from the Commonwealth until 30 June 2006, had provided information and compliance services on federal legislation and industrial instruments to employers and employees covered by the Workplace Relations Act.

The farcical situation now exists where many of the customers calling the Wageline and Fair Go Queensland services seeking information on WorkChoices have actually been referred by the federal government's own WorkChoices infoline staff. Other employers and employees prefer to contact the Queensland government, and who could blame them! The state government service is more efficient and has more information on the federal government's own laws than its own infoline. Since 1 July 2006 when the Queensland government was no longer contracted to provide a service to federal industrial relations customers, the Queensland government has serviced more than 48,000 callers seeking information and advice on federal matters at a cost of $243,000 to Queensland taxpayers. The Queensland government has carried the burden for Joe Hockey and John Howard for long enough. They should put their money where their mouth is, because employees and employers in this state deserve a fair go and a fair amount of information about what is actually going on.

I now want to move to some of the other important elements of this legislation. This bill will also provide access to justice for employees on incomes of less than $98,200 per year by establishing a low-cost procedure for the Magistrates Court to resolve claims relating to breach of contract of employment. This is particularly important, because for most employees important terms of their employment conditions such as their rate of pay are determined by a contract. Since 1996 when the Howard government changed awards from fair conditions to safety net conditions, award rates of pay have become less and less relevant to most workers. Indeed, award rates of pay are becoming relevant only for the lowest paid.

One would have to look hard to find a fitter or a boilermaker who is working for the award rate of pay—$15.93 an hour. So many workers have their rate of pay determined by overaward payments in a contract of employment because the award rate of pay has been left to wither by the Howard government. This reform will give employees an opportunity to pursue claims where agreed conditions have not been complied with. As well, it will provide employees with an opportunity to pursue claims for the wrongful termination of their contract of employment.

The bill also proposes to provide protection to that group who are most vulnerable in the workplace—young workers, particularly those looking for their first job. These reforms will ensure that children—those young people under 18 years of age—will now have protection from unfair and unlawful dismissal as well as a no disadvantage test against the employment conditions set by the independent Queensland Industrial Relations Commission. This will ensure that Queensland's young people are given a fair go and an opportunity to enter the workplace on a fair footing.

The bill will also empower the QIRC to resolve disputes where the parties have agreed to seek the assistance of the QIRC. The reality of the Workplace Relations Act since 27 March 2006 is that part 13 of the WorkChoices legislation does more to prevent dispute resolution and access to the AIRC even where both parties agree. This amendment will ensure that parties can continue to take advantage of the QIRC to resolve disputes, particularly in respect of unregistered industrial agreements which are a

common feature of many industries in Queensland. This is a great piece of legislation to protect employers and employees from the WorkChoices legislation as far as is humanly possible by the Queensland government. I congratulate the minister for this legislation and commend the bill to the House.

Ms STRUTHERS (Algester—ALP) (4.14 pm): I am pleased to support the passage of this very important industrial relations bill. Working people in Australia and Queensland have copped one of the most savage attacks on their employment security and conditions in the history of Australian work relations. This attack has been at the hands of the Howard federal government through the WorkChoices laws. The Beattie Labor government to its credit has taken every possible practical and legal step to counter the Howard-led attack. We have taken many steps to enshrine in state laws and programs support for working people. The Beattie Labor government stands proud in stark contrast to the mean-spirited Howard government.

John Howard has been a pro 'the big end of town' zealot at the expense of working people. In contrast, the Beattie government has a strong record of expanding the rights and working conditions of working people in Queensland. At the same time we have been cognisant of the need to provide a good climate for business in Queensland—an attractive climate with research incentives, export incentives, taxation arrangements that are attractive to business and investment arrangements. We have a balanced approach. This bill deserves the support of all members of this House because it continues with that balance. It continues to support workers who need a fair go while at the same time doing no harm to the operations of businesses throughout Queensland.

This bill deserves the support of all members of this House because it will establish the Queensland Workplace Rights Office and the Queensland Workplace Rights Ombudsman. It deserves the support of all members because it also sets up a low-cost common law jurisdiction for employees on low incomes who cannot afford the cost of litigation in the courts to enforce conditions outside of formal agreements. The industrial relations ombudsman in Queensland will have two main functions—to facilitate and encourage the fair treatment of workers in Queensland and provide advice to the state government on the negative effects of WorkChoices. The Queensland Workplace Rights Office will be a one-stop shop providing advice, and information and it will promote fair industrial relations practices in Queensland. How could members opposite not support these very important safeguards in a climate where the federal government continues to undermine working conditions for working people? They are essential safeguards and mechanisms to help protect working people from those harsh blows.

The Howard government has been ducking and weaving to avoid coming clean to the Australian people about the negative impact of WorkChoices. Its own Office of the Employment Advocate has retreated quick smart from its sampling of more than 250 or so AWAs that it reported on in May 2006. The federal government did not like the results and put an end to that kind of sampling. We are reliant on state based data now to get a clear picture of what is happening in relation to the WorkChoices legislation. According to federal Department of Employment and Workplace Relations figures for 2005 for instance, less than one in 12—that is, eight per cent—of AWAs provided paid maternity leave. Only one in 20—five per cent—provided paid paternity leave. This is one example of where the Howard government's rhetoric does not match its actions at all. It is not helping working families to balance work and family.

In contrast the Beattie Labor government again has a very proud record in promoting security in employment for people in Queensland and also their capacity to balance work and family. I am proud that the Beattie government has taken steps to provide this better balance. For instance, in 2005 when Tom Barton was minister the Industrial Relations Act in Queensland was amended to include a requirement that the Queensland Industrial Relations Commission ensure that awards take into account employees' family responsibilities and, wherever possible, include provisions to allow agreement to be reached on work and family responsibilities.

Way back in 1999 the Beattie government led the country in becoming the first government to provide for unpaid maternity leave for casual employees—for long-term employees with at least two years service. However, the evidence on AWAs suggests that the present system of employer-funded maternity leave will inevitably disappear if AWAs become widespread. It is clear that the Howard coalition government and the Beattie Labor government are miles apart when it comes to the way in which we are keen to support people to balance work and family.

I pay tribute to the Australian Council of Trade Unions and affiliated unions for their ongoing efforts through the 'Your rights at work' campaign. Where would we be without our trade union colleagues, particularly in relation to the current climate where we have such a savage attack on working conditions nationally? I also commend the Kevin Rudd-Julia Gillard Labor federal opposition team for their fight and for their stand to toss out the WorkChoices package.

I say to the members opposite: stand up to your federal counterparts on behalf of working people; support this bill and send a clear message to John Howard that, even if he does not have the capacity to hear what working people are saying, you have and you have the power at the state level to take

remedial action. I also suggest that they send a message to John Howard that the best way to increase productivity in this state and country is to drive up skills, not to drive down the wages and conditions of working people. I commend the minister and the staff involved in the development of this bill. I commend the bill to the House.

Mr FENLON (Greenslopes—ALP) (4.20 pm): I rise to speak in support of the Industrial Relations Act and Other Legislation Amendment Bill 2007. The bill before us includes amendments to apply to working children who are under the age of 18 years and who are employed by a constitutional corporation under federal agreements or other common law arrangements entered into after 26 March 2006. If we look at exactly who benefits from the amendments, we see that the bill does not apply to children employed under notional agreements preserving state awards or preserved state agreements which commenced under WorkChoices on 27 March 2006. The entitlements in these instruments are effectively those that applied in state industrial instrument entitlements at that date which had already been tested against a no disadvantage test or approved by the Queensland Industrial Relations Commission before they came into operation. The bill does not apply to child employees who are already covered by state awards or agreements, nor does the bill apply to child employees covered by federal awards or agreements prior to the introduction of the federal WorkChoices legislation. However, the bill does apply where a child was employed under a preserved collective state agreement that has since been terminated and not replaced by another agreement or arrangement.

The purpose of this bill is to amend the existing legislation to ensure adequate protection is afforded to children working in Queensland under WorkChoices. Queensland's child employment legislation, coupled with the existing industrial laws, provides adequate protection to children at work in this state. However, since the introduction of WorkChoices, even though that legislation provides for the continued operation of child labour laws, some doubts have arisen about just what employment entitlements and protections are available to children working in Queensland.

This bill makes it clear what employment entitlements and protections are available to children working in this state under a federal agreement, be it collective or individual, entered into after the introduction of the federal WorkChoices legislation. This approach is consistent with the measures taken in New South Wales, where amendments to that state's industrial relations legislation protecting the entitlements of children at work were enacted in December 2006.

This bill has been drafted on the basis that a provision introduced through the WorkChoices amendment, that is section 16(3)(e) of the Workplace Relations Act 1996, explicitly preserves a state's right to legislate in the area of child labour. Our legal advice is that legislation of this type in this bill falls within the area of child labour legislation and is, therefore, not overridden by WorkChoices. The rationale for the types of employment covered by this bill is that federal agreements or arrangements entered into after the commencement of WorkChoices are no longer subject to a no disadvantage test to assess whether there has been a reduction in employment entitlements and protections. The federal government has introduced a sham fairness test which does not fix the real problem. Employees can still lose pay and conditions if their employer is struggling or where the offer of a job itself is deemed sufficient compensation or where the employee is provided with something they did not need as sham compensation.

Importantly, the bill provides for Queensland's existing no disadvantage test provisions under the Industrial Relations Act 1999 to be used in assessing whether there has been a reduction in employment entitlements or protections as a result of entry into federal agreements or other arrangements. This is the same test that would apply if an agreement was to be entered into under the state system. Employment under a federal award or agreement whose provisions have previously been subject to a no disadvantage type test or approval process by an industrial tribunal will be unaffected by this bill. It is only those employers seeking to reduce conditions of employment in a new federal agreement or other arrangement who will feel any impact from these provisions.

I welcome the changes which see industrial relations inspectors empowered to assess whether a child employee's entitlements or protections have been reduced under a federal agreement or other arrangement. Where there has been such a reduction, inspectors will issue compliance notices providing an employer with the opportunity to remedy the contravention without suffering a penalty. However, failure to comply with an improvement notice will be an offence which may be subject to prosecution in the Industrial Magistrates Court. These compliance notices will provide valuable guidance to employers on how to ensure that they do not contravene the requirements of this legislation. I also welcome the fact that the Queensland Industrial Relations Commission will be responsible for dealing with disputes over compliance notices and making decisions on whether an agreement or arrangement has reduced a child employee's entitlements and protections.

The commission—the independent umpire—will be empowered to determine whether a compliance notice should be varied or revoked or whether an order should be made varying the agreement or arrangement to comply with the aims of the bill. Where the commission decides that an agreement has reduced employment entitlements or protections, it may also order payment of

an amount that would have been payable under the Industrial Relations Act 1999 or a state award or order that would have applied to a child's employment if it had not become subjected to the agreement or other arrangement. This system of enforcement allows for choice between prosecution and dispute resolution with legally enforceable orders. This is consistent with the measures already in existence in relation to underpaid wages under the Industrial Relations Act 1999.

Another feature of the bill before us is that it will be made clear that the dismissal provisions in the Industrial Relations Act 1999 continue to apply to children employed by a constitutional corporation. In effect, a child worker will be able to seek remedies where they have been unfairly dismissed. These will be the same remedies as those available under the Industrial Relations Act 1999. All employers, regardless of size, will have to ensure that they exercise their power to dismiss child employees in a fair manner.

The amendments before us also amend the Child Employment Act 2006 so that the existing prohibition on employers requiring or permitting children to work while nude or partially nude is extended to children working as apprentices or trainees in a work experience or vocational placement.

This corrects an anomaly where these classes of work are currently excluded from the application of this provision of the Child Employment Act 2006. There can be no doubt that all workers need a hand in fighting off the WorkChoices assault on pay and conditions. That is why in this instance young workers especially need the state to act on their behalf. Traditionally, young workers are among those who are most at risk of being ripped off if only because of their inexperience. I welcome the opportunity to support this bill. I urge all members to do so. I commend the bill to the House.

Ms JONES (Ashgrove—ALP) (4.30 pm): I am pleased to speak in support of the Industrial Relations Act and Other Legislation Amendment Bill. During the last 12 months working Australians have been under attack by the Howard government's WorkChoices legislation. In fact, that legislation is so noxious one would think that it was cooked up by the Witches of Eastwick.

As the minister alluded to this morning in the House, Australians are well aware that they have been sold a complete dud by the Prime Minister and are intending to send him and the Liberal Party this message loud and clear at the ballot box later this year. Since the introduction of the Australian government's WorkChoices legislation, this government, and in particular the minister for industrial relations, have done everything they can at a state level to safeguard Queensland workers' conditions. I support this bill as another step to providing better protection to Queensland's working families.

Clause 59 of the bill inserts into the Magistrates Courts Act 1921 a new part 5A which provides a low-cost process in the Magistrates Court for low-income employees to pursue claims against employers for breaches of contract of employment. As part of the process, this bill will make conciliation compulsory before proceedings can be heard. This will encourage parties to reach agreement without having to litigate the dispute in court. I support the proposal in the bill that conciliators be appointed by the Chief Magistrate.

Conciliators as well as parties to the conciliation and their representatives will be provided with immunity from legal liability equivalent to that enjoyed by a magistrate, witnesses and legal representatives in usual Magistrates Court proceedings. This will particularly benefit low- to middle-income earners who cannot afford the inhibiting costs of litigation in the courts.

This bill also establishes an ombudsman to promote fair work practices in Queensland. As the minister said in his second reading speech, the new Queensland Workplace Rights Office will be a one-stop shop utilising the existing hotline and web site services to offer advice and information and promote fair industrial relations practices in Queensland. The ombudsman will report on findings and highlight them publicly so that the community and workers can understand the impacts of the WorkChoices legislation. The ombudsman will also refer cases of unlawful workplace practices to the appropriate authorities. This new position provides an additional level of protection for Queensland workers. Within the scope of the ombudsman's responsibility, the ombudsman can also provide advice to the government on strategic issues to mitigate the negative effects of WorkChoices.

There have been several studies that have shown that women are already losing out under the WorkChoices legislation and are falling behind their male colleagues. All the data shows that the gender pay gap is growing under the prevalence of AWAs. Women on AWAs earn only 70 per cent of what males earn. As the youngest woman in the Queensland parliament, I am proud to be part of a government that is introducing new measures to protect women's working conditions and pay, which have been hard fought for for generations of women before us. I commend the bill to the House. I thank the industrial relations minister for this bill.

Mr GIBSON (Gympie—NPA) (4.33 pm): If we listen to the words that have been spoken in this House today, we are very clearly aware that this is a political battle—a turf war that is existing over industrial relations policy and jurisdiction. It is a battle that is driven by ideology, not by what is best for the Queensland workers.

The shadow minister has put forward an amendment to this bill, which says in part 'to investigate allegations of intimidation and bullying of public service employees and other employees of public sector units in relation to industrial relations and other work-related matters'. This is the direction in which we should be going. We should be protecting those workers who do not have those protections at the moment.

This amendment is a very important one, and its importance was brought home to me by an incident that occurred in my electorate just last week. On Monday, out of the blue, teachers and parents discovered that Education Queensland was proposing to force the year 10 students to relocate from Cooroora Secondary College at Pomona to the Cooroy campus of the Noosa District State High School. Understandably, the community was outraged. Stakeholders were stunned by the lack of consultation. Teachers contacted their local member—me—to seek support. What happened to those teachers who were trying to seek support? They faced intimidation from within the leadership of Education Queensland.

On the day after the public meeting, we suddenly found a tactic being used to flush out those who had dared to talk to their local member. The head of campus for Cooroora Secondary College had 'slapped on him a code of conduct' when the head of campus had nothing to do with any of the concerns that were raised. This was a tactic that was purely pointed at trying to flush out who had dared to speak to their local member, who had dared to represent the year 10 students who do not have a voice in this decision making, who had dared to stand up against the bullying and the actions that were occurring around them.

When I became aware of this I contacted the Queensland Teachers Union, believing that it, too, would want to step in to support one of its local members. The union was very ambivalent towards this, and I took this simply as an act of, 'Well, we're a union; you're an opposition member. We don't really want to talk to you, but we'll go ahead and support this member.' Let me tell members that if the union had stepped up to support this member then we would not have this problem.

Mr Gray: So we have one member now. You said 'teachers'.

Mr GIBSON: I take the interjection by the member for Gaven, because I know that he is interested in teachers. I know that he would be horrified by the actions that are occurring to this teacher. I know that he would be horrified by the head of campus having a code of conduct slapped on him as a method to flush out who dared to speak against the policies of Education Queensland.

This was a tactic used simply to flush out and intimidate a public servant who was doing their job, a public servant who was concerned about students, a public servant who was willing to stand up for those who cannot be represented. In speaking to the member involved today, they made a comment that I thought was interesting. They said that they, too, had spoken to the Queensland Teachers Union and their thought was, 'Where have my union dollars been going?', because the Queensland Teachers Union was at best ambivalent towards this individual—a member of that union—who was facing intimidation tactics.

Members will understand if I do not mention the teacher by name, although it would not take much to flush her out as well. Those are the actions that we have seen. That is the policy. This amendment would protect those individuals.

Government members interjected.

Mr GIBSON: It is interesting to listen to the interjections, because I am talking about protecting workers. I am speaking to an amendment to this bill, yet that mob opposite does not want to protect workers. They do not want to protect workers and that needs to be recorded.

We heard the member for Algester call on us to stand up. I call on those opposite to stand up for public servants, to stand up for those who are not protected. The teachers at Cooroora Secondary College are fearful of reprisals. They are fearful that because they have stood up for those year 10 students—

Ms Jones interjected.

Mr GIBSON: Are there any other interjections? Any bullying?

Mr DEPUTY SPEAKER (Mr Wettenhall): Order! The honourable member will address his remarks through the chair.

Mr GIBSON: In that moment there I felt the intimidation that the Labor Party is famous for.

Ms Jones: I apologise if I intimidated the member.

Mr GIBSON: Listen to this—

Mr DEPUTY SPEAKER: Order! The member for Gympie will address his remarks through the chair

Mr GIBSON: Mr Deputy Speaker, listen to these remarks. Listen to the bullying that is occurring here. I call on those opposite to stand up for our public servants, to support our public servants and to support this amendment. I commend the amendment to the House.

Mrs CUNNINGHAM (Gladstone—Ind) (4.38 pm): I rise to speak to the Industrial Relations Act and Other Legislation Amendment Bill and support the Workplace Rights Ombudsman. The rights and the vulnerabilities of workers in Queensland, and in fact across Australia, are very important issues. The biggest test that this government will face in relation to the credibility of the ombudsman will be the insurance that the ombudsman, whoever that may be, works independently and does not follow a political agenda.

The aims and objectives of the ombudsman are excellent and they are listed in the bill. They are to inform, educate and consult with any person the ombudsman considers is affected by industrial relations and other work related matters, utilising existing hotline services and web site services; to facilitate and encourage fair industrial relations and work practices in Queensland, including developing codes of practice; to promote informed decision making by persons affected by industrial relations legislation, including information on agreement making and encouraging fair industrial relations and other work related matters; to investigate and publicise complaints and report on unlawful, unfair or unwise inappropriate industrial relations and work practices and, where appropriate, refer people to the appropriate authority or services; and to highlight cases of unfair treatment in the public arena to demonstrate the negative impact of WorkChoices and encourage employers to adopt fair employment practices. That is the list of aims and objectives.

If one looks at those aims, goals and aspirations in isolation, they are very good, but they can easily be politicised. As I said, the credibility of the ombudsman will be on the line. Indeed, the role will be on the line if, indeed, it is just used as a tool in the lead-up to the federal election.

The two most repeated concerns that have been expressed to me in relation to the WorkChoices legislation relate to the absence of a no-disadvantage test and the unfair dismissal issues. Those are genuine concerns for employees and they are genuine concerns for good employers. I believe that the role of the ombudsman has the potential to be very positive and constructive but, as I said, without too much effort it could become just a political tool.

In the legislation the protection of children, particularly their physical and moral safety, is welcome. It could easily have slipped through unnoticed that that protection had been undermined or deleted. Children are vulnerable. There are workers in my electorate who like the AWAs and others dislike them vehemently. I still believe that the most vulnerable group of people in relation to AWAs are young first-time employees and those who have little experience in terms of workplace negotiations. They are the ones who need assistance. They need objective assistance from the ombudsman when that role is established.

On the other hand, I also support the amendment that has been moved by the member for Maroochydore. In the time that I have been in this parliament, the number of bullying and intimidation allegations within the Public Service rises and falls. It certainly exists and I believe that it deserves to be openly investigated. We have had incidents where members and ministers have allegedly bullied their employees. In some cases, those allegations have been substantiated.

The rights to representation and the rights to investigation should be based on the broadest possible employment base, and that includes the public sector where a significant number of people are employed. While I applaud the legislation as it has been tabled by the minister, I also support the amendment moved by the member for Maroochydore. I look forward to it being included in the legislation.

Mr MALONE (Mirani—NPA) (4.43 pm): I am thankful for this opportunity to speak to the Industrial Relations and Other Legislation Amendment Bill. I will speak briefly in support of the shadow minister's call for an amendment to the legislation as it goes through the House.

The legislation creates the role of an ombudsman and I believe that such a person will play an important role in industrial relations in Queensland. I support the role of the ombudsman in an expanded sense in terms of that person being able to adjudicate in respect to Public Service employees.

In my role as the shadow minister for emergency services, as one would imagine I receive quite a number of calls from paramedics, firemen and other employees of the Department of Emergency Services who are really concerned about their jobs and their lifestyles, which are affected by the way in which they are employed in the Public Service. Unfortunately, when they contact me I would say 90 per cent of them are afraid to leave a name or a number. They usually call late at night, or at times that they find suitable, to raise issues of concern in relation to their employment.

Frankly, the opposition has always held the view—and in the time that I have been the shadow minister in the emergency services portfolio I have put it forward as a policy—that we would introduce an ombudsman or independent commissioner to take on board the concerns of paramedics and other people who work in emergency services, because they are pretty special in terms of their employment

and the role that they play in our community. We saw the need for a person who could adjudicate on issues that are of concern regarding their employer, the state government. In realistic ways, the same administrative issues would be found across a number of state government departments.

We foresee that the ombudsman or commissioner would have to have the teeth and the administrative wherewithal to ensure that the issues that are brought before them could be resolved. It is pointless having an ombudsman who does not have the strength or the legislative ability to sought things out. Frankly, previously staff employment issues have been brought before the state government and we have seen them swept under the carpet.

Paramedics, in particular, are affected by these issues. I have been called by people who have been cleared by the CMC of a trumped-up charge but have still had to face disciplinary action by the QAS. They have been demoted or, in other cases, harassed to such an extent that they finally resigned from the department. That is unfortunate. If an ombudsman had been able to take on board the concerns of the paramedics and could have sorted through the issues in a realistic way, possibly those people would still be employed in the service.

There is a real issue here and it behoves the government to listen to our amendment. It provides a real opportunity to make a difference to the employment opportunities and the lifestyle satisfaction of a lot of people who work in the Public Service. I support the legislation in respect of the ombudsman and the expanded role that could possibly result from the amendment moved by the shadow minister. With those few words, I commend the shadow minister's speech and also the amendment moved by the shadow minister.

Mr MESSENGER (Burnett—NPA) (4.47 pm): I am pleased to contribute to the Industrial Relations and Other Legislation Amendment Bill 2007. It gives me an opportunity to reaffirm my commitment to ensuring that Queensland workers are given a fair go by all employers.

I was brought up in a family where back-breaking physical hard work put food on the table, clothes on our backs and a roof over our heads. My father was a canecutter and a union member. I remain a member of a union, the MEAA, because during my time in the media I understood the advantage that workers have in collective bargaining and that there is strength in numbers. From personal experience, I would encourage workers to join a union.

However, I do not like being told what to do or being stood over by overbearing bosses, whether they be business or union. If I can get a better deal for my family on an AWA, I should be entitled to have that choice. It is my decision, just as it is my decision whether or not I join a union. Sometimes, what is good for the union is not good for the worker. I well remember my father telling me how the union officials would patrol the cane fields to make sure that the canecutters did not work after 4 pm. It was a union rule or policy that stopped those canecutters who were willing to put in the extra effort and longer hours from earning more income for their families.

This legislation is shaping up to be another bureaucratic layer which is designed to protect not the workers but the union elite, the Labor Party spivs and the hangers-on. It is legislation which focuses on the rights of workers in the Queensland private sector and ignores the rights of the workers employed in the state public system. If the minister's words in his second reading speech are to have any sincerity and credibility, 'The Queensland government remains committed to facilitating and encouraging the fair treatment of all workers', then surely the 200,000-odd Queensland state government employees should also be cared for by the ombudsman and the Workplace Rights Office, which is established by this legislation.

The shadow minister and Deputy Leader of the National Party has had more to say on this, but needless to say the strong smell of hypocrisy is lingering over this legislation should the minister, his backbenchers and his government fail to support our shadow minister's amendments. After all, it is the workers employed by this state government who are continually having their rights eroded and abused. I know, because many of those employees have approached me for help in the areas of health, child safety, ambulance, corrective services and police, just to name a few. All of those state government employees have very similar complaints: underfunding, underresourcing and a 'don't care, we won't listen' attitude as well as an inflexible and slow decision-making process.

Combine those complaints with abysmal ministerial management—management which is driven and dominated by political spin doctors—and excuses such as, 'We can't have a police helicopter' as that would be an admission of a crime problem, and we have a recipe to create crisis after crisis because the service delivery of all government departments is declining.

While this government is out flogging the private sector with another layer of red tape and pointing fingers at Queensland businesses for employee abuse, it is forgetting its own workers who are being abused. One of the government's sneakiest methods of abuse is excessive casualisation of the public sector workforce. Make no mistake, I have nothing against the employment of casual or part-time workers. Casual workers are an important tool for management. Casual or part-time workers can fill temporary gaps in the staffing levels when holes appear from sick leave, holidays or sudden resignations, but that tool of casual or part-time employment in the hands of this state government keeps a workforce cheap, compliant and afraid to speak out about workplace bullying or health and safety concerns.

We can find no greater example of that than in Queensland Health. It was nurse whistleblower Toni Hoffman who alerted me to the fact that there was a high rate of casualisation in Queensland Health. I can remember before the last election when Toni came to me and said, 'Rob, there's a problem with nurse numbers. All you have to do to solve that problem is to create more permanent positions within Queensland Health. There are so many nurses who apply for a job within Queensland Health and they have to wait for someone to die before a full-time position becomes available, so they then go and work outside their profession.' They work somewhere else. They work packing shelves at Woolies, but they want that full-time, secure job. They are just like the rest of us. We all want to be able to have that security of tenure so we can afford the mortgage, so we can do the salary sacrifice, so we can give that security to our family.

While listening to the member for Gympie, I had a strange sense of deja vu. I listened to how teachers were intimidated with a breach of their code of conduct. It was the same breach that was threatened to the nurses of Bundaberg as well. How well I can remember being told by Toni how all the nurses in the ICU were lined up and read the riot act: 'Whoever spoke to Rob Messenger will be thrown in jail.'

Government members: Ha, ha!

Mr MESSENGER: I acknowledge that laughter, because that is how seriously this government takes workplace bullying. The threats, the intimidation and the psychological bullying continue. It is a fact. It has been proven to be a fact by a number of royal commissions. Those opposite can shake their heads all they want, but it is a fact.

If the minister has any intestinal fortitude I would like him to make a commitment right here and now in his summing-up that any employee of the Queensland government who goes to their local member will not be bullied, intimidated and threatened with a breach of a code of practice within their workplace employment.

Mr DEPUTY SPEAKER (Mr O'Brien): Order! Would the honourable member please direct his comments to the bill.

Mr MESSENGER: Thank you, Mr Deputy Speaker. Still speaking to the issue of casualisation, which is used as a means of workplace bullying and intimidation, I would like to read a letter I received from a constituent who is the mother of a Burnett healthcare worker. She writes—

I just wanted to enquire about the employment position at the Hospitals. My daughter ... has been working at Childers hospital for 2 years. Then started doing some shifts at Bundy. Bundy and Childers were always arguing over who was going to have her, she is only on part time.

The pay office is forever reducing her hours and then they end up taking too many hours way from her which is totally unfair?

I am puzzled why they won't put on permanents but continue to put on casuals this also affects the nursing staff, as how do they think they can get home loans or show secure incomes, just so they don't have to pay them for holidays?

We went guarantors ... to get her loan but now the work situation is a bit stuffed. She had no hours last week, but this week is everyday.

Why can't Queensland Health be made to employ people when it is clearly shown the staff is needed and then only have one or two casuals?

At Childers they multitask—

which is what their daughter has done—

so she can do grounds, kitchen or wards person. We would really appreciate if you could look into this, I have told her to leave the Health system but she wants to stay, she loves the work she just wants to be able to make her mortgage payments without having to eat rice all week.

On page 12 of the minister's second reading speech at point k. he talks about the QIRC having the power to control the activities of unregistered employee associations. One employee association that may be affected by this section is the Queensland Prison Officers Association. It is both a private and public employee association. This association has a membership of over 800 prison officers, or more than half the prison officer population in Queensland, and yet strangely this government refuses to even recognise that it is a legitimate stakeholder in the Corrective Services department. One of the Queensland Prison Officers Association's main concerns, once again, is the high rate of casualisation of Queensland Corrective Services. I recently asked the minister in a question on notice whether she would explain why more than 25 per cent of Corrective Services staff are employed on a casual basis and whether she sees this number increasing. Her answer was—

The establishment of Queensland Corrective Services is constructed by the employment usage of all permanent and casual staff. The permanent employees form 83.4 per cent of this establishment and employees working casual and full-time temporary work form the remaining 16.6 per cent.

This means that it takes 16.6 per cent of the workforce to support the permanent staff in the delivery of their services. In a key portfolio such as Corrective Services, I am not comfortable, and neither is the Prison Officers Association of Queensland, with a non-permanent workforce of almost 17 per cent. I would have thought that an acceptable and safe percentage of non-permanent workers would be closer to five per cent. That high rate of non-permanent employment leads to instability and has a devastating effect on the family unit.

Mr Hoolihan: When were you an employer?

Mr MESSENGER: The Wacol relief pool is a particular problem in Corrective Services. I take that interjection from the member for Keppel. I was an employer for about 10 years. I ran a small business. I had up to about 10 employees. I am in a unique position. I can see it from both sides of the fence: from a union member right through to a boss.

I am very concerned about the Wacol relief pool. It is a particular problem for Corrective Services. I have just heard about a prison officer who cannot even tell his kids if he can go to the park or go fishing next week. He cannot make plans for next week. We are talking about an employee of this Labor government who has been paid a regular wage but he has been kept dangling. Every day he has to wait by the phone to find out whether he gets work or not. He cannot even plan his family life.

The casualisation of Corrective Services builds into the system a greater capacity for corruption. In relation to Corrective Services we have all the signs that we have an another Beattie-made crisis on our hands. Our jails are flooded with illicit drugs, making it an even more dangerous workplace. Brian Newman, the President of the Prison Officers Association, states in relation to working conditions in our jails that the Beattie government pledges in various literature to maintain a zero tolerance policy regarding bullying in its workplaces. The truth is that not only is that a grossly misleading statement but also has become one of the greatest jokes regarding the Beattie government. Every day Queensland public servants are subjected to various types of bullying ranging from abusive exchanges in front of coworkers, spreading gossip, constant ridicule and putting down to actively sabotaging work assignments and unjustifiably criticising workers often about petty, irrelevant or insignificant matters.

Despite these matters being reported to more senior staff than the bully themselves, the Beattie government continues to allow bullies to bully and victims to be silenced by either ignoring their cries for help or paying hush money to the victims and forcing them out of the workplace while the bully is free to prey on their next victim unimpeded by the Beattie government's so-called zero tolerance policy. We often see public servants such as prison officers gagged with non-disclosure orders after being bullied. While everyone likes to have large sums of money thrown at them, nobody likes not getting an opportunity to tell their story, some of which have long-lasting and sometimes devastating effects. Many bullied victims experience thoughts of suicide and other forms of self-harm and again these regularly result in significant injury to the family unit and too often it is to their destruction.

If passed, the amendments proposed by the Deputy Leader of the Nationals would allow the ombudsman to investigate allegations of intimidation and bullying of Public Service employees such as our police. The police force, because of poor industrial relations between its members and this Labor government, is facing an unprecedented crisis. There have been three votes of no confidence in the Premier. The sign-on rate is barely keeping track with record resignations. The Queensland Police Union Journal shows that there were 750 new members, but when resignations are taken into account there is a net gain of only 181. Police officers are leaving in droves. They are faced with life and death incidents every day and never know exactly what they will face when they put on the blue uniform and sign on for work.

Work may start at 6 am for some police; for others the shift begins at 10 pm. Each officer does this often thankless job by choice. As the police enter into another round of enterprise bargaining, it is clear from many police who I have spoken to that there is only one way to stop this mass exodus of experienced police, and that is to pay them more. The Queensland Police Service has the highest rate of separations across all the larger police services and is probably the lowest paid of the big three. It is important that police are paid well to maintain the high standard of the service and be able to entice skilled people into the service as well as encouraging those officers thinking of leaving to stay.

In closing, I strongly support the shadow minister's amendments. I simply note that employers and small businesses should be allowed to get on with the job of creating more employment and securing this state's prosperity and not be the meat in the sandwich in a political battle—a turf war—over industrial relations policy and jurisdiction.

Mr CHOI (Capalaba—ALP) (5.04 pm): I rise to speak in favour of the Industrial Relations Act and Other Legislation Amendment Bill, a bill which affirms this government's election commitment to protection of our labour force—our workers right here in Queensland. I thank the Minister for State Development, Employment and Industrial Relations for introducing these amendments.

I stand here today once again to speak out against the federal government's unfair no-choice IR laws that are threatening to destroy Australian families. On the radio a few days ago I heard the newsreader say that Mr Howard now claims that WorkChoices was never intended to have the result that penalty rates and overtime loadings should be traded off without proper compensation. Therefore, he introduced the so-called no-disadvantage test.

Australian people want a change from this unfair system. What will this new fairness test do? On ABC Radio on 21 May Mr Howard stated that it does not matter what people have been forced to put up with for the last 15 months as a result of the federal government's unfair work practice legislative regime, all that matters is what is in the government's mind now. What does that mean? It means that a

crystal ball has to be used to gaze into the mind of Mr Howard so that we can read his mind from time to time to find out what industrial relations mean to him. Secondly, what it means is that he has brought out the bandaids and he is going to see if he can hold the sides of the bleeding wound together just long enough to get to the next election.

Letters to the *Courier-Mail* this week support this view and my speech to this House last month regarding the federal government's failure to look after what the state government is committed to, which is the protection of our workforce. WorkChoices? What work choices? The Howard government is admitting what we all knew: his industrial relations laws leave people with very few choices—'sign this AWA that takes away a lot of the conditions or you will not have a job.' The unfair WorkChoices legislation is hurting Queenslanders and is damaging our ability to perform in the marketplace. WorkChoices has not improved opportunities or current workplace practices.

People do work hard in the state of Queensland. They want to do the right thing by their family and partners. But they are constrained by the federal government's lack of support and its contempt for basic values that this state, and indeed this nation, was built upon. Family comes first. This state government will not ignore the workers and the families who choose to live and work here. This state government has never and will never support WorkChoices.

As promised in the 2006 election campaign, the current situation has to change and improve. Further protection of this state's labour force is the reason behind this bill. The federal government would prefer, of course, that our younger workers not be protected by the unfair dismissal laws and fairness, reasonable rights and conditions enshrined in our industrial relations acts.

My local paper states that the newly introduced fairness test is a strengthened safety net for working Australians applying from Monday, 7 May 2007. Why is the federal government doing this now? Why is it only thinking now about providing fair and reasonable workplace agreements? Why was it not important to Mr Howard, as he seems to indicate himself, some 15 months before the crystal ball, cloak and dagger, smoke and mirrors were necessary? Why is it now that a simple fairness test is being paraded by the federal government—something that should have been part of the package from the beginning? Honest working mums, dads and young people are just trying to live their lives with honest expectations of a system that is supposed to be supporting their employment. WorkChoices does not provide that support. This amendment bill does.

This bill puts in place an ombudsman who will be responsible for overseeing the fair and reasonable implementation of industrial relations and workplace practices in Queensland and also enshrines the rights of child workers by setting up a low-cost common law jurisdiction for employees on low incomes. Since WorkChoices was enacted the number of cases fronting industrial relations commissioners has been substantially reduced. This bill will resolve this issue by removing mandatory provisions regarding the quota of commissioners required to be employed at the commission. This bill will also give effect to a statutory scheme that ensures the maintenance of the state's IR system, including the protection of our younger workers' rights in the workplace and the provision of an accessible legal process for all low-income earners in alleged breach of contract matters.

In addition to these valuable amendments, this bill establishes an executive officer to oversee the implementation of these amendments with the supporting office required. Finally, the bill enables the state government to clean up the mess that another federal failure has left behind—the restructuring of the QIRC to ease the burden on Queensland taxpayers from having a surplus of commissioners who are no longer active in their positions. This bill makes good on this government's election promise to restore balance and return to cooperation, not confrontation, in the IR marketplace and, most importantly, to protect Queenslanders from the unjust, unfair, no-choice workplace law of the Howard government. I commend this bill to the House.

Ms PALASZCZUK (Inala—ALP) (5.10 pm): I rise to speak in support of the Industrial Relations Act and Other Legislation Amendment Bill. The bill before us includes amendments that establish a low-cost common law jurisdiction to deal with matters arising from a contract of employment. In dealing with the impact WorkChoices has on Queensland employees and their families, these amendments are vital if we are going to help those families most affected by WorkChoices.

The establishment of this jurisdiction is consistent with the Queensland government's policy to, as far as possible, protect Queensland employees from having their rights eroded or removed by WorkChoices. The Howard government's workplace legislation is having a huge impact on families not only in my electorate but throughout Queensland and Australia.

I noticed earlier that the member for Maroochydore mentioned that what is needed is a fair system. I assure the member for Maroochydore that what the Howard government has introduced is completely unfair and completely inequitable. I draw to the attention of members what the minister for industrial relations stated in his second reading speech. He stated—

> The federal government's WorkChoices legislation threatens to undo over 100 years of justice and fairness in Australia's industrial relations sphere by giving employers greater leverage in negotiations with their employees.

He goes on to add—

> That is why the Queensland government is presenting these amendments—to restore some balance for the state's workers and their families.

Just last year the Howard government abolished a position at the South-West Legal Service in my electorate of Inala which provided a much-needed legal service to employees who were affected by the Howard government legislation. I applaud the minister for establishing the Queensland Workplace Rights Office that will act as a one-stop shop utilising hotline and web site services, offering advice and information. This Workplace Rights Office will go some way towards assisting people who in the past would have sought advice from the South-West Legal Service.

I would now like to address part 6 of the bill which amends the Magistrates Courts Act 1921. The amendments to the Magistrates Courts Act will now set up a low-cost jurisdiction for workers earning less than $98,200 a year who are seeking a remedy for breach of their contract of employment. The annual income threshold is consistent with the threshold for unfair dismissal claims that are currently heard before the Queensland Industrial Relations Commission. The new jurisdiction will not create any new legal rights or obligations.

The Magistrates Court already has jurisdiction to hear applications for breach of contract. However, the new jurisdiction will increase the accessability of the court for low-income employees by reducing the cost of litigation. This was mentioned earlier by the member for Waterford and the member for Ashgrove. There will be lower filing fees and costs will be awarded only against vexatious applicants or parties who unreasonably cause costs to be incurred. This is consistent with cost orders in the commission.

This new jurisdiction will allow representation by industrial organisations which will also reduce costs for applicants and has historically resulted in less protracted proceedings than those involving lawyers or self-represented litigants. Disputes before the court will have to undergo compulsory conciliation before any hearing in recognition that employment disputes tend to be personal rather than commercial in nature.

The expertise of Queensland industrial commissioners will be utilised by enabling members of the commission to act as conciliators. Conciliation acts as a natural and effective filter of cases and will be less costly for the parties and the state than a full hearing. The Queensland Industrial Relations Commission resolves around 80 per cent of unfair dismissal cases by conciliation. The new court is not designed for employees who have access to the QIRC because the QIRC already provides an efficient and inexpensive process for resolving disputes between employers and employees.

I now turn to look at some of the matters that would be appropriately dealt with by this new jurisdiction. It will be able to enforce higher terms and conditions than those provided under a relevant award, agreement or legislated minimum as well as enforce additional terms and conditions to those provided under the award or agreement. Typical examples of terms that might be included in a contract of employment but not in an award or agreement are bonuses, fringe benefits such as discounts, travel and uniforms, the provision of specialised training and specific working arrangements such as telecommuting.

The court will also enforce terms implied into the contract of employment. The law implies a range of mutual obligations into the contract of employment which can be enforced at common law. These common law obligations include the employer's duty to pay an employee who is ready, willing and available to work and the employer's duty to give reasonable notice of termination. These amendments are fitting and fair. They are about helping workers. These amendments deserve the support of all members. I commend the bill to the House.

Ms DARLING (Sandgate—ALP) (5.16 pm): What a sad time in the history of Australia when a state government needs to legislate to provide safety nets to protect the rights of its workers. The Commonwealth government has a responsibility to protect Australians but it has betrayed workers in this country. I think my colleagues have very ably discussed the need for protection for young workers, the Queensland Workplace Rights Ombudsman and the need to restructure the Queensland Industrial Relations Commission so I will turn my attention to workplace health and safety issues.

Included in the bill before us are amendments to the Workers Compensation and Rehabilitation Act 2003 which I would like to highlight because they are such an important part of this legislation. These amendments are vital because they strengthen the role that the security of employment provisions for injured workers will play in achieving results when it comes to the rehabilitation and return to work of employees. In 2006 these provisions were moved from the Industrial Relations Act 1999 to the Workers Compensation and Rehabilitation Act 2003.

The bill before us now amends the Workers Compensation and Rehabilitation Act to enable inspectors appointed under the Industrial Relations Act to continue to monitor and enforce compliance with these provisions under the former act. This is achieved primarily by extending the meaning of the authorised persons of Q-COMP under the Workers Compensation and Rehabilitation Act who are tasked with this role to include industrial inspectors for this purpose.

The bill before us also aligns more closely the eligibility requirements of self-insurers under Queensland's workers compensation schemes with other jurisdictions. This is made possible by removing the mandatory requirement that employers have $100 million in net tangible assets. As in

other jurisdictions, an employer's net tangible assets will remain a consideration of the workers compensation scheme regulator, the Q-COMP board, in determining whether an applicant is fit and proper to become a self-insurer. In particular, this means determining whether a self-insurer has the capacity to meet their workers compensation liabilities.

I now wish to look briefly at a couple of the amendments to the Workplace Health and Safety Act 1995 contained in this bill. The Workplace Health and Safety Act gives authorised representatives of unions the authority to enter workplaces on clearly prescribed health and safety grounds. Since the introduction of these provisions the Department of Employment and Industrial Relations has been working with unions and employers to resolve any issues which might have arisen out of a union right of entry. While the vast majority of these issues are resolved quickly, some of the matters involve a number of complex issues that are more difficult to reach agreement upon.

To ensure an independent, transparent and efficient approach for resolving these more complex issues, the bill introduces an additional dispute resolution process using the Queensland Industrial Relations Commission. Under this proposal the inspectorate would remain the first port of call. However, where an issue remains unresolved after this intervention, a conciliation and arbitration process can be entered into either by the representative, the employer or at the request of an inspector. These amendments are all in keeping with the sensible and balanced nature of this bill. It is sad that it is necessary, but I am proud to be part of a government that is going to protect the rights at least of Queensland workers. This bill deserves our support.

Mrs MILLER (Bundamba—ALP) (5.19 pm): I rise to speak in support of the Industrial Relations Act and Other Legislation Amendment Bill. WorkChoices, the brainchild of John Howard and his cohorts, began on 27 March 2006. That was a very bad day for Queensland and a very bad day for Australia. That day more than half a million Queenslanders were moved into the federal jurisdiction and did not have the protection of Queensland's system. This bill establishes an ombudsman to promote fair work practices, enshrines the rights of child workers and establishes a low-cost jurisdiction for workers on low incomes to enforce conditions outside agreements. The Queensland Workplace Rights Office will be established and will be a one-stop shop and will include a hotline and a web site. There will also be a Queensland Workplace Rights Ombudsman who will have two functions, firstly, to encourage fair treatment of workers in Queensland and, secondly, to give advice to our government to mitigate the effects of WorkChoices.

Today I attended a meeting with the national LHMU secretary, Geoff Lawrence, who spoke about the enormous impact of WorkChoices on working families. One year on, the impact of the new IR laws on Australian working families is included in a document called *One year on: the impact of the new IR laws on Australian working families*, dated 27 March 2007. This document says that, of all AWA individual contracts surveyed in the report, 100 per cent cut at least one of the so-called protected award conditions and 22 per cent provided workers with no pay rise, some for up to five years. It showed that 51 per cent cut overtime loadings; 63 per cent cut penalty rates; 64 per cent cut annual leave loading; 46 per cent cut public holiday payments; 52 per cent cut shiftwork loadings; 40 per cent cut rest breaks; 46 per cent cut incentive based payments and bonuses; 48 per cent cut monetary allowances for employment expenses, skills and disabilities; 36 per cent cut declared public holidays; and 44 per cent cut days to be substituted for public holidays.

Of particular concern to me is that women workers and their wages have fallen behind. ABS data issued a year after the IR laws came into effect shows that the gap between full-time wages for women and men has blown out to an astounding $100 per week. Full-time women workers now earn on average 10 per cent a week less than their male colleagues. This is going back to the seventies. Also of concern to me is the fact that workers on AWAs are working longer hours. ABS data released in March 2007 shows that the average weekly hours worked have increased in the past year. Other recent data shows that people in full-time non-managerial jobs who are on AWA individual contracts work 2.3 hours a week more than people on registered collective agreements. The CFMEU Mining and Energy Division has also shown that in relation to ABS data unionised coalminers earn an average $46.70 per hour while mostly non-union metal ore miners earn $35.10 an hour. So coalminers earn, on average, one-third more due to collective bargaining. Also, average working hours are less in unionised coalmining, that is, about 43.8 hours per week, whilst mostly non-union metal ore mining has workers on around 46.2 hours per week, and that is just the hours paid for. As members can see, the CFMEU Mining and Energy Division has organised for this data to be analysed and it shows that if workers are on an AWA they are definitely worse off.

In the electorate of Bundamba we live and breathe the 'Your Rights at Work' community campaign because our constituents are negatively affected, especially women. In my electorate office we have union flags flying—the LHMU, the CFMEU Mining and Energy Division, the ETU, 'More Power to the Union' and the AMWU flags. They will fly in my electorate office until this federal government is kicked out. Electorate officers Steve Axe, Michael Bertram and I as well as the many members of the ALP in my area all wear 'Your Rights at Work' T-shirts around our community. Day in, day out people

turn up to my office either because they have been sacked, they are told that they need to work longer hours, they are not being paid proper overtime or they are not being paid penalty rates. These are sad stories of human horror. Our constituents know that they have friends in my office and they know that we will do whatever we can to help them.

In our area our workers have united to fight John Howard, Peter Costello and Joe Hockey. The Ipswich Labour Day march this year was one of the biggest Labour Day marches on the Saturday. They also united at the Ipswich Labour Day race day which for the first time was in Ipswich. We had around about 2,500 people turn up to that race day. In our area we want to make sure that these dirty, stinking, rotten Tories in Canberra are shown the door later in the year. We do not want them at all. We want to make sure that they are out, and they are out on the grass for a long time. I thank the minister for bringing this bill to the House today. It shows that he has a tonne of guts and our Labor government here in Queensland will protect our workers.

Mr RICKUSS (Lockyer—NPA) (5.26 pm): I rise to speak to the Industrial Relations Act and Other Legislation Amendment Bill. I particularly rise to support the amendment proposed by my colleague the shadow spokesperson and member for Maroochydore. Unfortunately, that amendment is really needed to make this bill a worthwhile piece of legislation. I have to support the member for Gympie's comments about teachers. During my last term in this parliament one of the teachers in my electorate unfortunately had a bad accident while away on a skiing trip. The education department did not want to support him and the Teachers Union really was not interested in supporting him. It was only when we brought the matter to the attention of the Minister for Emergency Services, Pat Purcell, that we got some support for this teacher. His poor wife—

Mr Mickel: I don't understand. How was that bullying?

Mr RICKUSS: That is not bullying. His poor wife felt bullied, though, because she could not get any support while this man was in intensive care in a hospital on the ski fields of New South Wales. Also, firefighters from Narangba feel that they have been bullied in the workforce. They have had to have psych evaluations simply because they have complained about some of the procedures that were used at that large fire at Narangba. Unfortunately, they feel very intimidated by the department when they raise issues of safety that have resulted from that fire. They have also had trouble getting support from the firefighters union. They really have had nowhere to turn. The amendment proposed by the shadow spokesperson would give them some assistance in these matters. I have had staff come to me from the EPA who feel that they are being bullied by superior staff and have nowhere to turn simply because they cannot get anyone to support them. These are the sorts of problems that this amendment deals with. It really is important that we cover all aspects of it. As the shadow spokesperson and other members have said, there are issues in the health system and issues in the corrective services system. All of these systems need support. In particular, the firefighters from the Narangba incident feel that they have been terribly let down by this whole system. With that, I fully support the amendment proposed to this bill.

Mr PEARCE (Fitzroy—ALP) (5.28 pm): I appreciate the opportunity to make a contribution to this debate today on the Industrial Relations Act and Other Legislation Amendment Bill. I congratulate the Premier and the minister for bringing this legislation into this place. This legislation is about restoring some balance for Queensland workers and some protection against the demons of the federal government's WorkChoices legislation.

I want to make a couple of comments on the bill before the House and talk about recent media with regard to AWAs and the way they are affecting the mining sector. This bill amends a number of acts and will lead to the establishment of a Queensland Workplace Rights Office and a Queensland Workplace Rights Ombudsman. As I said, I applaud the minister for putting in place this legislation and the initiatives that provide a place for victims of John Howard's WorkChoices to seek advice through a hotline and web site and to get a hand to support them through what are for most workers difficult times. I encourage all those people across Queensland who are aggrieved by the actions of their employers to take advantage of the services that will be provided through the Workplace Rights Ombudsman. Through this interaction there will be greater understanding of just what people are experiencing in the workplace. It will be a means of assessing at least some level of fair treatment for the aggrieved worker.

The collection of data—the putting together of the negative effects of WorkChoices—allows for the development of a history page of the consequences of a system designed to empower the bosses. Our government has demonstrated through the establishment of the Workplace Rights Office and the Workplace Rights Ombudsman that, as a Labor government, we remain committed to protecting the best interests of workers. We care about workers and their families. We care about a fair go, about secure incomes, common-sense conditions for recreation and time with family, and we believe that WorkChoices is to the detriment of all except the bosses. That is why I look forward to the day when Kevin Rudd stands in front of the media and the people of Australia to tear up the worst, most soul-destroying legislation to ever be passed by our national government.

A 'take it or leave it' workplace culture is not in the best interests of the people and it must be dealt with in the way that a Kevin Rudd government has committed to. I believe in a collective voice because a strong collective voice has the ability to hold management to greater account for the wages and conditions and, most importantly, the safety of the workplace. It should be a priority of government to use a strong economy to better position itself and provide opportunities to access secure and equitable standards of living, to use the good times to fill in the gaps, to provide the opportunities for long-term jobs—permanent jobs—and to put in place the infrastructure and services to take us down the long road to meet the many challenges that lie ahead not just for us but for our youth.

What concerns me about WorkChoices is that there are some people who believe that WorkChoices offers them no fears about their jobs. They seem to have this line of thinking that convinces them that the pay and the conditions that they enjoy are because of the goodwill of the boss. If the economy is doing well they say, 'My conditions are great. Who would they get to replace me?' That is probably a fair assumption in today's environment. It probably accurately reflects the current healthy economy—the workplace environment. It gives those people a sense of security.

As a former labourer and industry worker, I want to say to all Australians: be warned, for when there is a downturn the waiting dog will bite. When there is a decline in the healthy status of the economy many people will learn just how WorkChoices legislation can deliver bosses with the legal right to cut loose workers and to force workers to give up levels of pay, conditions of employment and the safety of their workplaces. Clear-thinking people are already understanding better that WorkChoices is impacting and can impact on the wellbeing of casual workers, especially women and youth. They know that Howard's way offers no means for improving the Australian way.

The strength of the Australian workplace agreements—at least for big business—is the capacity of the AWA to override what employers describe as inflexible union awards, protection against industrial actions and restriction of access to unions. Recent media reports in the resources sector claim that it is the AWAs that have led to increased wages and efficiencies across the mining industry. While Howard and the resources sector are promoting the AWA as the essence of survival in the years ahead, I think that there is enough evidence around to show that the resources sector, through mining companies like BHP Billiton and Rio Tinto, and what they are promoting is nothing more than a political agenda in support of the Howard government and a determination by them to hang on to those powers that John Howard has put on the table for them to take advantage of as and when required. Not only are the claims about AWA participation levels not true, but the perception of higher wages through AWAs in the mining industry is just that—a perception.

I want to point out that some of the comments I am making are from a briefing put out by the CFMEU of which I am proud to be a member. My understanding is that 16.2 per cent of mineworkers in the mining industry are covered by an AWA. In the metal ore industry where AWAs are allegedly preferred, just 31 per cent of workers are covered by AWAs. The majority, 55 per cent, are covered by common law contracts. It should be noted that the coalmining sector remains more unionised than the metal sector and that highly unionised coalminers of New South Wales and Queensland are on collective agreements, affording them better pay than the non-union metal ore miners. Those people who think that individual contracts are the way to go should take note of that.

ABS data shows that the unionised workforce in the mining industry received around $40 for an hour's work compared with the $35 an hour in the iron ore sector. Union members also had better hours of work, averaging 43.8 hours per week while non-union workers averaged 46.2 hours a week. So there is a great difference there. This is because the union workforce goes about winning agreements by working with employers to get a good outcome for the worker and for the bosses, whereas the AWA is more focused on the bosses having control through legislation to determine the wages, conditions and outcomes for the workers. It is interesting that, despite BHP Billiton and Rio Tinto blatantly supporting the Howard government's agenda where they claim to benefit from the AWAs in the iron ore sector, the same companies are receiving huge returns through collective agreements in the coalmining sector. For the record, it should be noted that the companies are getting the same big profits using both forms of employment, but they prefer to argue in favour of the AWA despite the AWA delivering fewer rewards to the workers for their efforts.

Another point of interest which undermines the integrity of the mining industry is the fact that workers moved to individual contracts in 1999 on BHP iron ore sites. However, the public is not aware that the company simply refused outright to collectively bargain, telling its workers that they would never get a pay rise except by an individual contract. This was an aggressive move by the employer which gave workers a difficult decision to make: they either take the job or they do not have one. BHP simply forced the workers onto AWAs. It is simply wrong for BHP to suggest that its workforce prefer AWAs. All new employees at AWA sites in mining are required to sign an AWA as a condition of employment. No job offers today come with any other arrangements other than a signature on an AWA.

Does the mining industry need AWAs? We know that the mining industry has mounted a case for special treatment from a future ALP government in respect of employment laws. Central to their case is the claim that the loss of Australian workplace agreements in mining would cost the industry a

$6.6 billion loss in Australian exports every year. What a load of rubbish! The records we are getting today are simply because of the commitment of the workforce and the ability of the workforce to get in there and do the job. Like I said, in Queensland, where we have record production and record exports, most of our workers are on collective agreements.

Prime Minister Howard has declared that Labor's plan to abolish AWAs will be a dagger to the throat of the Australian mining industry. Murdoch News Ltd organs have been pushing the line assiduously. For example, on 5 July 2006 Terry McCrann wrote in the *Daily Telegraph* that a Beazley-led ALP government would kill the mining goose that promises to lay many more and bigger golden eggs.

The interesting point for me as a former mineworker and being close to the mining industry is that nothing whatsoever put forward by the mining industry actually argues the point about whether AWAs are good for mineworkers, apart from the throwaway line that 'mineworkers are well paid'. The argument is entirely about employer needs. So the key questions are: is the mining industry reliant on AWAs? I think not. Have mineworkers freely chosen AWAs? I know not. Are AWAs the source of the mining industry's productivity growth? Of course not. Does the mining industry warrant special treatment above other industries? Of course not. The agenda that has been pushed by the mining companies is entirely about protecting the power base that has been given to them by John Howard under the WorkChoices legislation.

Let me offer my thoughts about John Howard's WorkChoices legislation and where this will all end up. The final decision will be made by ordinary Australians, who believe in and want a fair go for themselves and their sons and daughters. They are abandoning the Howard government, just as party colleagues are looking for a way out. If members listen carefully, already we hear the murmuring of backbenchers' concerns about Howard's ability to win another term, which is about creating the right environment for Howard to position himself to make an exit and leave it to his deputy, Peter Costello, to take the fall. As a matter of fact, I am tipping that if the polls remain consistent on the need for change and the Howard government is facing defeat, John Howard will dog it. He will put his tail between his legs and slip out the back door on the pretence that the Liberal Party has decided that it is time for the leadership to change. Members know as well as I do that John Howard's ego will not allow him to suffer the embarrassment of defeat. He would prefer to deny the voters the opportunity to take away his job. The amendments before the House are good for workers and they are good for Queensland. I offer my support.

Mrs SULLIVAN (Pumicestone—ALP) (5.41 pm): I rise to speak in support of the government's Industrial Relations Act and Other Legislation Amendment Bill, which was introduced by the Hon. John Mickel into the House on 18 May. I wish to thank him and his staff for their continued efforts to protect the rights of workers in Queensland.

It is interesting to note that recently the federal Liberal government's WorkChoices legislation has changed—a major deviation—after months and months of criticism and denial by the Liberals that it was damaging to workers. The ACTU's ongoing campaign highlighting the plight of workers has been extremely effective and has inflicted significant damage on the Liberals. They have been attacked for initially spending $40 million of taxpayers' money on the WorkChoices campaign. Now the Liberals are spending many more millions of taxpayers' dollars on their advertising campaign to say, 'Sorry, we got it wrong. Now we have to make some changes.' What a disgraceful waste of our money. This is simply the federal Liberal government attempting to get re-elected at our expense.

If members do not think the Prime Minister is exploiting the vulnerable, the weak, the unskilled and the inexperienced workers, I ask them to cast their minds back to 1992. While campaigning for a youth wage, John Howard indicated that the youth wage proposal would succeed because, 'there are many people who will do anything to get their first bite of experience'. John Howard reminds me of Jack Nicholson's character in the *Witches of Eastwick*, Daryl Van Horne, who was described as 'filthy rich and wild eyed, with totally out of touch ideas, particularly for us women'. I ask members to contrast that to the state Labor government, which is doing everything possible to restore the protection of workers, particularly those who were moved into the federal jurisdiction under the WorkChoices legislation.

The objective of this bill before the House is to establish an ombudsman to promote fair work practices as well as enshrine the rights of child workers and set up a low-cost common law jurisdiction for employees on low incomes who cannot afford the cost of litigation in the courts to enforce conditions outside of formal agreements. This is a low-cost process for low-income employees to pursue claims against employers for breaches of contracts of employment. We have all heard about those in the past 12 months in particular.

The bill provides for compulsory conciliation before proceedings are heard in the Magistrates Court. This process is intended to facilitate the settlement of disputes by encouraging parties to reach an agreement without ultimately litigating the dispute in the courts. Conciliators will be appointed by the Chief Magistrate and they, as well as the parties to the conciliation and their representatives, will have immunity from legal liability equivalent to that enjoyed by a magistrate, witnesses and legal representatives in usual Magistrates Court proceedings. The Scrutiny of Legislation Committee, which I chair, considered this conciliation process as reasonable.

This bill deserves the support of all members, because it ensures that this state maintains a fair industrial relations system for Queensland employers and employees. It provides flexibility in the structure of the Queensland Industrial Relations Commission to respond to the changing workloads as a result of the introduction of the federal Liberal government's WorkChoices legislation.

The Prime Minister of this country and his WorkChoices legislation suggests that workers should trust employers to hold their interests above their own. I ask members to judge for themselves. It is unrealistic to suggest that employers will not seek to reduce their wages bill and wages on-costs. That is why we need strong legislation to promote fair and equitable industrial relations and work practices. It is only a Labor government that seeks to do that. We will not support Howard's cutting of penalty rates and overtime. We will not support workers being sacked unfairly or forcing workers to sign unfair individual work contracts. We will not support the slashing of pay and conditions. Howard takes away the workers' rights that have existed for generations and for which the Labor Party and the unions fought hard. Only Kevin Rudd and a federal Labor government will stand up for workers. I commend the bill to the House.

Mr HINCHLIFFE (Stafford—ALP) (5.45 pm): I am pleased to rise to speak in support of the Industrial Relations Act and Other Legislation Amendment Bill. Indeed, I support the minister in his efforts to protect Queensland working families. The reason we are here today debating this bill is that the minister and the Queensland government were forced to act to try to stem some of the damage being inflicted upon workers in this state by WorkChoices. Let us look at who benefits from WorkChoices. I will be using that phrase that has been disowned by its parents, the Liberals and the Nationals. Let us also look at who does not benefit from WorkChoices.

WorkChoices is a federal system based on the corporations power that aims to cover all constitutional corporations. Employers who are constitutional corporations and who currently operate in the state system have a three-year transitional period in which their current state awards and/or agreements will continue to apply. Employers who are not constitutional corporations but who are currently in the federal system by virtue of the conciliation and arbitration power will have a transitional period of up to five years to incorporate or move to the state system. The federal law means that the state laws will no longer apply to employees in the federal system, with the only exceptions being those state laws that the federal government permits to operate.

The federal government's WorkChoices legislation is undoing over 100 years of justice and fairness in Australia's industrial relations system by giving employers unfair leverage in negotiations with their employees. Members of the community across this state—and I know very much in my own community—are very concerned about the impact of WorkChoices. They are people from a whole range of backgrounds who are concerned about it, not necessarily because they are workers who are experiencing the pressures from that unfair leverage of which I spoke a moment ago, but they are concerned for their families. It is the grandparents of young people coming into the workforce for the first time who are gravely concerned about WorkChoices.

All of this is a key issue behind the Howard government's polling performance that I know members in this place take a keen interest in. The Howard government is indeed, I think, the first true Tory government for almost two generations. That is the case because they have the majority in the Senate—the green light that gave them the opportunity to pass this very unfair legislation, and I think it is equally going to be their undoing.

Members like me who have an interest in the history of our nation will recall that in 1929 there was a previous Prime Minister of Australia, Stanley Melbourne Bruce, who proposed changes to the industrial relations system to remove the role of an independent arbiter to give an unfair leverage to employers. Stanley Melbourne Bruce lost his own seat of Flinders.

Mr Wallace: Howard will lose Bennelong!

Mr HINCHLIFFE: Indeed. I take that interjection from the honourable the minister. I think the Prime Minister will be in grave trouble in Bennelong. This coming week in my own federal electorate of Petrie, Maxine McKew, the Labor candidate for the seat of Bennelong, will be there with her fellow Redcliffe girl done good, Yvette D'Ath, the Labor candidate for Petrie, to meet with people in the community who are indeed very concerned about these issues.

Until WorkChoices, Queensland employers were free to choose between the federal and the state system. Overwhelmingly, some 70 per cent of businesses chose to use the Queensland industrial relations system to manage their work force and set wages and conditions. Employees were also able to negotiate their wages and conditions collectively or as individuals. While some chose individual agreements, the majority negotiated collective agreements with their employers. The result has been strong economic growth and social justice for all employers and employees, which has benefited the whole of Queensland.

However, all this changed on 27 March 2005 with the introduction of WorkChoices. Literally overnight, more than 500,000 Queensland employees were moved into the federal jurisdiction. That is approximately 30 per cent of the employees of all businesses. Consequently, those workers were no

longer afforded the protections of the Queensland system—for example, unfair dismissal protections, a strong set of awards and the application of the very important no-disadvantage test, something to which some people are late converts. Furthermore, WorkChoices lets individual agreements override collective agreements.

In June last year, the Queensland Industrial Relations Commission was asked to hold an inquiry into the impact of WorkChoices on Queensland workplaces. Some of the issues raised include concerns over changes in unfair dismissal provisions, literacy problems amongst employees resulting in a lack of understanding of the content in the individual contracts or Australian workplace agreements that have been put before them, and the removal of a choice for incorporated businesses that previously chose to operate in the state system.

It really comes down to the concept of the leverage that is given to employers, which explains why some big businesses are desperate to retain WorkChoices. It explains why, through a whole range of amazing campaigns and suggestions, they are desperately trying to convince people that the mining industry will fall over if there is not some sort of confirmation of WorkChoices arrangements and if the Howard government and its failed policy in this regard is not retained. We can see the desperation of some of those people in their pursuit of that course of action, yet the reality is that across the whole of the business community in Queensland some 70 per cent of employers were quite happy to be within the state system when they could choose to do so.

Further, the complexities of WorkChoices have been compounding for smaller businesses that do not employ human resource personnel, leaving employers and employees confused about the whole situation. The federal government's answer to that was the federal Office of Workplace Services, but this organisation has failed to appropriately advise employees of their rights, despite those workers having an obvious prime facie case for unlawful dismissal. There have been examples of employees seeking advice from the OWS about unlawful dismissal cases and being discouraged from pursuing those cases because of the cost factors and the complexity of the WorkChoices legislation. The federal government's own advocates are telling that story.

Overall, the inquiry found that the major areas of concern were for the removal of unfair dismissal laws, confusion over what constitutes unlawful dismissal and unfair dismissal, and the reduction of wages and entitlements through the use of those individual agreements. As a result of its findings, the inquiry recommended the establishment of a Workplace Rights Office, a one-stop shop service to assist employees and employers to negotiate the complexities that is WorkChoices. That is what we are doing today. I applaud the minister for bringing into the House the implementation of the recommendations of the independent umpire, the Queensland Industrial Relations Commission.

There can be no doubt that the Queensland government remains committed to facilitating and encouraging the fair treatment of all workers. Despite over 500,000 workers being moved into the federal jurisdiction, the government believes that those workers should still have access to full and frank information and advice, which will be provided through the Queensland Workplace Rights Office and the ombudsman, to ensure fair treatment for all Queensland workers.

The government has already shown its support for workers and their families by opposing WorkChoices. It is interesting that we now see the Prime Minister warning of an electoral annihilation of the coalition. He is concerned about it. Only a couple of hours ago he said that he knows that they are under complete pressure. That comes back to this issue, which has been the main concern of people in the Australian community. I know that all Queenslanders, including the people in my electorate of Stafford, have been very concerned about it.

As I have said, this has happened because the Howard government, which has the numbers in the Senate, has formed the first true Tory government that this country has seen for a very long time. The federal government has been able to bring in what it has always wanted, and look where it has found itself! The Australian people are set to reject it. I am pleased that the Queensland government has been part of rejecting WorkChoices and ensuring that Queenslanders know the worst elements of it. We have an opportunity to try to ameliorate the worst impacts of WorkChoices through the operation of this legislation.

This legislation gives all Queensland workers and their families a helping hand in fighting off the worst of Canberra's assault, the worst of the assault by the true Tory government that John Howard has been leading. I commend the bill to the House and I thank the minister for bringing it forward.

Mr ROBERTS (Nudgee—ALP) (5.55 pm): This bill establishes the Queensland Workplace Rights Office and the Queensland Workplace Rights Ombudsman. It also establishes a low-cost common law jurisdiction and enshrines in legislation a number of rights for child workers.

The Queensland Workplace Rights Office will be a one-stop shop that offers advice, information and services aimed at promoting fair industrial relations practices in Queensland. The ombudsman will have two main functions, to facilitate and encourage the fair treatment of workers and to provide the state government with advice on strategies to mitigate the negative effect of the federal government's unpopular and unfair WorkChoices legislation.

I want to make a few comments about the proposal to establish a low-cost common law jurisdiction for workers covered by the federal WorkChoices act. One of the major consequences of the federal government's assault on workers' rights and protections was the removal of a meaningful role for the independent umpire in the form of the Industrial Relations Commission. Individual workers and their unions now have limited opportunities to challenge the unfairness of the application of the WorkChoices legislation in the workplace. Over the past 12 months, we have seen numerous examples of the blatant abuse that can be meted out to workers under this legislation.

The state Labor government is limited in the responses it can provide to protect workers' interests when they are covered by federal legislation. However, this bill seeks to provide a minimum level of protection to workers who otherwise would have few avenues of redress. In the federal sphere, however, as I will detail later, the federal Labor Party does have some positive plans to address the inequities of the current system.

One of the important provisions of the bill before the House is a series of amendments to the Magistrates Courts Act, which establishes a low-cost employment jurisdiction for breaches of contract claims by employees. The new jurisdiction will be available to workers who earn up to $98,200 a year, which is consistent with the income threshold for employees in the state system who seek a remedy under our state based unfair dismissal laws.

Whereas experience will dictate how the new low-cost jurisdiction will be used, I anticipate that one matter that could be tested under the breach of contract provisions are issues related to unfair dismissals or unfair treatment under an employee's employment contract. Therefore, it is timely to reflect upon the unjust and unfair dismissal laws introduced under WorkChoices, which is one of the more sinister aspects of these laws.

Under WorkChoices, an employer can sack an employee for virtually anything and the only workers who can access unfair dismissal protection are those who work for companies that employ 100 or more employees. This, of course, eliminates access to unfair dismissal laws for the overwhelming majority of workers. Of course, there are provisions that purport to protect workers from what is referred to as unlawful dismissals, but these are in only limited circumstances. However, as we all know from the many examples that have been portrayed in the media in recent months, these laws can be easily circumvented by simply saying that the sacking is due to operational reasons or, in the case of a worker who is employed by a company with fewer than 100 employees, which is the majority of workplace workers in Queensland, no reason has to be given.

The facts are that the overwhelming majority of dismissal claims that are and have ever been lodged with industrial relations commissions across the country are unfair dismissal claims, not unlawful dismissal claims. The principles underpinning unfair dismissal laws are the foundation on which dismissal laws have been developed and applied throughout Australia for the last century. They are based on the notion of a fair go—something which has underpinned the essence of the Australian character for over two centuries.

The three pillars which support the concept and which can form the grounds for an unfair dismissal claim are that a dismissal was unfair, unjust or unreasonable. What is of most concern is that under WorkChoices it is legal in the majority of cases for an employer to treat an employee unjustly, unfairly or unreasonably when they terminate their employment, and the majority of employees have no form of redress under these circumstances.

What sort of society are we creating here? What sort of workplace culture is being encouraged when one side of the employment relationship has the legal right to treat an individual in such a way? It is simply un-Australian but, more specifically, bad employment practice which should not be tolerated as a feature of the employment relationship in this country.

The federal Labor opposition has developed a package of reforms to reintroduce some fairness back into the employment relationship. Amongst other things, federal Labor will reintroduce fair and reasonable dismissal laws which take account of the needs of employees and small businesses in particular. A federal Labor government will create a new workplace relations system that is simple, fair and flexible and, importantly, will get rid of the Howard government's unfair laws once and for all.

With regard to unfair dismissal laws, federal Labor will restore some balance to the employment relationship by introducing laws which provide access to unfair dismissal provisions. In the case of a business with less than 15 employees, an unfair dismissal claim can be made after an employee has been employed for at least 12 months, and for businesses employing more than 15 employees unfair dismissal claims may be made by employees who have been employed for at least six months.

One of the important aspects of this proposal is that federal Labor will work in consultation with the small business sector to develop a fair dismissal code. The code will be tailored to the needs of small business and will be reduced to a clear and concise reference to help these employers meet their obligations under the new act. Where an employer has complied with the new code, any dismissal which complies with it will be considered a fair dismissal. This is a much more balanced approach than that which currently exists. I have highlighted what federal Labor proposes to do if it is elected later this

year because it shines a light on one of the fundamental differences in approach to workplace relations between Labor and the coalition. The changes outlined by federal Labor, along with the measures contained in this bill, show that the Labor Party is genuine in its concern to create fairness in the workplace and it is prepared to take proactive steps to protect workers' rights wherever possible. I commend the bill to the House.

Hon. RJ MICKEL (Logan—ALP) (Minister for State Development, Employment and Industrial Relations) (6.02 pm), in reply: We have heard a very interesting debate from both sides but at no time in this whole debate this afternoon have both sides been joined on the one debate. What we have had is people on this side of the chamber actually talking about the bill and talking about the concerns of ordinary Australians. And what is that concern? It is concern over one word that the federal government chooses no longer to use: WorkChoices. Remember that word? Well, it just had an advertising campaign knocking that word out, having spent $55 million putting the word in. And that is how it went this afternoon in this debate.

The government wanted to talk about the concerns of ordinary people, the concerns of 88 per cent of the workforce—the workforce that is joined by the private sector which is captured by WorkChoices. So what is this debate about this afternoon? It is WorkChoices legislation which was imposed on all corporations without any consultation whatsoever with the states. It is unfair and divisive legislation that was not voted on by the Australian people in the 2004 federal election. Is it any wonder that there is this white hot anger out there in the electorate? We only need to look at any published opinion poll to see the massive gap created by that white hot anger. In response to that, the Queensland government is doing all in its power to ensure that the workforce is guaranteed a fair go. The federal government has recently announced that the Office of Workplace Services will be renamed the Workplace Ombudsman. All it is doing is following the lead of this legislation.

Weeks ago when I brought this legislation into the House, the Prime Minister indicated that he was not for turning on this legislation. In the face of our legislation he has not only backed down and adopted many of the recommendations in it but also adopted the name. So we have 'ombudsman' at a federal level as well. But, in case members wonder why there is an arrogance about this federal government, let me tell them what we have been trying to do.

I wrote to Minister Hockey on 17 April with respect to 814 matters—720 were wage claims and 94 arose out of audit activity and referrals from the Fair Go hotline and Wageline, to be referred to the Office of Workplace Services from our department. I was advised it is apparent that formal reports on the outcomes of investigations have been received in respect of only four. So out of 814 they have chosen to look at four. The shadow minister said that what people want in the workplace is fairness. What is fair about a system that gets 814 referrals and they look at only four of them? That is the constant arrogance and abuse we get from the federal government.

There have been a total of 62,983 calls received by the Queensland government hotline and Wageline. From July 2006 when we came out of the contract and when we commenced keeping statistics to 18 May 2007, 55,924 calls—that is, 32 per cent of all calls—related to WorkChoices. Why would that be? It is because they could not be bothered putting up for employers what the new wage rates were for 12 months.

We heard a lot about the campaign on WorkChoices, where they produced documents like this. What is less understood is that until May 2007 the word 'fair' was nothing more than an advertising campaign slogan. Remember the 458,000 booklets the federal government pulped at a cost of $152,000 so the word 'fairer' could be inserted into the title? That is the sort of system we have been up against. So any attempt now by the federal government to restore fairness or a no-disadvantage test should be seen in the light of cynicism which it deserves.

The whole batch of legislation that we are introducing here this afternoon is designed to put fairness and balance back into our industrial relations system. Let me talk in the last few moments about the opposition and its claims of bullying. Let me say straight up as a minister that I resile from any aspects of bullying from any individual, and particularly I resile from it where people try to do it to others in the workplace. But I have had something checked this afternoon and it is this: the incidence of acceptable psychological claims in the Public Service has continued to decline for the third consecutive financial year. In relation to psychological injury claims, which include claims for bullying, I am advised that between 2003-04 and 2005-06 the number of accepted workers compensation claims in the Queensland Public Service for psychological and psychiatric disorders has decreased by almost 14 per cent. Whilst we are disapproving of it, there are actions within the state Public Service to have these matters addressed, but the incidence of it has declined by 14 per cent.

With those few comments I commend the bill to the House. In so doing I thank my staff and the dedicated public servants who I have had the honour of dealing with in relation to this bill and almost weekly in every other aspect of the portfolio. I want them to know that I do appreciate what they do for me as a minister and I thank too my personal staff and also all the honourable members who have contributed to this debate this afternoon.

Question put—That the bill be now read a second time.

Motion agreed to.

Consideration in Detail

Clauses 1 to 29, as read, agreed to.

Clause 30 (Insertion of new ch 8A)—

Miss SIMPSON (6.11 pm): I move the following amendment—

1 Clause 30 (Insertion of new ch 8A)—

At page 25, after line 30—

insert—

'(ha) to investigate allegations of intimidation and bullying of public service employees and other employees of public sector units in relation to industrial relations and other work-related matters;'.

Speaking to this amendment, the state opposition—the National-Liberal coalition—is concerned about continued complaints of bullying and intimidation within the state Public Service. The intention of this amendment is to provide the workplace ombudsman, who is to be created by this legislation, with the ability and the charter to investigate and deal with incidents of intimidation and bullying in the Public Service.

I quoted quite extensively in my second reading speech from a number of sources providing evidence of concern about the incidence of bullying and intimidation in the public sector. We have seen the worst fallout one could possibly see from this type of bullying culture as evidenced in the recent health inquiries. It not only distresses and burns out staff in the public sector but also has the potential to damage the very people they seek to serve. With the health sector we saw a situation of not just one incident but systemic bullying resulting in people being unable to effectively address issues of health standards. That resulted, as we know, in the deaths and mutilation of patients at the hands allegedly of one doctor but really it was the failure of a system to be able to hear and understand genuine complaints and deal with those.

That is one incident that we know of which makes it necessary for a workplace ombudsman to have a legitimate charter to be able to address this issue within the public sector. I talked extensively about it before and I reaffirm my comments in that regard. We believe that this legislation before the House is flawed but that it can be redeemed if this ombudsman has the ability to address these very valid concerns in the public sector and I commend my amendment.

Mr MICKEL: The government will not be supporting the amendment. The reason for that is quite simple: there are a number of provisions within the existing Public Service charter for those grievances to be aired. I would invite the opposition, if it wants, to a briefing on this. My department will be more than happy to take them through the existing provisions that already apply. For example, Queensland public servants can lodge grievances with the Office of Public Service Equity and Merit if they have a grievance with respect to bullying that they want dealt with. I invite all honourable members to tell public servants that they may lodge a dispute with the Queensland Industrial Relations Commission. There is an independent and fair umpire willing to adjudicate that sort of process that I know a lot of honourable members on the other side felt was not being addressed. It is not being addressed because they simply have not come to grips with the provisions that are already in place.

That is why we will be opposing this amendment. I do not doubt for one moment the member's sincerity in raising it. I do not for one moment resile from what I have said. I think bullying has no place whatsoever in the workplace. However, there are provisions to adequately deal with that. The government will not be supporting the amendment.

Miss SIMPSON: I thank the minister for his explanation with regard to those provisions. I put on the record, however, that those provisions were not adequate to deal with what we have seen transpire in Queensland in recent years. Those provisions have not been adequate to deal with bullying which has also resulted in an extremely high turnover of staff in the Ambulance Service, as we have heard from the member for Mirani. Those provisions have not been adequate to deal with the issues raised by the member for Gympie and also backed up by the member for Lockyer in regard to people within the Education Department.

While those provisions may be there, they are not working sufficiently to address the continuing culture of bullying within the public sector. That is why we disagree with the minister. We believe it is necessary for this workplace ombudsman to be able to address workplace bullying which is rampant within many parts of the public sector.

Division: Question put—That the amendment be agreed to.

AYES, 28—Copeland, Cripps, Cunningham, Dempsey, Elmes, Flegg, Foley, Gibson, Hobbs, Hopper, Horan, Langbroek, Lee Long, Lingard, McArdle, Malone, Menkens, Messenger, Nicholls, Pratt, Seeney, Simpson, Springborg, Stevens, Stuckey, Wellington. Tellers: Rickuss, Dickson

NOES, 50—Attwood, Barry, Bligh, Bombolas, Choi, Darling, English, Fenlon, Gray, Hayward, Hinchliffe, Jarratt, Jones, Keech, Lavarch, Lawlor, Lee, Lucas, McNamara, Mickel, Miller, Moorhead, Mulherin, Nelson-Carr, O'Brien, Palaszczuk, Pearce, Pitt, Purcell, Reeves, Reilly, Roberts, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Weightman, Welford, Wells, Wendt, Wettenhall, Wilson. Tellers: Finn, Nolan

Non-government amendment (Miss Simpson) **negatived**.

Clause 30, as read, agreed to.

Clauses 31 to 79, as read, agreed to.

Schedule, as read, agreed to.

Third Reading

Hon. RJ MICKEL (Logan—ALP) (Minister for State Development, Employment and Industrial Relations) (6.25 pm): I move—

That the bill be now read a third time.

Division: Question put—That the bill be now read a third time.

AYES, 51—Attwood, Barry, Bligh, Bombolas, Choi, Cunningham, Darling, English, Fenlon, Gray, Hayward, Hinchliffe, Jarratt, Jones, Keech, Lavarch, Lawlor, Lee, Lucas, McNamara, Mickel, Miller, Moorhead, Mulherin, Nelson-Carr, O'Brien, Palaszczuk, Pearce, Pitt, Purcell, Reeves, Reilly, Robertson, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Weightman, Welford, Wells, Wendt, Wettenhall, Wilson. Tellers: Finn, Nolan

NOES, 27—Copeland, Cripps, Dempsey, Elmes, Flegg, Foley, Gibson, Hobbs, Hopper, Horan, Langbroek, Lee Long, Lingard, McArdle, Malone, Menkens, Messenger, Nicholls, Pratt, Seeney, Simpson, Springborg, Stevens, Stuckey, Wellington. Tellers: Rickuss, Dickson

Resolved in the **affirmative**.

Long Title

Question put—That the long title of the bill be agreed to.

Motion agreed to.

Sitting suspended from 6.31 pm to 7.30 pm.

LEGAL PROFESSION BILL

Second Reading

Resumed from 19 April (see p. 1412).

Mr McARDLE (Caloundra—Lib) (7.30 pm): It gives me pride to stand to talk to this bill today. Can I say at the outset that the legal profession over the past 10 to 15 years has indeed suffered from what can be termed at the very least some very bad publicity. It is very sad to see a few, shall I say, rotten apples spoil the good name of many legal practitioners across all professions and take that profession down to a level that is seen by the public as, dare I say, akin to politicians in many cases. Those few bad apples have in fact soured the name of what I believe is a very honourable profession and a profession that holds exceptionally good men and women who have given large amounts of their time and their energies to this state over the past 100 or so years.

There are many practitioners in organisations such as Legal Aid and other bodies who work on what is in essence a pittance compared to some of the larger legal firms, but they deal with issues that are the meat and potatoes of our society. They forgo large salaries, they forgo expense accounts and they live a life devoted to assisting those in need on a day-to-day basis. There are those firms that undertake pro bono work and there are those organisations or people who work for community based legal services. It is these people that I believe need to be accoladed in our society more so than the larger firms.

As I said, it is a great pity that the profession has been soured over the past 10 to 15 years when most people at some point in time in their life face a crisis and turn to a legal practitioner for assistance. Most of those practitioners offer solid, honest and reliable advice and work very hard for their clients. I would like to think that in the time to come and with the passage of perhaps this bill and also amendments that indeed must flow as time goes on the profession will be seen in a better light than it is at this point in time. Our society and in fact our democracy operate on the legal principles so well endowed from England and transported here over 200 years ago. An integral part of ensuring that democracy continues to operate in this great state and country is the involvement of legal practitioners of one form or another.

As I said, a lot of the criticism that has been passed in recent years lies with a few people who have soured many of the practitioners in society today. But it is also very important to realise that we now live in a truly global economy, an economy that is radically different from that of, say, 30-odd years ago. Thirty years ago the concept of multibillion-dollar deals and international and national acquisitions taking place simply was not in the psyche of many legal firms or indeed of many companies. These types of transactions have reached an all-time high, and salaries also tend to go with it. We have large conglomerates controlling billions of dollars worth of assets not just here in Queensland or indeed Australia but throughout the world. We have significant economic development based upon international

relationships, not just in the sale of minerals but across media, advertising and other business activities. The legal profession in this country has grown outside of the boundaries of Queensland to the point where there are multinational firms with established bases in each capital city in this nation and indeed in many major regional cities.

Importantly, the growth of business has necessitated a review of how the legal profession operates in this country. It was in 2002 that a working relationship was formed between the Law Council of Australia, the Commonwealth government and the Standing Committee of Attorneys-General to establish the framework for practitioners and firms to work across the country under uniform legislation, thus removing the necessity of practitioners and firms having to establish themselves under different state regimes. It is important that we acknowledge that fact. It is important we understand that the bill today is in fact to facilitate transactions and legal firms operating across this country and also internationally, because that is the way of the future and I certainly cannot see that being wound back in time to come. In addition, it was recognised that overseas firms and practitioners with specialised and expert knowledge would wish to operate here in Australia. These factors came together and established the necessity and the reality of a modern legal practice to be recognised. As I said, legal practitioners and legal firms are not what they were 30 or 40 years ago. It is about time that we had a uniform legislation regime across this country.

The work undertaken by the very nature of the new regime also put in place an obligation to ensure that consumer protection and economic efficiency were enhanced. As such, one of the main thrusts or the new thrusts of the bill here today is to ensure that both the client and the profession will benefit from the introduction of regulatory rules and obligations. It is all right to have a profession that operates across boundaries, but there is also the necessity to protect both sides in a transaction—that is, the firm and the client. Both have expectations and both have problems that they need to have resolved during a transaction. This bill hopefully will put in place a regime to at least alleviate some of the past concerns.

It was in 2004 that the national legal professional model bill and model regulations were issued to facilitate this process. SCAG acknowledged that a national framework could not simply be imposed upon each jurisdiction without acknowledging the role of state legislation and professional bodies within each separate state. It was therefore agreed that these issues needed to be taken into account, and as such the states will therefore have variations to the model bill to allow the state legislation and court responsibilities to flow through the operation of the bill as performed in each jurisdiction. Thus, the bill accedes to the fact that the states are different from each other in many areas and that needed to be recognised as part of the overall structure.

The bill itself draws together existing bills that have been passed and also brings into account two, if I may call them, core provisions dealing with trust accounts and costs. I do not intend to go through the bill in detail here as this parliament has done so in the past and there has been bipartisan consent to the bill. However, can I say this: as time, the economy and perhaps even technology evolve, this bill will continue to require modification so as to better provide protection for all involved in a legal transaction. In fact, the National Legal Profession Joint Working Group will continue to monitor the model laws and propose amendments if and when required for consideration by SCAG and then implementation through the normal parliamentary processes.

Queensland first moved to adopt the model laws in 2004 with the passing of the Legal Profession Act of that year. That act dealt with a number of areas, and perhaps from a global economy point of view the most important areas incorporated legal practitioners, multidisciplinary partnerships and registration of foreign lawyers. The act also dealt with a number of other very important areas including complaints and admissions to practise. We are now in 2007 and this country as at no other time continues to face economic and social change which the legal profession needs to take on board in the way that it itself conducts business.

The bill before the House does two things. Firstly, as I said before, it incorporates the current bill and then inserts new legislation concerning trust accounts and costs. Transitional provisions exist whilst continuing segments of the Queensland Law Society Act 1952 and Trust Accounts Act 1973 still apply. As such, legal practices are able to comply with trust accounts and cost provisions of the acts that I mentioned until 31 March 2008 and 1 January 2008 respectively. The paper prepared by the Parliamentary Library in relation to trust accounts states—

> The laws will be part of a national uniform approach to trust accounts. In essence, the provisions seek to ensure that persons entrusting money to law practices and Australian-registered foreign lawyers are protected, both inside and outside Queensland; and to minimise compliance requirements for law practices providing legal services within and outside Queensland; and to ensure that the QLS can work effectively with corresponding authorities in other jurisdictions regarding the regulation of trust money and trust accounts.

The Parliamentary Library paper then goes on to detail some of the features of the bill concerning trust accounts, re-emphasising the necessity for a general trust account in Queensland to be maintained in the prescribed manner with money deposited into it except in certain circumstances. I believe that the issue of trust accounts and costs are the major areas of complaint between legal practitioners and clients of whatever age and whatever group. Whatever we can do to remedy or rectify that problem will

go a long way to ensuring the profession is seen in a much better light. In my time in legal practice there were many occasions when clients became concerned about costs and costs agreements and there were disputes as to whether or not a particular clause in a costs agreement meant A or B. Hopefully, this will be the start of a process that will eliminate or at least control those disputes in the future. As I said, this legislation will be a living entity and, as time moves forward, changes and amendments will be required.

The bill itself then goes on to identify what it terms 'controlled money' and 'transit money'. Controlled money is those funds for which the firm holds written instructions to deposit into an account other than the general trust account over which the practice has exclusive authority. This is a new form of funds that has not existed until now, as I understand the bill. Transit money relates to money received by a practice subject to instructions to pay or deliver to a third party. Again, it is a new form of funds at this point in time not acknowledged in the legal profession or by legislation. In addition, the bill provides provisions as to how 'controlled money', 'transit money' and 'money subject to specific powers' are to be maintained and dealt with together with the practices regarding the permanent keeping of trust records and obligations to report irregularities in trust accounts or trust ledger accounts. The bill enables protocols to be established between the Queensland Law Society and corresponding authorities who are deciding where trust money is received and for sharing information regarding dealing with trust money, and the transitional provisions enable practices to maintain current regimes until 31 March 2008.

Part 3.4 of the bill deals with costs disclosure and assessments, with the main purposes of this part of the bill being contained in section 299. As I said before, the issues of costs, costs agreements and costs disputes are some of the major problems between practitioners and clients and have been for many years. The bill itself introduces a number of new terms into a costs regime including 'third party payer', 'associated third party payer', 'non-associated third party payer' and what is termed a 'sophisticated client'. The first three terms are defined in section 301 of the bill.

A 'third party payer' is deemed to be a person 'in relation to a client of a law practice' who is under a legal obligation to pay all or any part of a legal cost for legal services or, having been under an obligation, has already paid all or part of those legal costs. As I understand, that may well relate to a commercial premise where a lessee may well be liable for certain costs associated with legal work undertaken on behalf of the lessor. A third-party payer is deemed to be an 'associated third party payer' if the legal obligation is owed to the legal practice, whether or not it is owed to the client or another person. A third-party payer is a 'non-associated third party payer' where a legal obligation is owed to the client or another person but not the legal practice. Again, these are new terms contained within the legislation. During the consideration in detail stage I will ask certain questions of the Attorney with regard to those terms.

Under section 305, the bill defines when a client first instructs a legal practice, stating that it occurs when instructions are received from or on behalf of the client whether in person or by post, telephone, fax, email or other form of communication. During the consideration in detail stage I will ask the Attorney certain questions with regard to that particular section as well.

Section 307 deals with what happens to costs when different state laws apply to a matter. It is quite conceivable that an action may have a component in New South Wales and also in Queensland. There may well be different legal firms engaged and, as a consequence, different costs agreements are entered into by the one party. The bill makes it very clear that, where an account or work is undertaken on behalf of a client, the account issued is governed by the Queensland legislation. That will also apply in relation to costs that flow from the work in Queensland and there can be no transference between Queensland and New South Wales of a jurisdictional question.

Section 308 is the disclosure requirement for costs, which is stricter than has been the practice to date. Without going through all of those requirements, the principal items could well be inclusive of how costs will be calculated, the client's rights to negotiate a costs agreement, receiving a bill and requesting an itemised bill after receipt of a lump sum bill. In addition, the practice is required to give an estimate of the total legal costs, if reasonable and practicable to do so and, where it is not so, a range of estimates of the total legal costs and an explanation of the major variables that will affect the calculation of those costs. Section 308 goes on in some detail providing information required to be given to the client, and section 310 states that disclosure under section 308 must be made in writing before, or as soon as practicable after, the law practice is retained in the matter.

The bill does allow in section 311 exemptions to the requirement for disclosure to what are deemed 'sophisticated clients' as are defined in section 311(1)(c) or (d). I will not go into those, but generally speaking they could be categorised as national entities or national corporations. In addition, sections 316 and 317 deal with the effect of failure to disclose a requirement that progress reports are to be provided to clients respectively, while section 318 requires disclosure to associated third parties as I have earlier defined.

This bill prohibits contingency fees and provides a maximum penalty of 100 penalty units, which is a continuation of the current regime. It grants power to the Supreme Court to set aside costs agreements if the court determines that the document is not fair or reasonable, having regard to the factors contained in section 328 of the bill.

Division 7 of part 3.4 of the bill deals with costs assessments while division 8 of part 3.4 deals with personal injury claims taken on a speculative basis. Clause 347 provides a formula for the maximum payment that is permitted when a personal injuries claim is taken on a speculative basis. Exceptions to disclosure requirements exist and cover actions where the total costs are likely to not exceed $750, which is exclusive of GST, or a higher amount if the client agrees to waive the rights of disclosure because the client has received earlier disclosure documents and the principal of the practice believes on reasonable grounds that the nature of those disclosures mean that further disclosure is not required.

In essence, there are only very few circumstances in which disclosure is not required. Certainly, in what I may term the mum and dad transactions, the disclosure requirements contained within the bill are very heavily weighted to protect the client. They require the legal practice to ensure that all relevant information is provided to the client to ensure that their rights are protected and that action can be taken by them to protect those rights.

In addition, the client will be deemed to be a sophisticated client if there has been a tender process regarding costs or if the client will not pay any costs at all. This may well occur in a pro bono situation in which a client is not meeting any of the costs or it may well occur in the legal aid situation where again the client is not meeting any of those costs. In terms of the legal aid situation, I ask the Attorney-General if he could clarify whether my statement is correct, in particular if a legal aid client is required to make some form of contribution to the legal costs of the legal firm. Certainly, on many occasions legal aid is granted but sometimes there can a stipulation that a contribution is made by the client. In those circumstances where the client is meeting part of the legal costs, although only a small portion, are there requirements on a legal practice to provide that client with some form of disclosure statement and, if so, the information contained therein?

As I said before, the general thrust of the bill is to strengthen the protection for consumers. It also gives the practitioner the parameters within which they have to operate when dealing with their clients so that the rights and obligations of both parties are set out in greater detail. Hopefully, disputes may not be as frequent as they have been.

As I stated, this bill incorporates earlier legislation that, to date, has not been proclaimed. With the exception of seven sections of this new bill, it commences on the date to be fixed by proclamation. Clause 3 outlines the main purposes of the bill, which are to regulate the legal practice in this jurisdiction in the interests of the administration of justice, to protect consumers of the services provided by the legal profession and the public generally, and to facilitate the regulation of legal practice on a national basis across state borders.

This bill has come to the parliament in its final form after a lengthy and protracted journey. This is the start of a new field of endeavour for legal services and practitioners in this state. As there always are with large and complicated pieces of legislation, there will be teething problems. There will be a number of occasions when it will need to be amended to take into account unexpected and unprecedented problems that may arise. Irrespective, it is hoped that this bill will set the legal profession in a new direction and provide even greater security not just for the mums and dads who use legal firms on a one-off basis but also large corporations. It is also hoped that the bill will allow large legal practices to continue their role in fostering economic growth and diversity in Queensland and Australia.

The legal profession in this state is facing major hurdles in public perception. It is also undergoing enormous changes in the way in which it is conducting itself. In my opinion, it will also be facing greater challenges as we in this country expand the areas of law and establish new areas of law in which people will operate. We live in an age of technology. We live in a global economy. We no longer reside in the 1970s. This is 2007. The rate of change that has been wrought on the legal profession, business and the economy since 1970 will escalate enormously in the next 30-odd years. The legal profession has an intricate and, in my opinion, pivotal role to play in ensuring that business and also mums and dads live a life that is to the best of their ability full of enjoyment and satisfaction. In that regard the legal profession has a very important role to play. This parliament also has a very critical role to ensure that the legal profession lifts its game and provides services across the whole of the Queensland. I endorse the bill.

Mr LAWLOR (Southport—ALP) (7.55 pm): This bill certainly builds on the advances made in the Legal Profession Act 2003 which, in itself, was replaced by the Legal Profession Act 2004. The 2004 reforms followed those introduced by the government in the Legal Profession Act 2003 in the areas of admission, national practice, conduct rules, complaints and discipline, financial arrangements and incorporated legal practices. The reforms before the House today implement the final tranche of the national legal profession reforms.

The benefits of adopting nationally developed and nationally agreed reforms are immense. Those benefits are easily summarised as being nationally consistent standards for admission to the legal profession; a recognition of interstate practising certificates; the strengthening of complaints and disciplinary processes for lawyers, including local enforcement of interstate disciplinary action; nationally consistent trust account requirements; nationally consistent costs disclosure requirements; nationally consistent criteria for the assessment of costs; nationally agreed interjurisdictional fidelity fund arrangements; and new business structure options for legal practices, namely incorporated legal

practices and multidisciplinary practices—and that is consistent with other professions, too, such as accountancy practices. Major accountancy firms have legal sections. These business structure options for legal practices are just keeping them up to speed with those other professions. Another benefit is nationally agreed regulatory arrangements for foreign lawyers. The implementation of these reforms in every state and territory will ensure that the Australian legal profession is truly a national legal profession.

If this is what can be achieved between Labor state and territory governments and the coalition federal government, imagine what progress could be made with a federal Labor government working with the states and territories. The coalition in Canberra hopes that its mantra of coast to coast Labor governments—if, as we hope, Kevin Rudd becomes Prime Minister by the end of this year—will persuade voters to vote for the coalition at the next federal election.

I believe that the coalition is misreading the mood of the Australian people. Certainly, I believe the Prime Minister is misreading the electorate. His appearance last week on the *7.30 Report* on the ABC confirmed just how out of touch he is. The presenter, Kerry O'Brien, asked the Prime Minister why his government is travelling so badly in the opinion polls. The Primer Minister's reply was—

> Well ultimately, we'll all find out whether it's not all been a, you know, an interesting exercise by the Australian public with its innate sense of humour, and we'll find that out on election day won't we?

I hope the joke is on the Prime Minister. I hope the Australian people have a sense of humour and humour most of Australia by throwing out the government.

These national legal profession reforms are good reforms. They are good for Australia, good for consumers and good for the providers of legal services. They have been achieved with bipartisan support. The challenge in all areas of public policy is to implement reforms that will have a positive impact, which these legal profession reforms will have.

Will a re-elected Howard government want to make a positive impact in other areas of public policy—areas such as climate change, industrial relations and productivity? I think the answer is clearly no. On a broad range of issues the states and the territories have demonstrated clearly their preparedness to work cooperatively with Canberra on reforms needed by Australia.

This bill will give legal practitioners until 1 January 2008 to comply with the new professional cost requirements, as has been mentioned by the opposition spokesman, and until 31 March 2008 to comply with the new trust account requirements. The situation relating to legal costs has been a continuing source of difficulty and aggravation for some time. The difficulties arise not only in relation to solicitor/client, party and party costs, but also, amazingly, for instance, between taxing officers and judges.

Several of my friends are legal cost assessors and I have been informed of a case that has, fortunately, resulted in a recent resignation. The particular court officer to whom I am referring caused a hell of a lot of legal work himself because some of the decisions that he as a taxing officer had made were so outrageous that they led to appeals. People do not appeal the decision of a taxing officer if the case involves a couple of thousand dollars. However, if you are talking about hundreds of thousands of dollars, in some cases, they have no option but to appeal what may be an unreasonable decision. Unfortunately for the legal profession generally, this particular person would not take any advice from the judgements of Supreme Court judges and other judges. I think he felt that he knew more than the judges and that he was a law unto himself. I understand that he has recently resigned. These reforms, together with the recent resignation of that officer, will alleviate many of the problems that we have had in the area of costs.

The new cost provisions will include the following important elements: cooperative arrangements among jurisdictions about how interjurisdictional issues are to operate; a cost disclosure regime that will benefit consumers of legal services; a provision for the setting aside of unfair cost agreements; exceptions for sophisticated clients, for instance, public companies; a requirement for disclosure updates; procedures whereby costs may be recovered; the regulation of uplift fees; the prohibition of contingency fees; refined billing practices, including requests for itemised bills and interim bills; a cost assessment process pursuant to the court rules; and transitional arrangements to allow the current regime to continue until 1 January 2008. All in all, this will make for a very much improved regime in relation to costs. I commend the bill to the House.

Mr WELLINGTON (Nicklin—Ind) (8.02 pm): I rise to participate in the debate on the Legal Profession Bill 2007. I note that there are many, many, many, many, many pages contained in this bill, the explanatory notes and amendments.

The legal profession is a very honourable profession and we certainly need to ensure that we have the best sorts of laws possible to regulate the profession. I referred to the minister's second reading speech, the Scrutiny of Legislation Committee's consideration of the bill and also the Parliamentary Library's consideration of the bill, and I found that they all refer to the fact that this is an important bill that builds on regulating the legal practice on a national basis, across state borders. There is no doubt that today more than ever that is very important.

No longer can Queenslanders think that we are isolated or alone. As previous speakers have said, today more than ever the legal profession is moving in new directions and is changing very rapidly. Legal practices operate across state borders and across the boundaries of our country. There are very clear examples of partnerships between various nations. This legislation certainly takes a step in the right direction. I would like to take a few moments of members' time to refer to clauses 308 and 309 of the bill. Previous speakers have spoken about this issue, which relates to the cost disclosures. It is very good to see that new requirements build on the current legal costs requirements that already exist in Queensland.

The very first sentence of clause 308 states, 'A law practice must...'. It is not discretionary. There are no ifs or buts. It is very clear. It states, 'A law practice must disclose to a client under this division ...' and it then goes through a whole range of requirements. I take members to the opening part of clause 309, which refers to disclosures if another law practice is to be retained. It states—

If a law practice intends to retain another law practice on behalf of a client, the first law practice must—

Yes, 'must'—

—disclose to the client the details mentioned in section 308(1)(a), (c) and (d) in relation to the other law practice...

These requirements are very important. They are not discretionary. As previous members have said, one of the most contentious issues that people complain about is the issue of costs. Indeed, less than a fortnight ago a constituent came to see me to complain about this very issue, that is, costs.

I congratulate the Attorney-General and the government for bringing this bill into the House. As the shadow Attorney-General said, no doubt there will be some teething problems, but hopefully there will be continual review and consideration of the legislation once it is applied. I have no doubt that, if there are problems, the Attorney-General will respond as quickly as possible.

It is just after eight o'clock and other speakers wish to speak on this important bill. Therefore, I simply refer members specifically to the consideration of the Legal Profession Bill by the Parliamentary Library and the Scrutiny of Legislation Committee, as well as the minister's second reading speech. I commend the bill to the House.

Ms PALASZCZUK (Inala—ALP) (8.05 pm): I rise to support this bill. It is a great honour to speak to this bill, not only as a member of the House but also as a person who was recently admitted as a lawyer. Last October I was proud to be sworn in as the member for Inala. One week later, I was admitted as a lawyer. It did not help matters having to sit my final civil procedure exam on the day before the state election.

I thank Sciaccas Lawyers, and in particular Sam Sciacca and Luke Gribben, for their guidance. I especially thank Brian Kilmartin for providing practical tuition and acting as my mentor during my studies for a Graduate Diploma of Legal Practice, which I completed through the Australian National University.

It does not matter where in Australia one studies as the laws are now uniform for the regulation of the legal profession. Essentially, the same core subjects are being taught so the principles that I studied in trust accounting and ethics are applicable throughout Australia. Uniform laws are good for consistency. The member for Southport also touched on this point, stressing the importance of having consistency of standards.

I now turn to the bill. As the member for Nicklin pointed out, the Legal Profession Bill is by no means a small piece of legislation. In fact, it is 549 pages long.

Mr Bombolas: How many?

Ms PALASZCZUK: It is 549 pages. When one comes to regulating the legal profession, it comes as no surprise that no stone is left unturned by the lawyers.

Mr Bombolas: I hope not, after 549 pages.

Ms PALASZCZUK: It is a very good read.

As the Attorney-General stated in his second reading speech, the Legal Profession Bill 2007 will complete the government's legal profession regulatory reform program. The bill proposes amendments to the Legal Profession Act 2004 to include the remaining parts of the national model bill in relation to trust accounts, cost disclosure, cost agreements and cost review. Related amendments transfer the regulatory arrangements in relation to solicitors' trust accounts from the Queensland Law Society Act 1952 and the Trust Accounts Act 1973, and provide for the cost assessment function to be subject to the supervision of the Supreme Court.

Drafting of the model bill was not complete when the Legal Profession Act was enacted and the amendments are required to better align the Legal Profession Act with the model bill and to incorporate a number of amendments to the model bill based on the experience of some jurisdictions that were recently approved by the Standing Committee of Attorneys-General. SCAG has also agreed that jurisdictions will adopt chapter and part numbering consistent with that used in New South Wales and Victorian acts.

These amendments are consistent with Queensland's commitment to the national model reform process. These reforms have long been recognised as essential for the legal profession, its regulators and consumers of legal services. It should be appreciated that the reforms also place Australia at the forefront of legal profession regulation internationally.

In relation to costs, the new cost provisions build on current requirements relating to cost disclosure, cost agreements, and bill and costs assessments. Some important elements include cooperative arrangements among jurisdictions about how interjurisdictional issues are to operate, a cost disclosure regime that will benefit consumers of legal services, the provision for the setting aside of unfair costs agreements and the list goes on.

While law practices will be able to comply with the new cost provisions from commencement, the transitional provisions will allow them to continue under the current regulatory regime up until 1 January 2008 to allow for an appropriate lead time. The member for Southport has also touched on costs agreement. The costs provisions build on current requirements relating to cost disclosure, costs agreements, billing and costs assessments.

Under the new requirements there will be clear, consistent national costs regulation which will be of great assistance to national firms and those practising on an interstate basis. There will be clear nationally consistent disclosure obligations to ensure that clients are well informed in relation to prospective costs and are regularly updated for material changes with regard to costs.

As the member for Nicklin pointed out, one of the most important provisions of this new bill is clause 308, which is about new client rights—the rights to costs disclosure and assessment under the bill as they apply to clients. Some clients are unaware of the obligations that solicitors have to disclose to them, and this new clause will grant them a greater degree of certainty. I know that the member for Caloundra has also addressed this issue, so I do not propose to go through all the points but I draw the attention of members to clause 308, which outlines certain things such as the basis on which legal costs will be calculated, a client's right to negotiate a costs agreement with the law practice, to receive a bill from the law practice and to request an itemised bill after receipt of a lump sum bill. These are very good provisions that will obviously help clients in the long run.

This bill is consistent with the national model laws. It recognises that others who may be liable for costs have a right to costs disclosure and to have their costs assessed. These persons are referred to in the bill as third-party payers. I understand that both the Queensland Law Society and the Bar Association have been consulted extensively on these amendments. I congratulate the Attorney-General in bringing about these necessary changes, and I commend the bill to the House.

Mr WETTENHALL (Barron River—ALP) (8.11 pm): The Legal Profession Bill 2007 is the culmination of many years of reforms to the legal profession. When I was admitted to practise in Queensland in the early 1990s, there was discussion about reforms to the legal profession and moves towards creating a national profession—and how good that would have been at that time because the paperwork that had to be filled out and complied with in order to achieve admission here in Queensland when I had previously been admitted in the Supreme Court of Victoria was momentous. You almost needed a lawyer to give you advice and represent you to achieve it.

Really ever since then in Queensland through the pages of the Queensland Law Society's journal *Proctor*, there have been articles and reports on the changes that have been proposed and achieved over that period of time, to the point now where we can truly say with the passage of this bill and other bills like it around the country that we have a national profession. That is overwhelmingly a good thing. It is good for consumers of legal services and it is good for those who practise the law. It will achieve efficiencies in legal practices and it will achieve a better standard of legal practice, which is a very good outcome.

As has been pointed out, we no longer operate within local or state boundaries in a modern economy; we operate across state boundaries and throughout our nation, and these changes reflect those modern realities. The changes to the costs arrangements also build on reforms to that area that have been in place for many years. I recall some years ago when the requirement for law firms to enter into costs agreements with their clients was introduced. It is probably fair to say that it was received by some lawyers with some reservation. Certainly it did add to the burden of opening and running a file and creating those agreements, but I think it is also fair to say that over time those changes have been accepted by the profession and certainly they have been an improvement.

Fundamentally, that type of regulation and the other reforms to the costs regime that are included in this act are required not so much because of the rotten apples that were referred to by the member for Caloundra but because fundamentally many clients are in an inferior position when they sit next to their lawyer at the opening interview. They require and deserve a degree of protection that rectifies that power imbalance. That is what these provisions seek to do and will do. Some of them also put legal practices on a level playing field when it comes to some of the costs that are levied, and I will come to those specifically in a moment.

The provisions in relation to the trust account requirements under the act are also welcome and fundamentally create improvements and efficiencies in the ways trust moneys are received and held, and again reflect the realities of the movement of money, sometimes very large sums of money, across state jurisdictions. They also reflect the technological advances in banking and finance that govern so many of the financial transactions that are undertaken on a day-to-day basis.

The costs provisions in particular build on previous requirements relating to costs disclosures, costs agreements, bills and costs assessments. Some of the most important elements are the cooperative arrangements that will now exist among jurisdictions as to how interjurisdictional issues are to operate; a costs disclosure regime that will benefit consumers; provision for setting aside unfair costs agreements; and exceptions to disclosure for sophisticated clients. That is the flip side to the point that I earlier made about the power imbalance between some clients and law firms. Obviously where that power imbalance does not exist, where there have been tender arrangements or, as it says in the bill, there are sophisticated clients, there is no real need for that and the bill reflects that.

There are provisions as to how costs are recoverable and a prohibition, which I fully support, on levying contingency fees. The effects of noncompliance will make costs agreements void. There are also reforms to billing practices including requests for itemised bills and interim bills. There is also a provision that the costs assessment process comes under the rules and supervision of the court.

In relation to costs agreements, under the new requirements there will be a clear, consistent national costs regulation, which will be of great assistance to national firms and all of those who are practising on an interstate basis. The nationally consistent obligations to disclose costs arrangements will ensure that clients are well informed in relation to the costs that they are likely to be levied and that they are regularly updated on material changes in relation to costs.

As has been pointed out, costs have been traditionally a fertile ground for disputes with lawyers. One of the key objectives of this legislation is to ensure that in the future that level of disputation will be lower and that, as part of the provisions of the bill, lawyers communicate with their clients because one of the other big sources of conflict between clients and their lawyers is a failure to communicate. So the provisions of this bill attack both of those problems.

The provisions of this bill attack both of those problems. The disputation of costs will be assessed according to nationally agreed criteria. All of those requirements on practitioners will create some new work, but rather than being onerous it is better to consider them as best practice.

One important feature of the bill that I wish to talk about is the provisions relating to the uplift of fees. Whilst there is a prohibition on contingency fees, there is also the introduction of a 25 per cent cap on uplift fees. Costs agreements may provide that the payment of costs is conditional on a specified successful outcome of a matter. These provisions in costs agreements and the manner in which lawyers enter into these arrangements with their clients are commonly known as speculative actions. There cannot be additional costs agreements for criminal and family law matters and for any other matters set out under a regulation. That is entirely proper. No-one would want uplift fees based on whether or not the defence of criminal charges were conducted successfully or in family law proceedings. The agreements must also set out what is a successful outcome and contain a cooling-off period of five days.

Importantly, the bill also provides that for costs agreements involving an uplift fee, the uplift fee must not exceed 25 per cent of the legal costs excluding disbursements. Uplift fees are additional costs excluding disbursements payable under a costs agreement on the successful outcome of the matter to which an agreement relates.

From time to time in the newspapers and in media stories we have heard of claims of legal fees that are out of proportion to the amount of money recovered under litigation or compensation. This ensures that the uplift fee is capped and that it bears a relationship to the amount and complexity of work actually undertaken rather than a relationship to the amount of funds recovered. That is a useful and fair balance between the interests of the client and the rewards to the lawyers and the law firms who undertake speculative action. Let us not forget that, were it not for firms willing to undertake speculative action, the rights of individuals in many cases may never have been recovered. It is quite fair and it is quite proper that legal practitioners and law firms are able to claim and receive an uplift on their fees in those circumstances. But it is also quite proper that the interests of consumers are protected by establishing that cap. Those provisions, although not a core provision of the model bill, have been adopted in New South Wales and Victoria and they are clearly desirable for the regulation of legal costs to be as uniform as possible, and therefore it is quite proper that Queensland adopt those provisions as well.

There is one final matter that I am particularly pleased about that is incorporated in this bill and that is the issue of volunteer practising certificates. As I understand it, that is a local initiative—that is, an initiative peculiar to Queensland. It is a very important and great initiative. The amendments will provide for volunteer practising certificates to be issued. That is highly commendable. It is important to accommodate, so far as is possible, persons who are qualified to engage in legal practice to provide their services on a volunteer basis through, for example, community legal centres. These provisions remove any impediments to volunteers in community legal centres.

As has been mentioned before, the legal profession, as one of its highest and best traditions, has always been involved in community life. The profession has always donated its time, skill and expertise to community organisations and to delivering legal advice, services and representation to people who cannot otherwise afford those legal services. That fine tradition was part of the way in which community legal centres developed. One of the first community legal centres in Australia was in Fitzroy in the inner suburbs of Melbourne. It actually grew out of community action in opposition to the proposal to extend freeways through the inner suburbs of Melbourne. It grew out of a community movement. Community legal centres throughout Victoria and then throughout the nation have proliferated since. They provide a very important avenue for people to get legal advice and representation in circumstances where they would not be able to afford to obtain those services from a private lawyer or where the guidelines of established Legal Aid commissions and offices prohibit them from obtaining those services in that way. They fill a very important gap. Importantly, they are run very largely thanks to the efforts of volunteer lawyers.

These provisions ensure that people who do not have a practising certificate, because they have retired or stepped out of the practising profession or perhaps because they have been elected to parliament or they have family commitments, will be issued with volunteer practising certificates so that they have the protection that the practising certificates give the lawyers but also so that the entities under which they are giving that advice, such as community legal centres or other community organisations, have that protection. That is a most welcome and important initiative and a local feature of this bill that I wholeheartedly support.

I had the good fortune as part of my university education to study a unit called 'Professional practice' at a community legal centre. The skills that I learnt and obtained as part of that unit at the Springvale Monash Legal Service in Melbourne, in particular dealing with people from non-English-speaking backgrounds, I have used throughout my professional career. As I said, community legal centres have proliferated. They now exist not only in the capital cities but also in regional centres. I was very fortunate to be able to collaborate with a number of my colleagues and others to establish the first community legal centre in Cairns in the early 1990s. That continues to flourish to this day and I am certain that it has an expanding role in providing legal services, in particular to vulnerable members of our community. It is great to see that this bill has provisions which build on that tradition and will ensure that community legal centres are able to continue to attract volunteers, in particular those who have retired from professional life. It is a great feature of the bill. I commend the bill to the House.

Mr HOOLIHAN (Keppel—ALP) (8.29 pm): In speaking to the Legal Profession Bill I think it is instructive to observe that all of the speakers in favour of this bill have been practising lawyers or have come from the legal profession. It is also instructive to consider how our legal profession in each state grew up. As everyone is aware, the states of Australia were sovereign states in their own right and then formed the Commonwealth. As a result of the formation of the Commonwealth and the creation of the Australian Capital Territory and the Northern Territory we had six state jurisdictions and two territory jurisdictions.

It was virtually impossible without an awful lot of hard work and paperwork to move between those jurisdictions. There was no mutual recognition. It was only in the Commonwealth sphere that mutual recognition was created. Ultimately it became the province of many practitioners to practice in the Federal Court or the Family Court, which are Commonwealth jurisdictions. A practitioner admitted in any state or territory had the right to practice throughout the Commonwealth. That right was then extended to the federal Magistrate's Court which was also created by the Commonwealth.

We heard from the member for Inala that this is a large bill of 149 pages. As members will know from reading the bill, it is not all new legislation. This bill is actually the third such bill which has been considered by this House. The previous two bills became the Legal Profession Act 2003 and 2004. This bill has been drafted to repeal the old bill and add new pieces to the legislation so that it is a very coherent document rather than the ordinary way of amending an act which is to just add new sections. It makes the numbering consistent.

One of the objectives of the bill which I am aware of and which many practitioners throughout Queensland are aware of is that it will facilitate the regulation of legal practice on a national basis. It will allow major firms which operate right throughout Australia to have one standard of operation. This bill does deal with certain very specific areas particularly in relation to trust accounts. Trust accounts have always been one of the bones of contention for the legal profession. Although some practitioners over the years have treated money in trust accounts as though it belonged to them or they had some entitlement to it, it has always been the funds of the client. This money was often a matter of substantial disagreement as was the matter of costs. I will deal with the matter of costs separately.

The requirements of the Trust Accounts Act now will become uniform across Australia. There is one small area where I still have concerns. This is a problem that arose during the 1970s and 1980s. I refer to the ability to bank moneys which were received for an investment account without having to first go through the general trust account. Although for most practising lawyers it was a real problem to put it in a general trust account and then draw it out and invest it, at least it gave a proper paper trail. Although the provision is there that area will need very close monitoring by the Legal Services Commissioner and the Queensland Law Society.

As we heard from the member for Barron River, matters relating to costs are usually the subject of the most argument between solicitor and client. As many people may not be aware, the relationship between solicitor and client does arise on the basis that the lawyer has the major bargaining power and as such the client is at a disadvantage and therefore the arrangements which will give practitioners a lot more certainty in relation to costs will certainly benefit clients.

We hear references to uplift fees and contingency fees. These types of fees have always been questionable. That is particularly so with contingency fees because that was always the opportunity to agree to a percentage of the award by way of payment of fees. Uplift fees have been in place in the Family Court for some 15 to 16 years and have worked fairly well. The uplift fee accepted by most of the registrars in the Family Court was 30 per cent. It did depend on the intricacy of the work to be undertaken. To regulate and limit those and prohibit contingency fees ensures that when clients obtain an award of costs they are better able to understand how those costs are to be applied.

The basis for this bill was that the national model laws were not fully complete and were being drafted when SCAG approved them. Some of these amendments have been required by later provisions and agreement at the Standing Committee of Attorneys-General. All in all, I believe the practitioners in Queensland who do not support the Legal Profession Bill are in a very small minority. The majority of practitioners have always acted in an honourable and professional way. The introduction of a better regulatory framework to allow them to continue in their practices and to provide quality legal services will be appreciated by many.

I would like to congratulate the Attorney and his staff and a prior Attorney on this legislation. Minister Welford was the Attorney at the time of the 2004 bill's introduction. As with so many bills that come before this House, there is great intricacy. To have reproduced this bill in the way that it has been speaks volumes for the quality of the Attorney and his staff. I would like to commend the bill to the House.

Mr MOORHEAD (Waterford—ALP) (8.37 pm): I rise to make a brief contribution in support of the Legal Profession Bill 2007. This is certainly a very large and complex piece of legislation. This legislation is very significant in terms of the modern legal profession in Queensland and Australia and it is very significant for the consumers and users of legal services in our state. This bill adopts model laws to deliver greater uniformity of regulation for legal practice, reduce cross-border compliance costs, remove regulatory barriers to national legal practice and provide greater protection to the consumers of legal services across jurisdictions.

The trust account provisions of this bill will continue to protect clients whose money is held in trust by law practices. Similarly, the provisions on legal costs of this bill will provide greater consumer protection. The important safeguards with respect to costs contained in the bill include stricter disclosure requirements, provision for the setting aside of unfair costs agreements, prohibition of contingency fees, capping of uplift fees, better billing practices and costs assessments under the rules of court.

The issue of regulation of legal costs is an important question not only of fair trade practices but of access to justice. The reality for many in our community is that the major barrier to accessing our courts of justice is the cost of legal representation. People who seek legal advice to vindicate their legal rights need the opportunity to be very clear about what it is they will end up paying for their legal representation. People need to make an informed consideration of their prospects when they instruct lawyers.

This bill will continue the requirement that cost agreements must be in writing where the total legal costs will be $750 or more. Among other things, cost agreements must disclose to potential clients the basis on which costs will be calculated, the right to negotiate, the right to receive a bill and to request an itemised bill and an estimate of costs or the range of costs.

As well, when settling litigation lawyers must provide a reasonable estimation of legal costs so that clients can clearly assess whether a proposed settlement will meet their liability for legal costs. Legal practitioners will also be required, if requested to do so by a client, to provide a written progress report or a written report on costs incurred. If there is any substantial change to matters that have been disclosed, the law practice must update their client. This bill will also ensure that, where uplift fees are agreed to, they are agreed to on the basis of a full and proper disclosure and that they do not exceed 25 per cent. The costs agreement and disclosure regime contained in this bill will improve the information available to clients and potential clients and ensure that the decision to instruct legal representatives is made with the full information before them.

This bill will also strengthen the complaints and disciplinary process for lawyers. A comprehensive set of professional standards and an effective disciplinary scheme is an essential measure to protect the public and maintain public confidence in the legal profession. Although much maligned, legal practitioners hold a significant position of trust in our community. It is essential that anyone who is not worthy of that trust is not permitted to practise law in Queensland. To ensure all law firms have sufficient time to comply with the new provisions, law practices will have until 1 January 2008 to comply with the new professional costs requirements and 31 March 2008 for the new trust account measures.

I wish to refer to the Scrutiny of Legislation Committee's *Alert Digest No. 5* tabled today and its comments on the Legal Profession Bill 2007. The committee, of which I am a member, has made some wise and astute comments on this bill which I commend to all members. The committee acknowledged that the bill is an extremely large document of 549 pages containing 770 clauses and two schedules. It essentially represents the third and final stage of the government's comprehensive reforms of the legal profession. The committee noted—

In relation to the current bill generally, and specifically in relation to the new additional provisions which it contains, the committee considers that although the bill (like both the 2003 and 2004 bills) is lengthy, complex and a significant piece of legislation, it raises comparatively few issues for the committee.

The committee did focus on clauses 299 to 352, which deal with provisions regulating the way in which lawyers may charge clients for the legal services they provide. The committee noted—

Many of these provisions could be said to interfere with the common law right of persons (in this case lawyers and their clients) to freely contract with each other. However, the Part 3.4 provisions are self-evidently designed to protect consumers in an environment in which they might otherwise be somewhat disadvantaged.

The committee also examined clause 352, which confers on a cost assessor the same protection and immunity as a judge performing the functions of a judge. A cost assessor is a person authorised under the uniform civil procedures rules to perform that function. The committee concluded after considering this clause—

Given the nature of the costs assessment function, the conferral of these immunities does not appear unreasonable.

The passage of this bill does not mean that the work has been completed. Facilitating legal practice across state and territory borders throughout Australia will be an ongoing and long-term project. Clearly, as the new regulatory regime and operational experience matures, the national process contemplates that the national model bill and the legal profession acts in each state and territory will need to be revised and amended from time to time. Other initiatives will also be necessary to complement and support the intended operation of the national and local reforms.

A joint working group including representatives from each jurisdiction from around the country and the Law Council of Australia will continue to monitor the model legislation and to report to the Standing Committee of Attorneys-General on these issues. Jurisdictions have agreed that further changes to the model, unless urgently required, will be considered as part of a two-year post implementation review. Implementation will need to be monitored to ensure that the legislation and regulations in each jurisdiction remain consistent over the longer term and are achieving the objectives of the national reform process. I look forward to the implementation of this legislation. I also look forward to the monitoring and assessing of the operation of these laws in that first two-year period. I commend the bill to the House.

Hon. KG SHINE (Toowoomba North—ALP) (Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland) (8.43 pm), in reply: I would like at the outset to thank all of those members who have contributed to the debate on this bill. It is in fact a very substantial piece of legislation. The Legal Profession Bill 2007 builds upon the significant legal profession reforms already implemented by the Beattie government. Significantly, it implements the national legal profession reform laws which Queensland has been actively involved in developing. These model laws were developed with the objectives of removing regulatory barriers to national legal practice, reducing regulatory compliance costs and providing for consistent protection of consumers across jurisdictions. The reforms are necessary to fully implement a truly national legal services market. They enable the delivery of legal services on an Australia-wide basis which will allow the legal profession to meet existing and future market demand for legal services. The reforms also allow Australian law firms to compete on a national and international basis and to market themselves to international companies looking to invest in Australia. Importantly, the reforms will underpin an integrated and national approach to the regulation of the legal profession and the protection of consumers of legal services.

The development of the model bill involved officers from all states and territories and the Commonwealth. The legal profession was represented on the project through the Law Council of Australia. A detailed officers' paper was released in 2002 and the first version of the model bill was approved and a memorandum of understanding for implementation of the model was signed by SCAG ministers in July 2004. This may seem like a significant period of time to achieve agreement to implement a model bill. However, it should be recognised that the level of complexity of the laws governing the legal profession across the states and territories and the differing views held by different parts of the profession both within and across borders were significant. I would like to commend officers working on the project and the contribution made by the legal profession to the development of these reforms. I would also note that it is perhaps not insignificant that for most of the time of the model laws project all or most of the states and territories had Labor governments. The result of this cooperative effort is a reform platform that positions Australia at the forefront of legal profession regulation internationally.

I would like to acknowledge former Queensland Attorneys-General during this time—the minister for education and the member for Kurwongbah—for their stewardship of the earlier reforms. This first stage of Queensland's legal profession reforms was set out in the Legal Profession Act 2003. That act

was based on parts of the national model laws as they had been developed to that point. The act provided for the new independent Office of the Legal Services Commissioner with responsibility for receiving all complaints against lawyers, ensuring proper investigation and prosecuting disciplinary action in appropriate cases. The disciplinary regime was also strengthened with a Legal Practice Tribunal chaired by a Supreme Court judge to hear more serious matters and a Legal Practice Committee to hear lesser charges involving only unsatisfactory professional conduct.

The bill also took into account the results of the national competition policy review of Queensland's previous legal profession legislation conducted in 2001 and 2002. The 2003 act provided the authority for steps to be taken to put the new structural regulatory arrangements in place. The 2004 act incorporated further changes from the model laws to that time. Only the trust account and costs provisions from the national model bill, which have been the subject of considerable development since that time, were still to be enacted. The incorporated legal practice and multidisciplinary partnership and foreign lawyer provisions from the 2004 act were not commenced. After the assent of the 2004 act, the *University of Queensland Law Journal* retraced these and earlier legislative steps in our state. The journal stated—

The changes of the law and practice have fairly reflected the needs of the community since 1859 and that, in the dynamics that have always characterised the structure of the legal profession, the provisions of the 2004 Act are just one more step in a long and continuing path.

The 'one more step' in this long and continuing path towards establishing a truly national legal services market is this bill. I note the comments of the Scrutiny of Legislation Committee from its consideration of the Legal Profession Bill. I note from *Alert Digest No. 5* tabled in parliament today that the committee does not object to provisions of the bill. The committee did examine issues regarding the rights and liberties of individuals and the provision of immunity on a cost assessor. The committee does not object to the provisions in these areas.

During my second reading speech I indicated a willingness to consider submissions about the bill while it lay in the House. I wish to move a number of amendments to the bill during consideration of the clauses, and I now table the explanatory notes for those amendments.

Tabled paper: Attorney tabled Explanatory Notes to Amendments to Legal Profession Bill to be moved during consideration in detail.

Some of these amendments have arisen as a result of consultation on the bill. Others are of a more minor or technical or transitional nature. The changes to the commencement provisions are to facilitate the Queensland Law Society and the Bar Association of Queensland making necessary rules before commencement. They clarify that the requirement to give public notice of the legal profession rules does not apply to the rules made before commencement. This is considered reasonable where the Bar Association will only be remaking its existing rules approved for the commencement of the Legal Profession Act 2004 and the Queensland Law Society has already consulted under the Legal Profession Act 2004 on the rules that it intends to have effect on commencement.

There are amendments to ensure that the rules made by the Queensland Law Society about professional indemnity insurance can apply either to the holder of a practising certificate or a law practice. There is a new transitional provision which ensures that barristers can continue to be retained on an honorarium basis for six months from commencement. There are further amendments to other enactments as a consequence of the bill providing for the Trust Accounts Act 1973 to not apply to solicitors' trust accounts.

Let me address the matters raised by the member for Caloundra. I thank the honourable member for Caloundra for indicating the opposition's support for the bill. The member for Caloundra was correct when he said that the reputation of the legal profession has been damaged by the actions of a few in the past decade. It has always been the case over the last century and a half that there have been people in the profession who have gone off the rails. It is just that we have far more solicitors nowadays and we notice these things more readily and we give them more publicity. The government's move to establish the Legal Services Commission under the Legal Profession Act 2004 was important in addressing these issues. The Legal Services Commission is an independent statutory body whose primary role is to deal with complaints about the conduct of solicitors, barristers and law practice employees. I commend the work of Mr John Briton and his staff in that regard.

The member for Caloundra also made the point that the necessity for these reforms is highlighted by the workings of a global economy. Queensland is Australia's economic powerhouse and a strong economic force in the Asia-Pacific region. I am proud to be a member of a government that has presided over such strong economic growth. Our economic growth is double the national economy; the unemployment rate is at a record low 3.7 per cent compared with the national rate of 4.5 per cent; and for every five jobs created in Australia two of them are being created in Queensland. With this in mind, the reforms in this bill are clearly evident in Queensland.

The member for Caloundra referred to the new terms contained in the bill, such as 'third party payer'. Consistent with the national model laws, the bill recognises that others who may be liable for the costs have a right to have their costs assessed. These persons are referred to in the bill as third-party payers. Under the bill they, too, will have rights to receive information about the costs for which they are liable and to apply to have those costs assessed.

This will apply to non-associated third-party payers—that is, persons who may be liable to have costs passed on to them by clients. The member for Caloundra gave the instance of a lessee. It would apply to a mortgagor as well. The law practice must provide the non-associated third-party payer, on the written request of the third-party payer, with sufficient information to allow the third-party payer to consider making, and if thought fit to make, an application for a costs assessment.

The legislation imposes disclosure obligations of law practices for associated third-party payers who contract directly with the law firm to pay a client's legal costs. For example, a parent may contract directly with the legal firm in relation to the legal costs of their adult child who is the client, or a sole shareholder may be personally liable for the legal costs of a company. Associated third-party payers are only entitled to billing information about aspects of the fees for which they are liable. For example, they may only be liable for legal costs of $5,000 out of overall legal work for a client totalling $50,000.

Generally, the cost provisions of the bill will apply where the client first instructs the law practice in Queensland. A client first instructs a law practice when the law practice receives from the client written instructions in Queensland, whether by personal delivery or by post, facsimile, email or some other form of communication. The cost provisions will also apply where clients agree with a law practice that Queensland's legislation is to apply.

Consistent with the national model, there is a corresponding provision for clients to whom the Queensland legislation would otherwise apply to agree that corresponding laws of other jurisdictions will instead apply. This can occur if the legal services are to be provided wholly or primarily in another jurisdiction, or the matter has a substantial connection with another jurisdiction. An example of this type of situation would be where litigation is to be conducted in another court in another jurisdiction. In some circumstances, different legal profession laws will govern a client's rights at different stages of a matter. Under clause 307, the bill provides for these circumstances by setting out a range of criteria for how the respective legislation will apply for the relevant periods.

The member for Caloundra raised the issue of Legal Aid Queensland. Generally, the disclosure requirements do not apply where the client will not be required to pay the legal costs. In relation to Legal Aid Queensland, it is not intended that the disclosure requirements of the bill will apply to arrangements for legally assisted persons who are represented by Legal Aid Queensland or by private legal practitioners on the 'preferred supplier panel' who are paid by Legal Aid Queensland. This can be clarified by regulation as necessary.

The Legal Aid Queensland Act sets out its own framework. Sections 17, 18, 36 and 39 of the Legal Aid Queensland Act 1997 are the applicable sections in this case. These provisions give Legal Aid Queensland the right to impose a condition on the granting of legal aid that the legally assisted person is required to repay part or all of the costs of providing legal assistance. They also permit Legal Aid Queensland to charge for costs where the legally assisted person retains or recovers property. It is also important to note that Legal Aid Queensland's fees are below the scale fees. A matter that is legally assisted by Legal Aid Queensland is not comparable to that involving the ordinary client-private legal practitioner relationship in terms of the costs arrangements. The purpose of the disclosure provisions is to ensure that clients are appropriately informed about costs and related matters in deciding whether to engage legal services.

For a legally assisted matter, the legal costs are agreed to be paid by Legal Aid Queensland to the solicitor, or preferred supplier. These fees are significantly below the legal scale of costs. Contributions to costs from legally assisted persons are only required in a limited number of matters, including some civil law matters—such as criminal injuries compensation applications, discrimination matters, crimes confiscation matters and consumer credit matters, and family law matters involving property where it is relevant to a matter involving custody of children.

When a grant of aid is made by Legal Aid in a matter where the client may be required to make a contribution to the costs—either up-front or after a matter is finalised in the client's favour—Legal Aid Queensland informs the legally assisted person directly about this obligation. Often the legally assisted person is required to sign a charge in favour of Legal Aid Queensland over property or an acknowledgement that he or she will pay to Legal Aid Queensland an amount of the costs in the matter upon its finalisation. Legal Aid Queensland publishes its grants handbook on its web site, where legally assisted persons can access information about the range of grants of aid available and the cost/value of those grants.

The honourable member for Nicklin also spoke in favour of the bill. He was particularly pleased that the bill referred to compulsory disclosure, as opposed to recommended or voluntary disclosure, and noted that the word 'must' appeared significantly in the relevant sections. I also thank all government members for their considered contributions. It is always of benefit to the House to hear the contributions of the member for Southport, bearing in mind his many years as an experienced and talented solicitor.

It was also beneficial to hear the member's knowledgeable remarks in relation to costs and what he has been told is happening with respect to their assessment in the Supreme Court. In the past 12 months the honourable member for Inala celebrated becoming a member of this parliament and also becoming a solicitor within a week of one another. It would be truly difficult to work out which was the highest honour that she has received but she has been doubly blessed, that is for sure.

The honourable member for Barron River, as always, made a very valuable contribution. He described in some detail the attributes of the national profession approach that we have taken. The member indicated that he thought that the volunteer practising certificate that is referred to in this bill is peculiar to Queensland. I am advised that Victoria has also made use of this volunteer practice certificate system. As always, the members for Keppel and Waterford made very important and significant contributions.

It is the case that all of those who spoke from both sides of the House are lawyers. It is a very positive thing to have lawyers in this House from both sides. They make valuable contributions. It is indeed an honourable profession. At least those who have spoken in the debate agree with me.

I was invited to make a short address at the Bar Association's conference at the Gold Coast. I made the observation that when I first became interested in politics there were many barristers involved in state politics as well as in federal politics. In the 1960s, the Supreme Court bench comprised of three barristers who later became judges when I was an articled clerk: Graham Hart, Charlie Wanstall and later Peter Connolly. All of those judges had been members of this House and all had been barristers. I make that observation to the House to indicate that I think personally it is regrettable that apparently members of the bar do not seek endorsement to be a member of this House as did others previously, going back to TJ Ryan and Sir Samuel Griffith, for example. Although I have been encouraged to expand on my remarks, I will leave it there. No doubt members will wish to ask further questions during consideration in detail.

Question put—That the bill be now read a second time.

Motion agreed to.

Consideration in Detail

Clause 1, as read, agreed to.

Clause 2 (Commencement)—

Mr SHINE (9.03 pm): I move the following amendment—

1 Clause 2 (Commencement)

At page 34, lines 7 and 8—

omit, insert—

'This Act, other than the following provisions, commences on a day to be fixed by proclamation—

- part 3.2, divisions 1 to 4, other than sections 217, 223 and 226
- part 7.6, division 6, other than section 698.'.

Part 3.2 of the bill provides for the making of the legal profession rules by the Queensland Law Society and the Bar Association of Queensland. Once made, the rules need to be gazetted by the minister to be effective.

The current legal profession's solicitors rules expire on 30 June 2007. The provisions for the making of these rules are to commence on assent so that the rules can be made and gazetted before the commencement date to be proclaimed.

Clause 217, titled 'Main purpose of pt 3.2', clause 223, titled 'Public notice of proposed legal profession rules', and clause 226, titled 'Monitoring role of committee', do not need to commence on assent for this purpose. The nonapplication of the requirement to give public notice of the legal profession rules made before commencement is considered reasonable where the Bar Association will be only remaking its existing rules approved for the commencement of the Legal Profession Act 2004 and where the Queensland Law Society has already consulted under the Legal Profession Act 2004 on the rules that it intends to make to have effect on commencement.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 222, as read, agreed to.

Clause 223 (Public notice of proposed legal profession rules)—

Mr SHINE (9.05 pm): I move the following amendment—

2 Clause 223 (Public notice of proposed legal profession rules)

At page 177, line 14, after 'that'—

insert—

', after the commencement of this section,'.

Amendment agreed to.

Clause 223, as amended, agreed to.

Clauses 224 to 231, as read, agreed to.

Clause 232 (Indemnity rules)—

Mr SHINE (9.06 pm): I move the following amendments—

3 Clause 232 (Indemnity rules)

At page 186, lines 33 and 34, 'an incorporated legal'—

omit, insert—

'a law'.

4 Clause 232 (Indemnity rules)

At page 186, line 37, 'an incorporated legal'—

omit, insert—

'a law'.

Amendments agreed to.

Clause 232, as amended, agreed to.

Clauses 233 to 300, as read, agreed to.

Clause 301 (Terms relating to third party payers)—

Mr SHINE (9.06 pm): I move the following amendment—

5 Clause 301 (Terms relating to third party payers)

At page 228, line 25, after 'A third'—

insert—

'party'.

Mr McARDLE: This clause deals with third-party payers and associated and non-associated third-party payers. If I am correct, the minister in his reply made the comment that a parent who agrees to pay the legal costs of a child who is, in fact, a client of the firm is a third-party payer of one form or another. Does that mean that both the client—in this case the child—and also the parent, the third-party payer, receive costs agreements and they both have the same rights under the costs agreements? Or is there a differentiation between the two?

Mr SHINE: As I am advised, it would depend on the particular contractual arrangements that are entered into or envisaged in that relationship.

Mr McARDLE: If the third-party payer is going to bear the costs, one would have thought that he or she would have had the total costs agreement placed before them. I also would have thought that a client of the firm should also have the same rights. Or is the Attorney-General saying that the third-party payer has the rights in regard to the bill being taxed and itemised and that the client does not have those rights? Is there a differentiation between the two as to what part of a costs agreement those parties receive?

Mr SHINE: I am advised that if the agreement in that situation is with one of the parents, or both, then it is for the parents. They have the right to full disclosure and they have the right to request assessment of the costs.

Mr McARDLE: Taking that one step further, and I am sorry to jump to the point, but clause 308 does use the words 'the client's right'. In this case, the client is the child. Clause 308(1) refers to the client's right to—

(a) negotiate a costs agreement...

(b) receive a bill from the law practice...

The word 'client' is fairly clear and that would tend to imply the child and not the parent in the example I am referring to.

Mr SHINE: As I understand it, the word 'client' is defined to include a third party.

Amendment agreed to.

Clause 301, as amended, agreed to.

Clauses 302 to 305, as read, agreed to.

Clause 306—

Mr McARDLE (9.10 pm): Clause 306 refers to the jurisdictional question and a regulation may be prescribed to divine what is a substantial connection. Could the Attorney-General give an indication as to when that regulation will be proclaimed and the circumstances, if at all possible, as to what will be a substantial connection? Given the multinational firms that operate across many jurisdictions, I imagine that there could be a need for that sooner rather than later.

Mr SHINE: Again, I am advised that the regulation would be proclaimed on the commencement of the bill.

Mr McARDLE: I am assuming that regulations will be made in all jurisdictions across the country to coincide with the substantial connection requirement?

Mr SHINE: That is the intention. All of the different jurisdictions will have their legislation up and running, to use the colloquialism, by 1 July.

Clause 306, as read, agreed to.

Clause 307, as read, agreed to.

Clause 308—

Mr McARDLE (9.12 pm): This clause is the disclosure of costs to clients requirement. Clause 308(1)(c) states that an estimate is to be given in regard to what the fees will be or, if that cannot be done, a range of estimates as to what the costs will be. It refers to the firm providing what are termed 'major variables' that may impact upon those fees, and I suspect that relates to them increasing more so than decreasing.

The legal practitioner or legal firm could potentially have a different concept of what major variables are to that of a layperson. We have both been in practice and understand that what we may think is a major concern may not be for the client and vice versa. Is there any guidance as to what major variables mean on an individual basis? It is a very nebulous phrase. Unless some guidance is given, that in itself could lead to further heated debate down the track.

I am particularly concerned about the costs agreement being struck down if the terms of the clauses are not complied with sufficiently. A firm may enter into an arrangement where it believes the major variables are in fact covered very well, but the client, who has a different perspective, may see those major variables as not being wide enough. The court could then strike down a costs agreement because of that issue.

Mr SHINE: I am advised that the expression 'major variables' is to be interpreted in its ordinary meaning of those words. Other jurisdictions where this section has been operating have not experienced any concern to date in relation to the matters to which the honourable member expresses some concern. He and I both know that, in terms of forecasting what legal fees will be in matters of litigation, it is almost impossible and probably imprudent to be too dogmatic about it because of all of the variables, be they major or minor, that might occur.

As practitioners, solicitors in particular will try to do their very best in terms of compliance with that section. I really do not know if I can go any further in relation to explaining those words to the honourable member, other than what I have already said.

Mr McARDLE: I have one further point on the issue of the costs agreement. As the Attorney-General would be aware, in the Family Court in a matter involving children, a legal practitioner can be appointed to assist the court as a child rep. They then become a third party to the action. There is mum, dad and their legal advisers, and also the child rep, who is normally a member of the Legal Aid Office. The Family Court can make orders that parties pay the child rep's costs. I have seen that happen. In those circumstances, is that a client/legal practice relationship and, if so, does that relationship generate a costs agreement or a form thereof being required under the terms of this bill?

Mr SHINE: For the reasons that I indicated in my summing-up, when I referred at some length to the situation that applied with Legal Aid, the relationship between Legal Aid and the aided or assisted person is such that it is not contemplated by the terms of the costs disclosure regime referred to in the act.

Mr McARDLE: This is not that relationship. This is a different relationship. Legal Aid is not funding the mother or the father. They can be self-funding. However, a court can order that the parents meet part of the child rep's legal fees. That person may be a member of the Legal Aid Office or a person who is acting in private practice but whose costs are met by the Legal Aid Office. In those circumstances, is a costs agreement required to provide the protection evidenced by the bill itself?

Mr SHINE: I think the honourable member is referring to the situation where a judge makes an order for the payment of costs by one or other of the parties to the legally assisted child; is that right?

Mr McArdle: No. It is not an order for costs.

Mr SHINE: In what way does the obligation to pay arise?

Mr McARDLE: Basically, because of the capacity of the parents to meet legal costs, they are requested and required to meet part of the costs. They are not an order for costs at the conclusion of proceedings. So, as the matter goes along, the Legal Aid Office has the capacity to call upon them to meet certain amounts of legal costs. It is an unusual situation. It is a fairly unique situation.

Mr SHINE: I must say, not having been a family lawyer of any experience in the last—

Mr Lucas: Twenty years.

Mr SHINE:—20 years in a professional capacity and being unfamiliar with the circumstances which the honourable member has recited, one assumes that the situation is governed by the terms of the grant of legal aid and whatever those terms are that are set out would govern the situation. I really cannot assist the honourable member further.

Clause 308, as read, agreed to.

Clauses 309 to 312, as read, agreed to.

Clause 313—

Mr McARDLE (9.20 pm): I would like to combine clause 313, for the sake of debate, with clauses 324 and 327. Clause 313 deals with the uplift fees and goes on in 324 to deal with the question of 25 per cent being the maximum that an uplift fee can reach. If the costs agreement exceeds the 25 per cent uplift fee maximum, does the firm then lose all rights to claim any uplift fee at all?

Mr SHINE: I am just receiving some advice in relation to that matter. I understand your question to be whether all rights to any uplift fee are abandoned or jettisoned because of the excess of claim over 25 per cent. The advice is that the legal practitioner is not entitled to recover either the whole or part of the uplift fee in those circumstances where they have exceeded their 25 per cent limit.

Clause 313, as read, agreed to.

Clauses 314 to 317, as read, agreed to.

Clause 319 (On what basis are legal costs recoverable)—

Mr SHINE (9.23 pm): I move the following amendments—

6 Clause 319 (On what basis are legal costs recoverable)

At page 242, line 5, 'Subject'—

omit, insert—

'(1) Subject'.

7 Clause 319 (On what basis are legal costs recoverable)

At page 242, after line 16—

insert—

'(2) Subsection (1) does not apply in relation to the recovery of legal costs for work by a barrister retained, before the relevant day, to perform that work.

'(3) In this section—

relevant day means the day that is 6 months after the day of commencement of this section.'.

Amendment No. 6 makes the existing clause a subsection as a consequence of the insertion of additional subsections in amendment 7. With respect to amendment No. 7, if there is no cost agreement clause 319 provides that legal costs are recoverable on the basis of scale if applicable or on a basis that is fair and reasonable if there is no scale. The implications for barristers entering into retainers with solicitors is that they will need to enter into an agreement to recover their agreed fees. Consistent with the transitional arrangements for solicitors, the section will not apply in relation to work under retainers entered into before the relevant day—that is, six months from the general commencement.

Amendments agreed to.

Clause 319, as amended, agreed to.

Clause 320—

Mr McARDLE (9.25 pm): This is the security for legal costs provision. Most of those provisions are contained in the costs agreement itself, and therefore in one way you could argue that generates the right to provide or request a mortgage over a property or a lien or whatever it might well be. If a costs agreement is struck down for failure to comply with the terms of the bill, does that mean the right to retain the security for the costs also falls? Or does that continue given that the bill can be costed under other means?

Mr SHINE: Clause 320 provides that a law practice may take security for the payment of legal costs including the interest on those legal costs. In terms of the situation that might apply with respect to the example given by the honourable member, it would be envisaged that a court would order, in setting aside the costs agreement, the return of the security to the client in those circumstances. That would be an order that one would seek at the same time as an order when applying for the costs agreement to be set aside. As part of that application, you would also apply for the security to be returned or for the mortgage to be released or for the caveat to be lifted—whatever it might be in the circumstances. So it would be envisaged that it would be part of a court order at that time.

Might I further explain that under that section there is no automatic provision that that happen, but it would be envisaged that one would ask for that in terms of the order that one requests the court to make.

Mr McARDLE: My concern with that would be that, whether the court makes an order or not, the file can be costed under other means under the terms of this bill. If the practitioner entered into a security arrangement to secure his costs, as most practitioners do, particularly in large litigated matters or Family Court matters, it seems to be inequitable that because a costs agreement is void for reasons established by a court the security for the costs that can be awarded by other means should also fall as well. It seems to be two bites of the cherry.

Mr SHINE: I would think that the matter would be one entirely up to the discretion of the court when an application to set aside the costs agreement is made. There was nothing in the bill that dictates what should happen.

Clause 320, as read, agreed to.

Mr DEPUTY SPEAKER (Mr O'Brien): Order! I have just been asked to reconfirm clauses 302 to 318.

Clauses 302 to 318, as read, agreed to.

Clauses 321 to 326, as read, agreed to.

Clause 327—

Mr McARDLE (9.30 pm): From clause 327 it is quite clear that an agreement that contravenes the bill is void. Was there any consideration given to A or B? In other words, it is void except at the election of the client or by negotiation?

Mr SHINE: As to whether or not any consideration was given to making the provision voidable as opposed to void, I am advised that it was, in fact, considered in the context of the national model bill and those charged with the responsibility of making the decision elected to adopt the void option.

Clause 327, like the model bill in the current Law Society Act 1952, provides that a costs agreement that does not comply with the act is void. That is the current situation. The Queensland Law Society would instead like this to be voidable, as you have inferred, in terms of any discussion. The issue has arisen in the context of an agreement being found to be void in an assessment of party and party costs. The alternative to the society's view is that it is intended that the contracts should be void with fees recoverable at scale or as assessed to encourage compliance with the act.

The relevant provision is a core uniform provision under the model bill. The issue can be referred to the national working group. In the meantime the status quo and the position under the model has been maintained.

Clause 327, as read, agreed to.

Clause 328—

Mr McARDLE (9.32 pm): I apologise for not thanking the minister's staff for giving me a briefing late last week. I do appreciate that. It has been a lengthy bill. The briefing was exceptionally good. Clause 328 deals with the Supreme Court setting aside costs agreements. I have no concern with a court having the jurisdiction to deal with these matters. I am concerned in relation to the case workload that the Supreme Court already has, in particular when one considers section 328(4), which says that in addition the court may set aside the costs agreements but it may also make orders in relation to the payment of legal costs the subject of the agreement. One could well envisage that process being quite lengthy. First of all there is the question of whether or not the costs agreement is, in fact, set aside by the court. Then if it is set aside by the court there is the second question of whether the court still has jurisdiction to make legal costs determination orders. I am assuming that a judge would determine whether the costs agreement is going to be set aside and a lesser person within the hierarchy of the court would look at the issue of what legal costs will be paid.

In addition to that, I am concerned about the time that such matters would take given the exceptionally busy workload of the Supreme Court. Were other alternatives considered in lieu of this?

Mr SHINE: It is the case, of course, that under 328(4) the Supreme Court can order a costs agreement to be set aside and in doing so can also make an order in relation to costs—that is, no doubt, as to the assessment of costs as an alternative to the manner in which they were calculated pursuant to the costs agreement which has been set aside.

One assumes an appropriate order might be that they be assessed in accordance with the scale by a costs assessor. The reforms that are being put in place in terms of costs assessments generally pursuant to this act are designed, of course, to overcome those delays which have been of legitimate concern to practitioners and to litigants over recent years. I hope that that concern, which no doubt is the basis of the honourable member's concern, will be overcome.

If the member is asking was an alternative to going to the Supreme Court considered—that is, going to another jurisdiction or to some other avenue—I am not aware that that was the case. I can assure the honourable gentleman that the Supreme Court and other heads of jurisdiction were consulted in relation to this aspect.

Clause 328, as read, agreed to.

Clauses 329 to 331, as read, agreed to.

Clause 332—

Mr McARDLE (9.36 pm): Clause 332 refers to the notice provisions in relation to the request for an itemised bill. Subclause (2) states that the law practice must comply with a request within 28 days for an itemised bill being sought from it. Subclause (4) states that a law practice must not commence legal proceedings to recover costs until at least 30 days after the date on which the person is given the bill.

My question is this: if a client gives a notice outside the 30-day period, is that notice void? If it is not void, does that then stay the proceedings for collection of the costs commenced by the practitioner? Is the 30-day rule hard and fast—that is, the person must provide the notice within 30 days otherwise they are out of time? If it is not the case, does the notice then stay the proceedings commenced by the practitioner to recover those legal fees?

Mr SHINE: I am advised that it is not hard and fast and that there is provision for late notification. I will endeavour to refer the honourable member to that provision. I think the gist of the honourable member's question is that, if the 30 days comes and goes and the request is then put in, does that stay the prevention of legal proceedings by the legal firm involved? As I understand it, it does not act as a stay.

Mr McARDLE: Is any 30-day period legitimate? Can a person still request an itemised bill after 30 days?

Mr SHINE: The answer to that is yes. The effect of not doing so is simply that the person losses the benefit of that protection of having put the request in within the 30 days. The legal practitioner cannot seek to recover by legal process the fees. If a person puts the request in after 30 days the request has to be complied with but it does not prevent the legal practitioner from pursuing his rights to recover.

Mr McARDLE: Attorney, that would then mean there would be two competing claims running at the same time in different jurisdictions, one would have thought. One would be in the Supreme Court and one could well be in the Magistrate's Court.

Mr SHINE: The position is that it does depend a great deal on the timing of when actions take place. In essence, what the honourable member suggests can happen. There can be an action for recovery of fees proceeding at the same time as the process for the assessment of costs. It can be ongoing at the same time.

Clause 332, as read, agreed to.

Clauses 333 to 351, as read, agreed to.

Clause 352 (Ordinary protection and immunity allowed)—

Mr SHINE (9.43 pm): I move the following amendments—

8 Clause 352 (Ordinary protection and immunity allowed)

At page 265, lines 31 and 32, and page 266, lines 1 and 2—

omit, insert—

'(2) A party appearing in a costs assessment has the same protection and immunity the party would have if the costs assessment were a proceeding being heard before the Supreme Court.'.

9 Clause 352 (Ordinary protection and immunity allowed)

At page 266, after line 9—

insert—

'(5) In this section—

party includes a party's lawyer or agent.'.

The drafter has amended the section for greater consistency with the provision on which it is based from the Supreme Court of Queensland Act 1991—for example, 'as if the assessment were a proceeding' as against a 'dispute'. They change the words.

Amendments agreed to.

Clause 352, as amended, agreed to.

Clauses 353 to 735, as read, agreed to.

Clause 736 (Failure to comply with Queensland Law Society Act 1952 after commencement and before relevant day)—

Mr SHINE (9.44 pm): I move the following amendment—

10 Clause 736 (Failure to comply with Queensland Law Society Act 1952 after commencement and before relevant day)

At page 488, line 3, after 'law practice'—

insert—

', other than a barrister,'.

Amendment agreed to.

Clause 736, as amended, agreed to.

Clauses 737 to 770, as read, agreed to.

Schedule 1 (Acts amended)—

Mr SHINE (9.45 pm): I move the following amendments—

11 Schedule 1 (Acts amended)

At page 511, after line 2—

insert—

'Criminal Code

'1 Section 436(4)—

insert—

'(g) a legal practitioner associate of a law practice, within the meaning of the *Legal Profession Act 2007*, if part 3.3 of that Act applies to the law practice.'.

'2 Section 568—

insert—

'(2A) For subsection (2), the reference to a trustee to whom the *Trust Accounts Act 1973* applies includes a legal practitioner associate of a law practice, within the meaning of the *Legal Profession Act 2007*, if part 3.3 of the *Legal Profession Act 2007* applies to the law practice.'.

'3 Section 641—

insert—

'(4) For subsection (1) or (3), the reference to a trustee within the meaning of the *Trust Accounts Act 1973* includes a legal practitioner associate of a law practice, within the meaning of the *Legal Profession Act 2007*, if part 3.3 of the *Legal Profession Act 2007* applies to the law practice.'.'.

12 Schedule 1 (Acts amended)

At page 511, after line 3—

insert—

'1AA Section 9A(1), table, column 1, item 20, 'as a legal practitioner'—

omit, insert—

'to the legal profession'.'.

13 Schedule 1 (Acts amended)

At page 522, after line 1—

insert—

'1AA Sections 125(2), 160(4)(c) and 354(4)(b), 'the *Trust Accounts Act 1973*'—

omit, insert—

'the *Legal Profession Act 2007*'.

'1AB Section 372(1)(b)—

omit, insert—

'(b) a law practice; or'.

'1AC Section 372—

insert—

'(5) In this section—

law practice means any of the following, within the meaning of the *Legal Profession Act 2007*, that has an office in Queensland—

(a) an Australian legal practitioner who is a sole practitioner but not a barrister under that Act;

(b) a law firm;

(c) an incorporated legal practice;

(d) a multi-disciplinary partnership.'.'.

Amendments agreed to.

Schedule 1, as amended, agreed to.

Schedule 2, as read, agreed to.

Third Reading

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

Motion agreed to.

Long Title

Question put—That the long title of the bill be agreed to.

Motion agreed to.

PROCEDURE

Error in Division Tally, Amendment of Record

Mr DEPUTY SPEAKER (Mr O'Brien): Order! Honourable members, it has come to the attention of the chair that there were errors in calculating the votes on the tally sheets in the two divisions held earlier this evening on the Industrial Relations Act and Other Legislation Amendment Bill. The errors do not affect the outcomes of the vote but the tellers have adjusted their tally sheets and the record needs to be corrected. The result of the first division was in fact ayes 28 and noes 50. The result of the second division was in fact ayes 51 and noes 27. The chair has instructed the Clerk to amend the records accordingly.

ADJOURNMENT

Hon. KG SHINE (Toowoomba North—ALP) (Acting Leader of the House) (9.47 pm): I move—

That the House do now adjourn.

Gold Coast Hospital, Oncology Services

Mrs STUCKEY (Currumbin—Lib) (9.47 pm): In December 2005, upon hearing of the staffing crisis at the Gold Coast Hospital, Jackie Morgan went to work as nurse unit manager of the haematology oncology day unit. As a former nurse I understand the dedicated approach nurses and allied health professionals bring to their roles despite working under enormous pressure to provide quality care for terminally ill patients.

After 20 years working in cancer care this modern-day Florence Nightingale reluctantly resigned in March this year after failing to receive any reply from Uschi Schreiber over her concerns at the lack of a full-time medical oncologist. Patients were and still are forced to travel to Brisbane for treatment despite being severely unwell. Distance creates extra paperwork and increases the risk of human error. One patient was given the wrong drug during Jackie's term of employment.

Instead of employing a full-time oncologist or rotating doctors from Brisbane the Beattie government employed three cancer care coordinators at a cost of $80,000 each per annum. Two opportunities to recruit a medical oncologist have been lost according to Jackie due to inefficient processes of Queensland Health. Jackie recently helped form the Gold Coast Cancer Services Action Group to demand this government provide basic services for cancer sufferers as a priority. A distraught Mrs Burns who lives in the Currumbin electorate wrote the following letter—

At the age of 50 my husband Robert was diagnosed with terminal cancer 16th July, 2004 and tragically lost his fight for life 5th April, 2007.

During his inspirational battle we were to learn of the obstacles we needed to overcome for Robert to achieve a deserved quality of life. As a public out patient in the early stages of treatment we had the financial ability to avail ourselves of the private cancer facilities, such as they are, on the Gold Coast.

But once becoming a Public Inpatient in December 2006 these services were no longer offered. Robert's need for continuing radiation treatments was to be provided in Brisbane with a two week waiting list.

Am I to understand that when one is diagnosed terminally ill, one should not expect ongoing treatment? Should Robert have accepted his fate and not be given the chance to spend longer with us? How in all conscience can your Health Department allow this appalling lack of cancer facilities to continue in the ever increasing population of the Gold Coast?

An email of complaint to Mr Robertson was answered on 24th April, promising a detailed response when 'advice in relation to this matter' was received. No reply has been forthcoming, highlighting the lack of compassion or concern from the Minister.

My darling Robert's passing has brought the plight of other patients to the attention of our many acquaintances and your Government's lack of attention will not go unnoticed.

Sadly, little has changed since thousands of concerned Gold Coast residents took to the streets in 1998 disgusted at underfunding and poor resources of our public hospital. Members opposite and especially those from the Gold Coast should hang their heads in shame, but instead they arrogantly gloat of Beattie's achievements. One year ago I stood in this House to plead the case of Kate Saunders, a 46-year-old nurse who passed away from a brain tumour because she could not get any treatment at the Gold Coast Hospital.

Time expired.

Queensland District Bowls Championships

Mrs LD LAVARCH (Kurwongbah—ALP) (9.50 pm): Earlier this month the best lawn bowlers in Queensland converged on the greens of Pine Rivers and north Brisbane for one of the premier events on the Queensland bowls calendar. On Saturday, 12 May I had the pleasure of officially opening the 49th annual district sides championships on behalf of the minister for sport and recreation, the Hon. Andrew Fraser. I commend all for the organisation of the opening ceremony. The precision, colour and camaraderie displayed at the official march-past was a sight to behold. These championships serve as

an important lead-in tournament to the state championships being held at present in Brisbane. As one of the major events on the bowls calendar in Queensland, the Beattie government is proud to help support it. As important as this competition is, I advise the House that this year's championships were extra-special. In fact, history was being made on the Pine Rivers green. Now, as most people would know, especially those who are fans of the movie *Crackerjack*, the most famous game of lawn bowls was the one played between Sir Francis Drake and Sir Walter Raleigh which Sir Francis insisted on finishing as the Spanish Armada approached. While 12 May 2007 may not transcend the centuries as a great part of history, it will nonetheless take its place as a milestone in the sport of lawn bowls in Queensland.

The history that this event made was that these championships included women bowls teams for the very first time. The inaugural division 1 women's champions were the Gateway district team with the Gold Coasters as runners-up. For the record, the division 1 men's district team winners were the Gold Coast with the downs team as runners-up. Bowls Queensland's enhanced administration and its outlook with the amalgamation of men's and women's bowls associations was built upon on 12 May with the inclusion of women in the district teams, and I note the Australian championships will not include women bowlers until next year. With over 55,000 Queenslanders participating in bowls, including a growing number of junior bowlers, Bowls Queensland is to be congratulated on all it is doing to promote lawn bowls as a healthy outdoor activity. In particular, I mention the 'Get on the Green' initiative which is certainly generating a lot of interest in bowls.

Toowoomba, Health Services

Mr HORAN (Toowoomba South—NPA) (9.53 pm): If you live overseas in a Third World country and you have eye problems, you will probably get treated by the Fred Hollows Foundation and get some sort of satisfaction. If you live in Toowoomba you have to wait three years to get your cataracts done if you are lucky. Tonight I want to tell this parliament about a Toowoomba man and the problems he has had trying to get his cataracts done. I ask members to bear in mind that this man is a pensioner and is looking after his elderly parents aged 90 and 88, is a diabetic and also a volunteer in Toowoomba doing some wonderful things for some organisations.

In early 2003 this person started the process of getting his eye done. In September 2004 he had an operation on one eye at the Toowoomba Hospital and was told by the doctor that he would have to have the other one done in the not-too-distant future. Since then he has been on the merry-go-round. He has been waiting on the list at Toowoomba. Eventually he found out that it cannot do it. He was told to go to QEII Hospital. He went there and found that he could not get it done there. It told him to try the Ipswich Hospital. Bear in mind that Toowoomba Hospital is one of the supposedly biggest base hospitals in Queensland serving Toowoomba and the south-west of the state. He went to Ipswich and finally after waiting for about six months last year he got an appointment in December to see a specialist. After that appointment he did not know what was happening because he did not hear anything. He finally found out in May this year through the Toowoomba Base Hospital that the operation could be in about another year's time. At the earliest it will be May 2008—some five years after he first started the process—when he will eventually get his cataracts done. The problem is that he is trying to drive and trying to look after his elderly parents. He has diabetes. He is trying to be a volunteer for organisations within Queensland and he cannot even get his eyes done! It is not good enough for this state.

I also want to mention the wait in dental services. The school dental van only gets around to schools at 28-month intervals—that is, once every 2½ years. There is a 2½-year waiting list at the hospital for dental services. There is a one-hour period in the morning when people can ring for emergency appointments. They ring and ring and ring. Everyone else is ringing for emergency services. It is engaged of course and, as I said, there is only one hour in the morning when a person can ring for emergency appointments; otherwise, they go on to the 2½-year waiting list. It is a bucket that can never be filled. It is a bottomless pit. With the budget coming up, surely the biggest inland city in Australia bar Canberra could have a decent service for eyes and teeth at the Toowoomba Base Hospital. I call on the government to give it some proper recognition. Stop this mucking around! It has been going on for years and years and years. Rather, it should do something about it.

Urban Design

Ms NOLAN (Ipswich—ALP) (9.56 pm): I begin tonight by acknowledging urban designer Juris Greste, who is in the gallery with us this evening, and by thanking him for bringing this important issue to my attention. The notion of Australians as hardened frontiersman is a myth. In fact, Australia is one of the most urbanised nations on earth, with more than 90 per cent of us living in cities and towns. Urban spaces are the stage of life. Houses, parks, office blocks and shopping centres are the environments in which the triumph, the tragedy and what often feels to me like the high farce of life is played out. Good built environments—places that are open, have trees, are walkable and encourage people to talk to one another rather than fearing their neighbours—enrich our lives now and will let us live sustainably as issues like peak oil and climate change really kick in in the future.

But, as anyone who compares South Bank with the soul-sucking monotony of a Westfield surrounded by urban sprawl knows, good urban design does not just happen. Urban design is an important professional discipline bringing together the skills of town planning, architecture, landscape architecture and sociology in the design of spaces that make you feel good about the world. That is why it is such a concern that today, as south-east Queensland grows and tragically sprawls, the crucial discipline of urban design is under threat. Right now the master of urban design course at QUT, the only serious urban design course in south-east Queensland, has just six enrolled students. Similarly, both the state government and councils, with their focus on the more technical field of town planning, employ very few dedicated urban designers. With apologies to John Byrne and others, those we do employ are getting older.

If Brisbane is to make its way as a world city, a local specialisation in urban design with a focus on subtropical landscapes must be nurtured. If Ipswich is to avoid sprawl, we too desperately need urban designers. It is imperative that our universities, councils and the state take an active interest in urban design. As custodians of our cities' future, QUT, the councils and the state government must act to prevent this discipline from fading away. I call today for the QUT course currently under threat to be salvaged by the university and for councils and the state to employ the professional urban designers who can and will design the great towns and cities of Queensland's future.

Feast of the Three Saints, Australian-Italian Festival

Mr CRIPPS (Hinchinbrook—NPA) (9.59 pm): Last week Queenslanders across the state celebrated Heritage Week. In my electorate of Hinchinbrook a significant proportion of the community has Italian and Sicilian heritage. Several events and organisations in my electorate celebrate and promote the culture and heritage of Italian and Sicilian people and, indeed, this is an important part of Queensland's culture and heritage.

The Feast of the Three Saints is held every year in Silkwood on the first weekend in May. This event brings people together in celebration from all over north Queensland and interstate. This year marked the 57th anniversary of the Feast of the Three Saints.

The history of that event began in 1950 when the statues of three brothers, St Alfio, St Cirino and St Filadelfio, were brought from Sicily to Silkwood by Rosario Tornabene. I was pleased to join the three saints committee and the crowd of thousands at the feast in Silkwood on the first weekend in May this year. In 1939 Tornabene's wife suffered complications following the birth of their daughter, Vera. A number of very tense days followed as the illness of his wife and daughter continued. One night in a restless sleep Tornabene dreamt of the three saints, who reassured him. In the morning Rosario vowed that if his daughter and wife survived he would provide for the statutes to be brought from Sicily to Silkwood. Both his wife and daughter survived and a decade later he honoured his commitment. Fifty-seven years later the local Sicilian community continues to celebrate the Feast of the Three Saints as an ongoing tribute to the faith of Rosario Tornabene but also in recognition of the wonderful culture that Sicilian people have brought to Queensland. Past, current and future generations remain proud of this heritage.

One of north Queensland's most colourful events is the Australian-Italian Festival held in Ingham. The 16th Australian-Italian Festival was held between 16 and 20 May this year. In 2006 the Australian-Italian Festival was the winner of the North Queensland Tourism Awards and a finalist of the Queensland Tourism Awards. The annual festival is a tribute to the Italian heritage of many families in the Herbert River district and had its beginnings as an idea from a community workshop designed to attract people to the area to boost the tourism industry and diversify the economic base of the area. Today the award-winning event attracts thousands of people from across Australia. The festival showcases the passion and vibrancy of Australian culture and traditions. The hardworking committee sets very high standards for itself and each year strives to improve the program of events. I was pleased to be invited to serve on the advisory board of the Australian-Italian Festival and look forward to lending the festival my support in years to come.

Importantly, feasts and festivals are not the only means by which heritage and culture of Italian and Sicilian people in north Queensland is being maintained and remembered. The Tully and District Italian Pioneers Committee will soon publish a history of Italian and Sicilian people in the Tully area. This will be a valuable document of the history and culture of the many waves of Italian and Sicilian migrants who came to north Queensland in the 19th and 20th centuries. Italian and Sicilian people have made a wonderful contribution to our state, and I am privileged to represent many of them from the Hinchinbrook electorate in the Queensland parliament.

Redcliffe Electorate, Tourism

Ms van LITSENBURG (Redcliffe—ALP) (10.02 pm): I am very pleased with the support that Redcliffe has had in the past month from two Labor government ministers. The minister for communities, Warren Pitt, addressed a breakfast for community groups which included school leavers from two secondary colleges and representatives from such community organisations as Disabled Ten Pin Bowlers, Youth Space Neighbourhood Centre, Multicultural Group, Redcliffe Neighbourhood Watch, Hospital Foundation, Grace Creche, Bally Cara and Mereki. The minister spoke about his portfolio and gave community groups an opportunity to meet with him to discuss their issues. He also attended my community morning tea at which he discussed the issues of elder abuse, particularly financial abuse, which has been a growing problem. Minister Pitt assured his listeners that he had taken steps to support older people by providing over $350,000 for a support unit which includes a helpline.

The minister for tourism, Margaret Keech, visited several of our tourist flagships including our Redcliffe Parade Visitor Information Centre, where she presented a certificate of appreciation for volunteers of both visitor information centres. She toured Morgan's restaurant, function rooms and fish markets, and Dolphin Wild, one of our most prominent bay cruise companies. She finished the afternoon with a tour of the cultural centre before meeting a mixture of constituents, community groups and businesspeople for cocktails and dinner at one of our prominent silver service restaurants, The Ox. These groups included Hornibrook Bus Lines, Redcliffe Harness Racing, Pearl of the Bay, La Vida on Anzac, Zonta, Arts Council, Redcliffe Kite Club, Redcliffe Environmental Forum, Disabled Ten Pin Bowlers, Neighbourhood Centre and the Multicultural Group.

The minister announced $80,000 of funding for Tourism Queensland to work with local tourism and other businesses to develop a 10-year tourism plan for Redcliffe. This will enable the local tourist industry to work strategically towards specific goals and state government funding can be planned to meet these goals. This is a real boon for Redcliffe and will enable our fledgling tourist industry to fly and to be the cornerstone of a strong Redcliffe economy. This is what we expect from a Labor government.

Sippy Downs

Mr DICKSON (Kawana—Lib) (10.05 pm): Sippy Downs is one of the fastest growing areas in my electorate. As well as being the location of the University of the Sunshine Coast, it is identified in the South East Queensland Regional Plan as a major activity centre. The people of Sippy Downs have been waiting for a road network that will service the area's growing needs, and I am delighted that governments at all levels have committed to major improvements over the next 18 months.

The most significant project for Sippy Downs is a new Dixon/Claymore Road interchange with the Sunshine Motorway, which will also link Buderim with Sippy Downs. Thanks are due to the Minister for Transport and Main Roads, Paul Lucas, and his staff, particularly Dennis Tennant and his team at the Gympie office. This project has been brought forward and is now due for completion in mid-2008. It will provide greatly improved access to schools, the university, the new technology businesses currently being established and the motorway and will do much to relieve existing traffic congestion.

In order for the interchange to work there must be an appropriate network of local roads. Maroochy Shire Council has committed to an upgrade of Sippy Downs Drive in 2007-08, supported by significant funds from the federal government. I acknowledge the contribution of both the council and the federal member for Fisher, Peter Slipper, in ensuring that this upgrade will proceed.

Further works will also be required on Sippy Downs Drive and Dixon Road at Buderim, and I trust that Maroochy Shire Council will ensure that these are scheduled in line with the new interchange as part of council's commitment to this very important area. Council recently released the revised master plan for the new Sippy Downs town centre, which will also depend on this road network. I take this opportunity to thank Peter Slipper for his efforts on behalf of the Buderim and Sippy Downs communities, which are now part of the Fairfax electorate. I also acknowledge Alex Somlyay, who is looking forward to representing their interests. It is a privilege to represent the Sippy Downs area and I am pleased to be able to bring these initiatives to the attention of this House.

Trinder Park Community Regeneration Project

Mrs SCOTT (Woodridge—ALP) (10.07 pm): In a world where most things decay and break down with age, a garden grows and increases in beauty. So an investment in beautifying our natural bushland is indeed money well spent. It was recently my honour to launch the Trinder Park Community Regeneration Project at our Trinder Park Rest Home. For many years Trinder Park has offered superb aged care in all three levels of care in the Logan area. It is thanks to Lutheran Community Care, with CEO Jacqui Kelly and her board, committee chair Ernst Wintzer and his team, general manager Bryan

Mason and his staff, as well as an army of volunteers, that facilities continue to improve and the level of care and service is of such high quality. So it was very fitting that community renewal should allocate $20,250 to create what is a place of tranquillity and beauty where residents and their family and friends can enjoy a picnic or barbecue and spend time in such a peaceful setting.

As is the case in so many community renewal projects, a number of organisations were involved. The Department of Employment and Industrial Relations provided $96,000 to enable BoysTown Enterprises to undertake the work through a Community Jobs Plan. The young people who worked on this project gained considerable skills and most will find jobs, which of course adds great value to the overall outcome. Other partners in the project included Woodridge State High School students, Karawatha Forest Protection Society, Logan Bushcare, garden groups, Neighbourhood Watch, Logan Rotary and Lions clubs, the Make and Do Foundation, Keystone, Logan Scouts, Sheds R Us and Logan City Council. The garden features a barbeque area, seating, animal and bird breeding boxes in the trees, raised sensory garden beds, artwork and an observation deck.

As a special place of honour and remembrance, an Anzac memorial has been fashioned using sandstone blocks in a quiet area of the park. The opening celebration saw many of the residents enjoying some time out of doors, although a brisk wind made conditions a little cool. As guests arrived, the Southern Cross Singers provided beautiful music before Maroochy Barambah offered the traditional welcome to country.

Speakers including Jacqui Kelly of Lutheran Community Care, Brendan Bourke from BoysTown, Tom Creevy from the Karawatha Forest Protection Society, Logan Mayor Graham Able and I all spoke of the special place that Trinder Park holds for the community in Woodridge and congratulated all of the participants. The event was covered by Lea Budge from Radio Logan FM101, Logan Artists demonstrated their skills, Lions and Rotary held a sausage sizzle and displays by Greening Australia, the Karawatha Forest Protection Association and the Logan PCYC all added to the interest of the day while a rock climbing wall challenged the more agile.

Tinaroo Falls Dam

Ms LEE LONG (Tablelands—ONP) (10.10 pm): Whilst the south-east is struggling to cope with level 5 water restrictions and level 6 water restrictions are looming as a likely prospect, in the far-north orders have been given to open the taps on Tinaroo Falls Dam in my electorate and let nearly one billion litres of water out each day to simply run out to sea. This is because the Beattie government's own Barron River resource operations plan, which is the bible of water management for the Barron River below Tinaroo Falls Dam, says so. It is the regulatory arm of the Barron River water resource plan, which was approved in 2002 and would not usually be looked at again for 10 years. But it is already showing that it is badly flawed and needs to be reviewed far sooner than 2012. As has been demonstrated by the current drought in the south-east and also in the drought in far-north Queensland in 2002-03, there is never a guarantee of any future rainfall.

Water captured by dams should be preserved and released for very specific and productive purposes only. Yet these massive releases from Tinaroo Falls Dam are happening at the same time as the Beattie government is spending billions of dollars on desalination plants, diversionary pipelines, recycling facilities and so on. This is because for nearly 20 years ALP governments in Queensland have failed to keep up with the times and to keep up population increases in this state. They have repeatedly failed to understand that drought and flooding rain have always been part of nature and need to be planned for. No-one needs a university degree to understand that. In this dry state, water must be captured when it falls so that it is available during the dry times. That is only common sense.

Under the water management decisions of this government, Tinaroo Falls Dam is being drained at a phenomenal rate while the south-east is being told to preserve every drop. Earlier this month Brisbane's average daily consumption of water was just under 590 million litres a day, while Tinaroo Falls Dam continues to pour nearly double that amount out into the ocean simply because an inflexible piece of paper called an ROP demands it. Of course we need to ensure that our rivers do not run dry, but this massive artificial daily flood is so strong that it buries farmers' pumps and foot valves in sand and debris. This causes unnecessary expense to farmers who are then left to cover the costs themselves.

This water release is far in excess of anything needed to keep the Barron River running. Even the super-green Cairns and Far North Environment Centre has questioned it. Traditionally, Tinaroo Falls Dam is a reliable dam. But so, too, were the dams around Brisbane. There is no guarantee that Tinaroo Falls Dam will fill again next wet season and make up for these massive releases.

As I have said before, the ROP needs revisiting sooner rather than later. Surely the lessons of drought are clear: keep as much water in your dams as you can, because you never know when you might need it.

Frew, Mr A

Mr PEARCE (Fitzroy—ALP) (10.13 pm): Tonight I want to pay tribute to Alastair Frew, the news director for WIN Television for 18 years from 1989 to 2007, who has recently resigned and moved to Brisbane. Alastair has had an innate ability at talent spotting those with potential, having a hand in training many promising young journalists who have gone on to achieve statewide and national recognition. All those journalists had to do was accept the challenge, put in the hard yards and take advantage of the opportunities that came their way.

Some of the big names include Karl Stefanovic, the host of the *Today* show; Leila McKinnon, who is now the Los Angeles correspondent for Channel 9; Lisa Millar, the ABC TV Washington correspondent; and Ann Kruger, who is now an ABC International newsreader. There are journalists working in news and current affairs programs on every television station in Australia who have been employed and trained by Alastair during his time at WIN in Rockhampton. For example, at Channel 9 there is Neil Doorley, Lisa Honeywill, Karen Huf, Matt Dunstan, Sally Eeles, Alison Fletcher and Renee Mickelburgh; at Channel 7 there is Gemma Haines, who is a political reporter, and Nick Etchells; at Channel 10 there is Kristin Devitt, Max Futcher, Daniel Barty and Amber Muir; at the ABC there is sports reader Ian Eckersley and Bridget Smith; and at SBS there is Leroy Ah Ben.

Some of WIN TV Rockhampton's former journalists are employed in Australia's leading current affairs programs. For example, at *A Current Affair* there is Peter Stefanovic and Majella Wiemers; at *Today Tonight* there is Karen Cooper, who is a producer, and Rodney Lohse; and at *Brisbane Extra* there is Margueritte Rossi. Many have found success overseas, for example, Bridie Barry, who worked for ITN in London and who is now back in Australia working for Sky in Sydney; Selena Downes and Kylie Thompson, who are working for the BBC in London; and Kieran Toohey, who is in Moscow working for *Russia Today*. Many have gone on to work for newspaper and radio stations throughout Australia. Others are freelancing or have become lecturers in media studies.

So for a lot of successful stars in media today, love him or hate him, much of their success can be attributed to the efforts to Alastair Frew and WIN TV Rockhampton. For the record, Alastair has identified the new star performer to come out of Rockhampton. Based on his record, that person is sure to be a winner. I have no intention of disclosing that person tonight, but I look forward at some time in the future to being able to tell that person that they were the one whom I referred to here tonight. I thank Alastair for a job well done and for putting Rockhampton on the map as the No. 1 training centre for Australian TV personalities in the media.

Motion agreed to.

The House adjourned at 10.16 pm.

ATTENDANCE

Attwood, Barry, Beattie, Bligh, Bombolas, Boyle, Choi, Copeland, Cripps, Croft, Cunningham, Darling, Dempsey, Dickson, Elmes, English, Fenlon, Finn, Flegg, Foley, Fraser, Gibson, Gray, Hayward, Hinchliffe, Hobbs, Hoolihan, Hopper, Horan, Jarratt, Johnson, Jones, Keech, Kiernan, Knuth, Langbroek, Lavarch, Lawlor, Lee Long, Lee, Lingard, Lucas, McArdle, McNamara, Male, Malone, Menkens, Messenger, Mickel, Miller, Moorhead, Mulherin, Nelson-Carr, Nicholls, Nolan, O'Brien, Palaszczuk, Pearce, Pitt, Pratt, Purcell, Reeves, Reilly, Reynolds, Rickuss, Roberts, Robertson, Schwarten, Scott, Seeney, Shine, Simpson, Smith, Spence, Springborg, Stevens, Stone, Struthers, Stuckey, Sullivan, van Litsenburg, Wallace, Weightman, Welford, Wellington, Wells, Wendt, Wettenhall, Wilson