THURSDAY, 11 NOVEMBER 1999

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

PETITION

The Clerk announced the receipt of the following petition—

Murder of Children, Sentencing Laws

From **Mr Lester** (9,000 petitioners) requesting the House to enact laws making it mandatory that any adult, guilty of the murder of a child or of serious assault causing the death of a child in Queensland, be imprisoned for life, that being the remainder of that person's life without provision for parole or other mode of release back into the Queensland community.

Petition received.

PAPERS

MINISTERIAL PAPERS

The following papers were tabled—

(a) Minister for Communication and Information and Minister for Local Government, Planning, Regional and Rural Communities (Mr Mackenroth)—

Trustees of the Local Government Debt Redemption Fund—Operating Statement for the year ended 30 June 1999

Local Government Grants Commission, Queensland—Twenty-third Report 1999 on Financial Assistance for Local Government

(b) Minister for Employment, Training and Industrial Relations (Mr Braddy)—

Annual Reports for 1998-99—

Burdekin Agricultural College

Dalby Agricultural College Board

Emerald Agricultural College Board

Longreach Pastoral College Board.

MINISTERIAL STATEMENT

Remembrance Day

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (9.33 a.m.), by leave: Today all of Australia will stop to remember those who fell in the First World War and other conflicts. We in this Parliament will mark the occasion with a minute's silence. Many other people will join us in that solemn remembrance by pausing at 11 a.m., and still others will mark the day by quietly reflecting on the sacrifices, including the ultimate sacrifice, made by Australians in the pursuit of freedom. These people answered the call from their country and many laid down their lives so that we may live in peace.

World War I officially ended at the 11th hour of the 11th day of the 11th month in 1918. 416,809 Australians enlisted for service during that conflict, and 324,000 of these served overseas. 62,918 were killed in action or died of wounds or illness. 155,000 were wounded and more than 4,000 were taken prisoner. If we think of those numbers, we realise the human tragedy that was World War I.

Of course, we also remember the fallen by wearing the red poppy, symbolising the blood on the fields of Flanders. This simple gesture reaches back through the years to ensure that we keep faith with our countrymen and women who fell and still lie in those far off fields and other battlegrounds. Australians have served and still serve with courage and distinction all around the world.

Let us not forget today our men and women serving in the Interfet multinational force in East Timor at the moment. Our thoughts are with them and their loved ones on this Remembrance Day. I ask all members to join with me in reflecting on the courage and sacrifice of all who have served and those who are serving. Lest we forget.

MINISTERIAL STATEMENT

Economy

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (9.35 a.m.), by leave: After almost 17 months of the Beattie Labor Government, Queensland is now reaping the dividends of our sound economic management. We exceeded our forecasts for economic growth in our first year of office, delivering a $1.1 billion bonus to the Queensland economy. We were forecasting a 3.5%, or $3.1 billion boost to the State economy, but instead we delivered $4.2 billion of growth, representing 4.75% of gross State product.

Queensland recorded the strongest growth of all the States in 1998-99, according to the ABS estimates of State final demand, which are independent and impartial and cannot be argued with. We even beat New South Wales, despite its peak of Olympic building activity. Access Economics has declared Queensland as the fastest growing

State, forecasting more than 4% average growth over the next four years. That is a full percentage point above the forecast average growth for any other State. Queensland is leading the nation in investment growth as well, with a remarkable 11% increase year on year, compared with a decline of minus 4.4% in the rest of Australia.

Business confidence is also booming in Queensland. The QCCI Pulse Survey Business Barometer for the September quarter showed business confidence trending strongly upwards to five-year highs, with expectations of even better conditions in the lead-up to Christmas. According to the most recent National Australia Bank quarterly business survey, Queensland recorded the strongest business confidence of all the States. The Yellow Pages survey found that 60% of Queensland small businesses are expecting sales growth—the best result in five years. It is little wonder that business is optimistic under my Government, a can-do Government that is delivering for Queenslanders.

Queensland's AAA credit rating has been reconfirmed by Fitch IBCA, Standard and Poor's, and Moody's. The number of overseas visitors has also jumped 7.8% in the September quarter, and international arrivals have now recovered to exceed the level of arrivals recorded at the start of the Asian downturn in 1997. That is a significant achievement brought about because of an aggressive tourism promotion campaign both national and international.

Retail sales growth is trending upwards again. The housing sector is finally coming out of its doldrums. Our strategy to stick by our Asian neighbours through their tough times is starting to pay dividends as most of the economies in the region are rapidly emerging from their downturn. In particular, Japan, to which I travelled recently, has bottomed out and has started that slow climb back. It just goes to show what positive leadership can deliver for this State.

By presenting a vision, setting goals and demonstrating a real commitment to deliver what we promise, business has developed a confidence in our State, and they are investing accordingly. We have more than $30 billion worth of projects moving steadily through the approval processes. With commodity prices recovering, we expect the pace of major investment to quicken. In almost 17 months we have already delivered major jobs announcements, including—

the Millmerran Power Station, a $1.4 billion project creating 1,300 construction jobs and 250 permanent jobs;

three new call centres, delivering more than 1,000 new jobs for the Gold Coast and Brisbane;

Australian Meat Holdings—600 new jobs in Ipswich and Townsville;

Austar expansion into Internet support—1,000 jobs for the Gold Coast;

Australian Country Choice—saving 700 jobs at Cannon Hill——

Mr Purcell: Hear, hear!

Mr BEATTIE: I knew the honourable local member would be interested in that. There is also Bechtel's regional headquarters—200 jobs——

Opposition members interjected.

Mr BEATTIE: Opposition members continue to try to undermine Queensland. They are knocking, whingeing and undermining the State.

The Marlborough Nickel mine has cleared the native title hurdle. That is an $800m project for central Queensland, providing 1,000 construction jobs and 300 operational jobs. Another 10,000 Queenslanders have been provided job opportunities under our visionary program to break the unemployment cycle.

Mr McGrady interjected.

Mr BEATTIE: Yes, the mine that was outlined yesterday by the Minister—

Mr McGrady: 200 jobs.

Mr BEATTIE: Exactly!

At lunchtime today I am opening the new Fortitude Valley offices of Western Computer Australasia, a company which is helping to put Queensland on the world map in the communications and information industry. I have provided only part of the list to give members a flavour of the sort of activities that are happening under this can-do Government. The choice is clear in Queensland: jobs growth and a sense of confidence and direction under my Government or the mickey mouse outfit on the other side.

MINISTERIAL STATEMENT

Overseas Visit

Hon. J. P. ELDER (Capalaba—ALP) (Deputy Premier and Minister for State Development and Minister for Trade) (9.40 a.m.), by leave: I table a report to Parliament on my trip to the United States and Italy from 8 October to 23 October. In broad terms, in the United States section of this trip, we concentrated on information technology companies. I had meetings with large

international companies such as Dascom, IBM and Oracle. I also had a productive meeting with construction giant Bechtel, which finalised the move of their Oceania headquarters from Melbourne to Brisbane, leading to 200 extra jobs in Queensland. In Nashville, Tennessee, I addressed the conference of the US Call Centre Association. I might add that I was the only overseas visitor to do so.

In Italy the State Government organised the Queensland showcase at Milan, where links were created between Italian and Queensland companies in biotechnology, light metals, ceramic tiles and fibre processing. I also addressed an Italian light metals conference and provided support for the Queensland delegation at the international Superyacht Fair at Genoa, where the State is attempting to capture some of the business which will flow from having 100 superyachts off the east coast of Australia next year in connection with the Olympic Games in Sydney.

For the consideration and examination of members of the House, I table a far more detailed report and a number of attachments that I am sure the House will find interesting.

MINISTERIAL STATEMENT

Strategies to Combat Armed Robbery

Hon. T. A. BARTON (Waterford—ALP) (Minister for Police and Corrective Services) (9.42 a.m.), by leave: The Queensland Police Service has recently implemented a number of strategies to assist in the prevention of armed robberies across the State. While some of these initiatives are currently operating Statewide, each policing region has also developed their own approach to the problem of rising rates of the crime. Statewide initiatives include the high intensity Stop Rob campaign and an organised crime approach to armed robbery through the Organised Crime Investigation Unit.

Stop Rob involves operational officers visiting at-risk business premises during shifts as part of patrol duties and objectives. The aim is to educate business owners on what steps they can take to prevent their businesses from being soft targets for armed robberies. "Soft targets" refers to a premises which may operate out of normal business hours, has minimal security, one employee and no cameras. A service station or 7-Eleven store would fit this profile. The Stop Rob program also provides these businesses with information on how to best assist police in the event that they become a target.

While armed robberies are an unfortunate drain on the community, both in terms of financial cost and emotional burden, the fact is that robberies do occur, and without the targeting of intelligence by police they may occur much more frequently. Intelligence gathered by the Organised Crime Investigation Group, operating out of State Crime Operations Branch Command at police headquarters, is used to target recidivist armed robbers across the State. The group uses a multidisciplinary team approach to investigate major and organised crime, including armed robberies across the State.

A large part of the group's focus is involved with the coordination of intelligence in the detection and suppression of recidivist armed robbery offenders. This intelligence is used in both conventional and covert policing techniques to target known recidivist offenders in coordination and liaison with regional and interstate policing groups. The group is responsible for developing specific intelligence-driven action plans targeting armed robbery offenders and shared this information with a number of other agencies including the Queensland Bureau of Criminal Intelligence and the Corrective Services Proactive Intelligence Network. More recently, the group is developing a recidivist armed robbery database to assist in the identification of armed robbery offences and offenders.

Armed robbery is something which can and is being targeted more effectively at a regional and district level. Each police region in this State has its own strategy or strategies for the gathering and targeting of intelligence in tackling armed robbery within their jurisdiction. Some more recent examples include the South East region's Operation PRASS—Preventing Robberies at Service Stations and an Armed Robbery Awareness Program that operates in the Metro North region. Based in Logan, Operation PRASS is a registered Problem Oriented Policing Partnership project that was developed following a rise in robbery offences at service stations. The project is operated by Logan District Criminal Investigation Branch and involves providing information and advice to service station proprietors and owners on methods of reducing the incidence of robbery and increasing levels of safety for their employees. The project also involves the support and assistance of Logan City Council, Pilkington Glass, banking representatives, the Insurance Council of Australia and a barrister from the Office of the Director of Public Prosecutions. These stakeholders are available to provide advice on available products, financial

incentives, methods of financing improvements and duty of care issues.

Just last week, the Logan district began to implement yet another strategy aimed at curbing the incidence of armed robberies through its District Operations Support Group. The group consists of uniform police working in three teams of four officers to provide a high visibility in hot spot areas for offences of robbery, unlawful entry of dwellings and motor vehicle theft. Uniform staff are also tasked to conduct Stop Rob checks on soft target premises during their patrols.

In the Metro North region, officers within the regional operations unit recently secured funding of $9,000 under the Problem Oriented Policing Project Funding Committee to conduct an Armed Robbery Awareness Program. The aims of such a program include the establishment of an interactive partnership with business houses which operate outside normal trading hours, with an emphasis on those considered to be soft targets. The program will also incorporate target-focused patrols at select premises. By raising the levels of public awareness, the program also seeks to reduce the incidence of armed robbery offences within the region.

While there are many more examples of good police work being carried out all over this State, I am confident those I have mentioned this morning will have great success in tackling armed robbery within their communities.

MINISTERIAL STATEMENT

Years 1 to 10 Queensland Curriculum

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Education) (9.47 a.m.), by leave: Queensland schools are on the threshold of a new era of learning with the launch today of the first phase of the new Years 1-10 Queensland curriculum. The new curriculum development process under the auspices of the Queensland School Curriculum Council has brought together State, Catholic and Independent schooling authorities to develop collaboratively a common curriculum for Queensland students. This curriculum, encompassing the eight key learning areas recognised in the national goals of schooling, promises more relevant subject matter and more collaborative learning involving teachers, students and the community. It will be a resource of great value for all schools in Queensland.

Later today I will launch the syllabuses for science and health and physical education. These are the first of a series of syllabuses and associated curriculum materials being produced by the council. They are the result of an extensive program of research and development as well as widespread consultation with school communities across Queensland. In responding to the technological changes and unique futures faced by students today, the curriculum promotes life skills such as personal development, social, citizenship and self-management skills. There has been a deliberate attempt to adopt a futures perspective in all areas.

At the same time the curriculum also recognises the importance for all learning areas to reinforce and support the development of literacy and numeracy skills. In accordance with an outcomes approach to education, the new syllabuses are presented in terms of intended learning outcomes, that is, they identify what students should know and be able to do in the particular learning area. The syllabuses also recognise that learning outcomes cannot be achieved in a content-free environment. Accordingly, they have specifically identified the core content that students will need to address to demonstrate the core learning outcomes in the syllabus.

The syllabuses acknowledge that the sequencing of the content across the years of schooling is a decision best left with the relevant school authorities. Education Queensland has responded on behalf of State schools by preparing Statements of Content which identify an appropriate sequencing of the core content across Years 1 to 10, and accordingly provide a basis for greater curriculum consistency across its schools. It is expected that all students across Queensland will be provided with opportunities to demonstrate the same outcomes. The route by which they arrive at those outcomes, however, may be very different.

A contemporary feature of this curriculum will be its electronic delivery to schools. The syllabuses, source books and in-service materials will all be able to be accessed electronically. The remaining six syllabuses covering the areas of languages other than English, study of society and environment, technology, the arts, English and mathematics will be available to Queensland schools over the next three years.

MINISTERIAL STATEMENT

Ambulance Service

Hon. M. ROSE (Currumbin—ALP) (Minister for Emergency Services) (9.50 a.m.), by leave: Yesterday in the House the member

for Mirani launched a disgraceful attack on the Queensland Ambulance Service. He unashamedly used a 92 year old woman as a pawn in his appalling attack on the professionalism of the ambulance service. In doing so, he showed that he had no regard—no regard whatsoever—for the facts. Not only that, he made no attempt to find out the facts, even after I offered to have the incident investigated. His conduct was disgraceful. I am now in a position—

Mr Borbidge interjected.

Mr SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Mrs ROSE: I am now in a position where I need to set the record straight in the House. This would not have been necessary if the member for Mirani had come to see me in the first place. Unfortunately, putting the facts on the record places the woman concerned in an embarrassing position, because her comments contradict those facts. What actually happened last Saturday morning is far removed from the story peddled by the member for Mirani.

Mr Borbidge interjected.

Mr SPEAKER: Order! I will be warning the Leader of the Opposition if he continues.

Mrs ROSE: The member asked a question about an elderly Brisbane woman who, according to the member for Mirani, was "forced to wait for three hours" and that despite "the pain and agony of her predicament that lady had to organise alternative transport to hospital". They are his words. He asked me if I would be offering an apology for what he termed "disgraceful and yet unexplained delay". The disgrace lies with the member and with those media outlets who sensationalised—

Mr Borbidge interjected.

Mr SPEAKER: Order! I warn the Leader of the Opposition under Standing Order 123A. That is my final warning.

Mrs ROSE: The disgrace lies with the member and with those media outlets who sensationalised the whole episode. The facts are these. After falling at her home, the woman was driven by a neighbour to a medical centre. A broken arm was diagnosed and she was treated by a doctor. The doctor arranged for an ambulance to take her to hospital. Acting on advice from the doctor, she was classified as a Code 3—routine transport. The doctor did not consider there was an urgent need for transport.

The ambulance scheduled to take the woman to hospital was delayed after being redirected to a more urgent incident involving an injured child. The neighbours who had taken the woman to the doctor in the first place drove her home. The neighbour called the ambulance asking where the unit was and said that the woman was ready for pick-up. After being told that there would be a delay, the neighbour said that the woman would be driven to hospital by private means. The communications centre call taker advised that an ambulance could be there in 30 minutes and that the ambulance was the best way for the patient to travel to hospital. The neighbour then said that the patient was fine and had a discussion with the woman about whether they would wait for the ambulance. They said they would. They were told that contact would be made if there was a delay.

Shortly afterwards, the neighbour again called, advising that the patient was "quite all right". She said, "She's really good. She'd run rings around you and me too." Then the neighbour said, "She's laughing her head off here and her grandson's coming." The call taker was told that the grandson wanted to take the woman to hospital and that he was on his way to the house. The plan for the woman to be taken to hospital by her family was verified to the call centre duty supervisor.

The Ambulance Service's concern at all times was for the patient. They checked her condition several times to ensure it had not deteriorated. Their concern differed dramatically from that of the member, whose only concern was for his own image. He made no attempt whatsoever to ascertain the facts. He made no approach to either my office or the QAS for information. In fact, he chose to ignore a message from my office for details when I offered to have the allegation investigated—all to peddle a clearly distorted story.

This chain of events can be verified by a voice tape, and I am willing to make it available. Had he not been so intent on beating this issue up, the member for Mirani could have had the real story. Instead, he denigrated the magnificent work done by our ambos. He questioned the efficiency of the officers who transport half a million people to hospital every year. Around 130,000 of those are Code 1 emergencies.

These people save lives every single day. I do not question them. I support them and I always will. They do a magnificent job. The member for Mirani should listen to the tape. Then, if he has any honour at all he will apologise for the slur he has cast on every one of our ambo paramedics.

PERSONAL EXPLANATION

Sky Rail

Dr CLARK (Barron River—ALP) (9.57 a.m.), by leave: Yesterday in the House I congratulated the winners of the 1999 Australian Tourism Awards, which included the Sky Rail rainforest cableway. Several coalition members, including the Leader of the Opposition, interjected during my speech, claiming that I had opposed the construction of Sky Rail and that I was by inference being hypocritical and insincere to congratulate the company on its success. I chose not to use the limited time available to me yesterday to take those interjections and refute the claims of members opposite. However, I am deeply offended by the remarks of those members, because they reflect on my personal integrity. I am also disappointed that the Courier-Mail chose to repeat the claims of the Opposition Leader without checking the facts of this matter. This is yet another case of the media not letting the truth spoil a good story.

I therefore wish to draw members' attention to a speech I made in the House on 30 August 1994 in the second-reading debate of the Nature Conservation Amendment Bill, in which I made clear my support for Sky Rail. In fact, my support of this development contributed to my defeat at the 1995 State election at the hands of the Green Party and the conservation movement, which waged a strong campaign against me. I wish to read an extract from that speech so that members can see for themselves that the comments shouted across this Chamber by the Leader of the Opposition were nothing but lies designed to discredit me.

Mr SPEAKER: Order! Would the member rephrase that by substituting "untruths".

Dr CLARK: In deference to the Chair I will rephrase that. They were nothing but untruths designed to discredit me.

Mr Hayward: Deliberate.

Dr CLARK: Deliberate untruths. I stated—

> "It is obvious that in our national parks we already have considerable visitor facilities and infrastructure to enable people to access those parks and to understand and appreciate the cultural and natural values of those parks."

Honourable members interjected.

Mr SPEAKER: Order! I am trying to hear this personal explanation.

Dr CLARK: I said further—

> "The Sky Rail proposal should be seen in that light, as a proposal that will enable people to get greater access to the park in a way that will not have any long-term impact on its environment.
>
> It will allow people to appreciate the values in the long term and learn from the interpretive facilities that will be established as part of that development.
>
> Sure it is a commercial development, but I think that it can be seen as something that will enhance the appreciation by people of that national park area.
>
> For that reason I have no problems with it, as I have said on past occasions. There is no doubt in my mind that it is not going to have any significant detrimental impact on the ecological integrity of that park. Indeed, I believe that in the long run it will improve and enhance the interpretation of that area."

Mr Reeves: When was that? 1994, was it?

Dr CLARK: In 1994 that statement was made by myself in this House.

At the risk of provoking my friends in the Cairns and Far North Environment Centre yet again, I point out that Sky Rail's national recognition and lack of impact on the environment proves that I was right and they were wrong on this issue. Yesterday, I said that the behaviour of the Leader of the Opposition was contributing to the cynicism and disillusionment of the community with politicians. Unless I receive an apology—

Mr BEANLAND: I rise to a point of order. Mr Speaker, this is no longer a personal explanation.

Mr SPEAKER: Order! I am the judge of that.

Mr BEANLAND: The member is debating the issue. She is now attacking the Leader of the Opposition.

Mr SPEAKER: Order! I am the judge of that.

Dr CLARK: Unless I receive an apology from the Leader of the Opposition, he will have further damaged the reputation of politicians and confirmed that he himself has no regard for truth in this place.

Mr BORBIDGE: I rise to a point of order. The remark made by the honourable member is offensive and I ask that it be withdrawn.

Mr Elder: It's true.

Mr SPEAKER: Order!

Dr CLARK: In deference to the Chair, I withdraw.

Mr Elder interjected.

Mr BORBIDGE: I rise to a point of order. The remark made across the Chamber by the Deputy Premier, which echoed the remark that the honourable member just withdrew, is also offensive and I ask that it be withdrawn.

Mr SPEAKER: Order!

Mr ELDER: Mr Speaker, was it "fairies at the bottom of the garden" or that he is a sensitive little fairy? Which remark did the Leader of the Opposition find offensive? If he found it offensive, I withdraw it, even though it is true.

PERSONAL EXPLANATION

Electricity Charges

Mr ROWELL (Hinchinbrook—NPA) (10.03 a.m.), by leave: Yesterday, the Minister for Mines and Energy claimed that I misled the House by referring to tabled NEMMCO data which clearly showed that the pre-dispatch price of power in Queensland at 9.30 a.m. yesterday—viewed from the perspective of 7.30 a.m.—was $76.82, compared with prices for the same period in New South Wales and Victoria of $21.

The Minister said that his investigations revealed that the final prices—the dispatch prices—for that period were, in fact, considerably lower. I apologise to the Minister for assuming that he knows how the market works. I should have realised that he would have needed an investigation to come to terms with that very simple transparent data. I assure the Minister that there was no attempt to mislead him, and I will take greater care in future to try to avoid confusing him. Of course, the market is based on pre-dispatch and dispatch prices, and they do change as time marches on.

Mr SPEAKER: Order! Is this a personal explanation or a matter of privilege?

Mr ROWELL: It certainly is a personal explanation. I felt wounded yesterday by the Minister's comments.

Mr Cooper interjected.

Mr SPEAKER: Order! The member for Crows Nest! I am asking the question of the member for Hinchinbrook.

Mr ROWELL: It is a personal explanation about what the Minister said.

Mr SPEAKER: Order! How was the member personally affected?

Mr BORBIDGE: I rise to a point of order.

Mr SPEAKER: Order! The Leader of the Opposition will resume his seat. I am asking the member for Hinchinbrook how he was personally affected.

Mr ROWELL: It affected the information that I provided to the House the day before.

Mr SPEAKER: Order! But that is not a personal explanation. The member will resume his seat.

Mr ROWELL: Mr Speaker, I beg to differ.

Mr BORBIDGE: I move—

> "That the member for Hinchinbrook be further heard."

Mr ROWELL: It really is a reflection on my integrity.

Motion agreed to.

Mr ROWELL: I thank honourable members. I am certain that they will appreciate what I am about to say next. But I would suggest to the Minister—

Honourable members interjected.

Mr SPEAKER: Order! The member will resume his seat. Now we have peace. I call the member for Hinchinbrook.

Mr ROWELL: But I would suggest to the Minister that he consider the historical data concerning the dysfunctional generating profile he bequeathed to this State as a result of his incompetence during the Goss administration and see if he can investigate the actual price of power in this State whenever the demands are anywhere near 5,500 megawatts. I assure the Minister that I can comprehend what he is looking at. He will find it absolutely frightening.

If the Minister can remember this far back—it is what blew his estimate of an average of $37 a megawatt-hour out to $60 a megawatt-hour last financial year. And the Forward Budget Estimate for this financial year for CSOs is not very rosy, either.

PERSONAL EXPLANATION

Comments by Member for Barron River

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the Opposition) (10.06 a.m.), by leave: Mr Speaker, I have been misrepresented by the member for Barron River. A perusal of yesterday's Hansard shows no interjection being recorded on my part. The honourable member herself acknowledged that she did not accept any such interjection.

Mr SPEAKER: Order! I actually heard that interjection.

Mr BORBIDGE: If a member does not accept an interjection, then it is not recorded and that member could not have been misrepresented.

Honourable members interjected.

Mr SPEAKER: Order! The House will come to order.

NOTICE OF MOTION

St George Irrigation Area

Dr PRENZLER (Lockyer—ONP) (10.07 a.m.): I give notice that I will move—

> "That this Parliament calls on the Beattie Labor Government to provide the infrastructure necessary to honour its commitment to the channel farmers of the St George Irrigation area and to review immediately the current transfer system of water rights."

SELECT COMMITTEE ON TRAVELSAFE

Drug-driving in Queensland

Mrs NITA CUNNINGHAM (Bundaberg—ALP) (10.07 a.m.): I move—

> "That the House take note of Select Committee on Travelsafe Report No. 29—Drug Driving in Queensland, tabled in the Parliament on 9 November 1999."

It is my pleasure to speak on the Travelsafe Committee's report on drug-driving in Queensland. Drug impaired driving is a serious road safety problem. There are a wide range of drugs that can impair driving skills. These include over-the-counter medicines, prescription medicines, illicit drugs and other legal substances that are abused.

During the inquiry, the committee found that impairing drugs are found in around 25% of drivers who have been killed on our roads, and it is estimated that drug impaired driving is the major factor in about 6.5% of all fatal road accidents. Based on the average number of road deaths in Queensland over the past five years, this amounts to 25 deaths per year caused by drug-driving. Undoubtedly, there have been many more people seriously injured because of drug impaired drivers.

The committee's report makes 16 recommendations that form an integrated package to combat drug impaired driving in Queensland. The recommendations cover a range of areas including—

- further research;
- education and publicity;
- legislation, surveillance and enforcement; and
- policy and program coordination.

If implemented, these recommendations will allow us to—

- assess how various drugs and combinations of drugs affect driver performance and crash risk;
- provide more accurate information on at-risk driver groups;
- provide better information on drug-driving to the general public;
- ensure that medical professionals communicate the dangers of drug-driving to their patients; and
- improve information and labelling of prescription and over-the-counter drugs.

On the matter of surveillance and enforcement, the committee proposes a three-step process to incrementally develop the impairment assessment system and a range of concurrent research and legislative actions with the aim of developing practices and procedures to identify, evaluate and record drug-driver impairment that will provide the evidence to sustain a charge of driving under the influence of a drug.

In conclusion, I would like to thank everyone who helped the committee during the inquiry by making submissions, appearing at public hearings, meeting with us privately and responding to our numerous requests for information. I commend the report to the House.

Mr HOBBS (Warrego—NPA) (10.10 a.m.): It is my pleasure to speak on the Travelsafe Committee's report on drug-driving in Queensland. As the member for Bundaberg has stated, drug driving is a serious road safety problem which deserves greater attention by Government. The dangers arise from the use of drugs alone, from combinations of drugs and drugs and alcohol used together.

During the inquiry, the committee learned that there is a range of groups that are at greater risk of drug-related accidents. They include: young drivers who use illegal and prescription drugs for recreational purposes, elderly drivers who use benzodiazepines and multiple prescription drugs and commercial drivers who use psycho-stimulants to maintain alertness on long trips.

The committee's report contains an integrated package of recommendations to combat drug-driving in Queensland. An important section of the recommendations deals with the development of the existing impairment testing system and a range of concurrent research and legislative actions.

Basically, the proposal involves the development and trial of specialist guidelines for police assessments of drug impairment, a formal evaluation of the trial and, lastly, if required, the adoption of a standard field sobriety-type testing system.

Drug-driving is a serious problem. If the committee's recommendations are implemented, many deaths and injuries on Queensland roads will be prevented. In closing, I would like to thank all the people who helped the committee during the inquiry. I particularly thank officers from Queensland Transport, the Queensland Police Service and Queensland Health. I commend the report to the House.

Motion agreed to.

PRIVATE MEMBERS' STATEMENTS

Trawl Management Plan

Mr TURNER (Thuringowa—IND) (10.12 a.m.): Queenslanders should be very concerned about the possible decimation of the commercial fishing industry. Certain groups are continually lobbying the State and Federal Governments with self-interested demands which, in most cases, have no basis in fact and are based solely on emotive issues. They have no consideration for the greater community or for job losses in the commercial fishing sector.

The commercial fishing industry provides, directly and indirectly, approximately 22,000 jobs in Queensland. If further restrictions are imposed on the industry at this time, many fishing and land-based operators will go out of business, with consequent enormous job losses. The supply of fresh Queensland seafood is paramount to restaurants, fishmongers and exporters.

QFMA proposals for the trawl industry have been put forward after consultation with all sides of the industry and should be adopted. It is vital that our Queensland fisheries remain under State control. I urge the Minister for Primary Industries to ensure that this happens.

I have received numerous complaints from trawler owners who are concerned that, should the Great Barrier Reef Marine Park Authority's unnecessary recommendations be put into place, they will not be able to meet their commitments to family and financial institutions and that bankruptcy will be inevitable. Senator Hill is supposedly pushing the issue of unsustainability, but he cannot provide any sound scientific evidence which indicates that the trawl industry is not sustainable.

GBRMPA falsely tries to win support with such comments as trawling on the reef will cause reef damage. What rubbish! For obvious reasons, trawling over the reef is impossible. To implement more closures will only increase efforts in other areas. Sustainability will then be in question as a result of a more concentrated effort into a much smaller area. If the effort needs to be reduced, the Government must be prepared to compensate fishers and remove licences and vessels from the industry.

Let us take the power-play of Federal politics out of the equation and replace it with plain commonsense which will preserve job security for Queensland families. This is an opportunity for the Beattie Government to prove how serious it is about jobs. We have hundreds of fishermen who are screaming for help. Please throw them a lifeline as they are drowning in bureaucratic nonsense.

Ethnic Branch Stacking

Mr MICKEL (Logan—ALP) (10.14 a.m.): Advertisements for the American Express card used to say "You shouldn't leave home without one." The shameless ethnic branch stacking in the Ryan and Moreton Federal electoral divisions shows that one does not even have to leave home to become a member of the Liberal Party in Queensland, Australia or the world. One simply nominates which branch one wants to belong to and, regardless of where one lives, one becomes a member. It is a rort, and some members have been making a welter of it.

For example, the Centenary branch of the Liberal Party has recently grown from 32 members to 230 members, whilst about 300 new members have been suddenly enrolled in the Federal division of Ryan. Sources within the LIberal Party tell me that up to one-third of these new recruits are not even Australian citizens and are ineligible to vote in State or Federal elections.

The worst aspect of this disgraceful undermining of the legitimate interests of hard-working Liberals is the do-nothing attitude of the Liberal Party administration and President, Mr Con Galtos. One simply had to listen to the AM program on the ABC yesterday to realise that there will be no salvation under Mr Galtos. As a result, the Liberal Party development committee has given the green light to ethnic branch stacking in Ryan.

August was declared membership month for the Liberal Party. The prize was taken out by none other than the Ryan FEC. The prize was a $2,000 contribution. It is something similar to Reader's Digest—"Send no money, we'll bill you later." In other words, the $2,000 means more funds so that Michael Johnson and the member for Clayfield—that great betrayer of ethnic communities with his One Nation deal—can continue to pay the Liberal Party memberships of the branch stackees. John Moore is already on the hit list, the Federal member for Moreton is next.

Time expired.

Community Cabinet Meeting, Kingaroy

Mrs PRATT (Barambah—IND) (10.16 a.m.): Sunday, 14 November and Monday, 15 November are two days that have been awaited for some time in the Barambah electorate. The people of the electorate have been waiting ever since the announcement was made that this Government was to hold a Community Cabinet meeting in Kingaroy.

It is, perhaps, a shame that there will be little time for all Ministers to experience the wonders of the Burnett region, but the needs of the communities must take priority. No doubt most of the time will be spent with representatives of various groups representing a variety of issues. There has been a constant barrage of concerns aimed at this Government and there should be issues for every Minister.

The regional forest agreement has been a major concern, and remains a major concern, to those involved with the industry. The South Burnett Meatworks, our prize-winning wines and our olives should be only the start of the delectable topics that will be discussed in relation to the Burnett region. The extension to the Tarong Power Station is a major issue for the Minister for Mines and Energy, Mr McGrady. We are looking for a positive outcome in relation to that matter.

The continued perceived threat of a downgrading of services at the Nanango Hospital is a topic for the Minister for Health, Mrs Edmond, as is the crisis of a shortage of doctors in many of our smaller towns.

There are concerns that new regulations are jeopardising the existence of small community events such as picnic race meetings and rodeos. These community events are often the lifeblood of small communities.

An issue for the Minister for Emergency Services, Merri Rose, concerns the reduction of ambulance services which recently resulted in a woman having to personally transport her husband to the Toowoomba Hospital because the ambulance does not make trips to Toowoomba on Mondays. Another matter of concern is the reduction of ambulance services at Proston, where a first responder now bears the load after hours.

The road over the Blackbutt Range is one of the most dangerous roads in the area. I would ask Ministers to bear in mind that the arrival of the Queensland Cabinet in Kingaroy is seen as being the forerunner of an announcement of some major infrastructure project. Such an announcement is awaited with much anticipation. I ask that this visit to Kingaroy not be treated as a political stunt. I hope that this Community Cabinet meeting delivers more substance than other Cabinet meetings of which I have been informed.

Australia Post Bulk Discounts

Mr LUCAS (Lytton—ALP) (10.18 a.m.): Today I want to talk about a Federal Government-owned monopoly, Australia Post, and a recent decision that it took to kick small business, clubs and small associations in the guts. Prior to 4 October this year, any individual, business or club could get a discounted cost of 38c per letter for bulk posting more than 50 letters in their local postcode area. What has Australia Post done to these small business operators and volunteer clubs? It has slugged them with a 7c per letter increase by abolishing bulk post discounts for letter quantities of less than 300. This is Australia Post, which last year made a profit of $247.8m but cannot see its way clear to do something for the little people.

It is true that the pre-sort discount post quantity at Australia Post has had the minimum reduced from 2,500 to 300, but the point is that many small businesses and clubs simply do not have sufficient people on their mailing lists in order to receive the discount. I am talking about associations which mail out 50 to 300 letters, such as the Bayside Rheumatism and Arthritis Group Support. BRAGS helps many people who are ill or crippled with arthritis—most of them senior citizens or pensioners.

I know that Australia Post realises that it has done the wrong thing. It has only abolished the discount for clubs, small businesses and individuals who are in the city. If one lives at a country address, the minimum 50 discount still applies. I do not in any way begrudge our country cousins keeping the discount, but why should it not apply to the city

as well? Why should organisations such as BRAGS be slugged 7c per letter?

The fact is that Australia Post now has new barcode technology that allocates each specific address in Australia with a unique number. It also has machines that can read typed street numbers, streets and suburb details on letters and apply the barcode at the time of sorting. Australia Post still gets its technology gains from non-barcoded-type letters, but it is not prepared to pass on any cost savings at all to small businesses and clubs in the city who post between 50 and 300 letters at a time. I say to Australia Post that if it wants the respect and support of the Australian support, it will have to lift its act.

Remembrance Day

Dr WATSON (Moggill—LP) (Leader of the Liberal Party) (10.19 a.m.): 11 a.m. on the 11th of the 11th is one of the holiest times on the Australian clock. Since 1918, along with Anzac Day, it has been a time for this country to recognise the sacrifice and heroism of Australians through the generations and through the wars—from the Boer War to the Great War, to the Second World War, to Korea, and to Vietnam. The servicemen and women and the civilians who suffered and contributed in particular have held this day very dear. However, it is also a day for the entire country and for all generations.

The latest generation now has another example of the standard of the Australian military in the East Timor situation. Today, there will be special thoughts for those men and women, just as there is an echo of the Australian role in longer campaigns, such as in the Malayan emergency.

This is the last 11th of the 11th in the 1900s. I think that deserves to be noted in the Hansard of our Parliament with a confirmation of our commitment to this Remembrance Day into the year 2000 and beyond. Lest we forget.

Goods and Services Tax

Mr ROBERTSON (Sunnybank—ALP) (10.20 a.m.): Last Friday, I chaired a meeting of the Queensland Small Business Advisory Council. A major and ongoing agenda item is the Federal Government's funding of the GST information assistance program, particularly as it applies to small business.

On 28 October, representing the Deputy Premier, I also attended the Small Business Ministerial Summit in Darwin. The Federal Minister responsible for small business, the Honourable Peter Reith, chaired that meeting. At that summit, I argued strongly that the funding was simply not adequate, given the vast numbers and the decentralised nature of small businesses in Queensland, and the additional burden of including charities and non-profit organisations that was not envisaged when the funding was first promised. Federal Treasurer Costello, who expects compliance from day one, has said no to an appropriate level of funding for information and assistance for small business. Mr Reith was obviously under strict instructions from his colleague the Treasurer to refuse any requests for fair treatment of small business.

The original funding was calculated on the basis of no exemptions and before the deal was done with the Democrats. What was arguably inadequate before is now clearly just not enough. Not only is it not enough, it is also misdirected and will not reach the majority of small businesses in Queensland.

The Federal Government proposes that funding for the education and training of small business will be made available only through industry associations. Queensland told the Federal Minister that that proposition was flawed. We were supported in this by other State members of the summit, including members of Liberal and coalition Governments in other States.

Through the Office of Small Business, the State Government has allocated some $300,000 for the development of an educational awareness program to assist small business. It is estimated that a further $2m is required to make sure that we are able properly to complement the proposed Federal program—filling the gaps in their delivery. At that summit, Queensland made the point that any support by industry associations should complement the role undertaken by the State Government so that as many businesses as possible can be reached before 1 July 2000.

The Queensland Small Business Advisory Council believes that many small businesses will not be ready on 1 July 2000 and supports the view that the industry association delivery, as currently planned with the funding available, will not effectively capture small business operators in this State.

Time expired.

Liberal Party Membership

Mr SANTORO (Clayfield—LP) (10.22 a.m.): During the past 14 months, the Liberal Party has worked very hard to re-

establish links with the ethnic communities in Queensland. There can be no doubt that the Liberal Party has been very successful in doing so. That success is demonstrated clearly not only by the very public record but also by statements made by honourable members in this place. However, before they continue to denigrate the efforts of the Liberal Party and those many hundreds of members of the ethnic communities who are joining, they should be very, very careful not to insult those people who are joining the Liberal Party of their free will and with an intent to become involved in the affairs of the Liberal Party.

Perhaps the Government should heed the comments of the Australia Day Council Executive Director, Alan Tayt, who said in the South West News that, while his organisation was apolitical, he supported any move to induce community participation and increase national pride. In relation to Michael Johnson, Mr Tayt stated—

> "I liked what Michael has to say about the Chinese community understanding the need to be proactive.
>
> The Australia Day Council is all about people's freedom and right to be part of an organisation or party—their rights of being part of a community."

Those are the comments of the Executive Director of the Australia Day Council. The members opposite can keep bleating. However, members of the ethnic communities will continue to join the Liberal Party in far greater numbers than what has been the case previously. They are joining the Liberal Party and not the Labor Party. The members opposite will be the losers, because the more they talk about it, the more insulted they feel.

Mr ELDER: I rise to a point of order. But they will join in numbers if the member keeps paying their fees.

Mr SPEAKER: There is no point of order.

Mr SANTORO: That is another scurrilous allegation and untruth by the Honourable the Deputy Premier.

Time expired.

Bundaberg Tourism Industry

Mrs NITA CUNNINGHAM (Bundaberg—ALP) (10.24 a.m.): Recently, Bundaberg has gained some major boosts for its tourism industry: the introduction of the very successful daily tilt train service between Brisbane and Bundaberg; the announcement that Bundaberg is officially Queensland's tidiest town; the opening two weeks ago of Bundaberg's first five-star motel; and last week, the inaugural Coral Coast Turtle Festival, which was officially opened by the festival patron, Mrs Heather Beattie, and enjoyed by thousands of people.

The Coral Coast Turtle Festival is a wonderful, new initiative for Bundaberg that has a lot of public support and a lot of promise. It coincides with the turtle nesting season; highlights Bundaberg's proximity to the reef; will promote tourism attractions throughout the region; will provide a huge economic boost to our tourism and small business industries; and will raise everyone's awareness of turtles, their environment and their protection. The festival also offers a great opportunity for Bundaberg to gain its share of the $8 billion and 130,000 jobs that are generated by tourism each year in Queensland and to attract our share of the 14 million domestic visitors and 1.8 million international visitors who each year come to this State.

I place on record my congratulations to Bundaberg's business community, the Coral Coast Chamber of Commerce, the Bundaberg District Tourism and Development Board, Tourism Queensland and everyone else who contributed to the festival's success. We all hope that it will continue to grow, providing an annual opportunity to exhibit, promote and enjoy two of Bundaberg's most unique features: the turtles and the Coral Coast.

Sunshine Coast Police Numbers

Mr LAMING (Mooloolah—LP) (10.26 a.m.): I rise to express my concern about an issue that I have raised more than any other in this House, and that is police numbers on the Sunshine Coast. My specific concern is with the situation in and around my own electorate, which has one of the lowest police to population ratios in Queensland. I am sure that my Sunshine Coast colleagues share my concern.

At the outset, I say that our police officers on the coast—and I am sure elsewhere—are doing a great job. I am particularly impressed by their efforts to work closely with community organisations and councils to take a whole-of-community proactive role. They are addressing not just crime but community problems, particularly those involving our youth.

Last week saw the launch of "street angels" at Mooloolaba—a dedicated group of people who look out for and after at-risk youth in our area at night. They are dedicated volunteers who are doing a great job. Soon

the annual schoolies week program will commence and there are organisations that ensure that those young people who come to the Sunshine Coast from various parts of Queensland are provided with wholesome entertainment as an alternative to other activities that might put them at risk. Organisations such as Community Solutions are to be commended for that.

However, the record of this Government in failing to maintain the same level of numbers of police officers coming to the Sunshine Coast as established by the coalition Government and former Minister Russell Cooper is to be condemned. Until April this year, the police to population ratio, which continued to rise due to the momentum created by the coalition Government, was 1 to 738. In June, that population ratio slipped to 1 to 763, and in September it slipped to 1 to 776.

That is a disgrace. The fact that none of the recent retreads taken into the service were allocated to the Sunshine Coast is a further insult to a community that is working hard not just for their own young people but for those visiting from other parts of Queensland and beyond.

I call on the Minister to address this issue and fix the situation.

Federal Government Welfare Reform Discussion Paper

Ms BOYLE (Cairns—ALP) (10.28 a.m.): I rise to draw the attention of honourable members of this House to the discussion paper on our welfare system, which was released this week by the Howard Government. It is a very dangerous discussion paper that signals the Howard Government's intention to withdraw benefits in order to save taxpayers' money, particularly benefits to single mothers and their children who rely upon those benefits for their very existence. It is a reprehensible discussion paper in that it signals the age of a child as the point at which support benefits for a single mother should be cut back. That age is 12 years, or it may even be six years.

It is a primitive discussion paper, because it does not attend to how, in fact, we can work on that very important issue of assisting single mothers towards employment, towards setting a better example for independent mature living than they have been able to do so far. I strongly suggest to all members of this House that they look to their own electorates to search for ways in which the Federal Government can find the true answers to this problem.

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

QUESTIONS WITHOUT NOTICE

Gocorp

Mr BORBIDGE (10.30 a.m.): I ask the Treasurer: how is it that Gocorp is seeking players on its Internet gambling site when it does not yet have final Office of Gaming Regulation approvals, and when does he anticipate that these approvals will be granted—before or after Gocorp has been floated?

Mr HAMILL: I also saw the media reports. I understand that the company Gocorp is seeking expressions of interest from potential players. As the Leader of the Opposition would know, Gocorp cannot operate any games until such time as it goes through the next round of probity checks through the Office of Gaming Regulation.

An Opposition member: I hope they're better than the last one.

Mr HAMILL: Sorry, what was that? Obviously, it was not a very important interjection.

A Government member: Or a sensible one.

Mr HAMILL: Yes; or a sensible one.

Only when it goes through the next round of probity checks would it have the potential to offer gaming. As to the timing, it is a matter for Gocorp to satisfy the Office of Gaming Regulation that it has the necessary arrangements in terms of its technology and financial position in place.

Teachers' Pay

Mr BORBIDGE: I refer the Minister for Education to the public rally outside the House on 25 March 1997, at which the Premier, then Opposition Leader, described the former coalition Government's pay offer to teachers as peanuts, and I ask: if our offer of 4% per annum was peanuts, how would he describe his offer of 3%?

Mr WELLS: The Leader of the Opposition is a very recent convert to the cause of the teachers. In achieving this conversion, which has all the eclat of a road to Damascus conversion, he must have been prompted by his assistant, the honourable member for Merrimac, who undoubtedly has seen reason to join the cause of the teachers.

I wish to make it very clear that this Government recognises the value of the work of the teachers to Queensland. We have a fine teaching profession in Queensland. It is second to none in Australia and unparalleled in the world. That is recognised in a variety of ways. Queensland has the highest level of teacher permanency. This State provides the best opportunities for teachers to achieve good educational outcomes. The honourable member is interested in industrial issues. This is not the correct place to canvass those matters.

Opposition members: Ha, ha!

Mr WELLS: I am glad to cater to the merriment of the Opposition. It is nice to see members opposite having a bit of a laugh. I have always thought that they were rather dour; that they were rather humourless. It is good to see them amused by this matter.

Mr Schwarten: "Dower".

Mr WELLS: "Dour".

Mr Schwarten: "Dower".

Mr WELLS: "Dour" is the correct pronunciation. Mr Speaker, this is the second time that I have had to correct the Minister for Public Works just in this question time.

Some time ago, they imposed on the teachers an ideological enterprise bargaining agreement which involved a commitment to the inequitable Leading Schools program. We are not in an ideological enterprise bargaining situation now; this is a straight industrial enterprise bargaining situation. We are not going to take the invidious course of action that they took when they imposed on teachers, schools and school communities a whole range of ideological baggage, such as their Leading Schools program.

Mr Littleproud: We give up.

Mr WELLS: You give up? Thank you. I will sit down.

Community Cabinet

Mr SULLIVAN: I am not quite sure how to follow that. I refer the Premier to the successful round of Community Cabinets that he has held around the State, and I ask: will he give details of the program for the remainder of this year?

Mr BEATTIE: I thank the honourable member for the question. He was spot-on when he said that the Community Cabinet meetings have been successful. They have been extremely successful and well received by each of the 19 communities that we have visited over the past 16 months. The most recent forum was held at Cooktown on 31 October and 1 November, and I will come back to that meeting a little later on. This weekend we head to Kingaroy to listen to the views and concerns of local people. Some 86 deputations have been booked with my Ministers, directors-general and me. There will also be numerous informal meetings over a cup of tea; we are hospitable people.

Mr McGrady: And some scones.

Mr BEATTIE: And scones.

On Sunday morning, on the way to Kingaroy, along with the Minister for Transport, Steve Bredhauer, I will be visiting Maryborough to officially open the Train Fest. The festival is a joint initiative of Walkers and the Whistle Stop Committee—a club for local train enthusiasts and historians. The festivities include the official opening of Walkers' new rolling stock workshop, which will be used to build the Cairns tilt train, and the launch of the replica of the Mary-Ann, Walkers' first locomotive.

On 5 and 6 December the final Community Cabinet meeting for 1999 will be held at Charters Towers. Planning has already started for next year. The first Community Cabinet for 2000 will see the Cabinet head north again to a destination yet to be announced. As I said, Cooktown hosted the Cabinet's most recent meeting, and local people took advantage of the meeting by booking 61 formal deputations. Well they might; these forums are all about ensuring that everyone has access to Government no matter where they live and no matter how they vote.

In addition, the Government made a number of important local announcements for Cooktown. My colleague Terry Mackenroth, the Minister for Rural Communities, announced that Cooktown had won the right to host the fourth annual Positive Rural Futures Conference in May next year. More than 65 rural communities from throughout Queensland, interstate and overseas are expected to be represented at this important three-day conference. That is a fantastic opportunity for Cooktown. In addition, my colleague the Minister for Transport and Minister for Main Roads and the local member told Cooktown that a new two-lane bridge would be built over the big Annan River. $7.7m has been allocated for the design and construction of the new bridge and temporary road approaches. Education was not forgotten during the visit. The 124 year old Cooktown State School now has combined preschool, primary and secondary school departments at

the one location. Those were just some of the announcements that flowed from yet another valuable Community Cabinet forum.

On the subject of listening to people, I congratulate the Prime Minister on his decision to stand aside and allow the Governor-General to officially open the Olympic Games. Given his contention that the Queen is the head of state of Australia, that is the right thing to do. There is a lot of listening going on.

Mr SPEAKER: Order! Before calling the member for Moggill, I acknowledge the presence in the public gallery of students, parents and teachers from the Rockhampton State High School.

Teachers' Pay

Dr WATSON: I refer the Minister for Education to his statement on ABC Radio last week that he could not afford to offer teachers a pay rise of more than 3% per annum because the GST had reduced State Government revenues this year. Given that the GST will not be introduced until July next year and given that the Premier has signed a national agreement which guarantees that no State will receive less Federal funding in any year, I ask: why did he try to deceive teachers with this silly excuse, which he must have known was untrue, and what is the real reason for limiting his pay offer to 3%?

Mr WELLS: We are not talking about a pay offer that will be paid over the next six months, we are talking about an enterprise bargaining agreement that is to apply over three years. We have an accountant—nay, a professor of accounting—who cannot count to three.

Mr Bredhauer: An absent-minded professor, perhaps?

Mr WELLS: He is an absent-minded professor.

Dr WATSON: I rise to a point of order. The Minister, as a member of the Government, should know that the agreement that the Premier signed with the Treasurer goes for the whole transitional period, which is over a three-year period.

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

Mr WELLS: Not only is the capacity to be able to count to three part of the job description of an economic rationalist professor of accounting, but if he is in the Liberal Party on the western side of town, he actually needs it for his personal survival.

Let me talk about the effect of the GST on education. First and foremost, it has been an attack on the revenues of the Queensland Government. Queensland uniquely and above other States suffered as a result of the imposition of the GST. This is a situation which was ameliorated to a very considerable extent by the strenuous and, indeed, herculean efforts of the Premier and the Treasurer.

Dr Watson interjected.

Mr WELLS: Honourable members come in here arguing the point about pronunciation.

Mr Schwarten interjected.

Mr SPEAKER: Order! Could we have the answer to the question, please?

Mr WELLS: With respect to the GST, not only does it have an effect on the State Government's revenues, it has a direct effect on our schooling system. It attacks the school tuckshop. It attacks people who wish to buy school uniforms. It attacks people who are going on excursions, except those that are in certain ways related to the curriculum.

Dr Watson interjected.

Mr SPEAKER: Order! The member for Moggill will cease interjecting.

Mr WELLS: It attacks the capacity of parents and families to get their children to school. It attacks transport costs. It attacks everything to do with education. The goods and services tax is an odious tax which has the effect of attacking education in a whole range of ways. I indicated to honourable members recently that I had sent a copy of a package to schools.

Public Hospital System

Mr PURCELL: I refer the Premier to the fact that earlier this year he went to the Leaders Forum in Sydney and was responsible for raising the urgent need for reform of the way in which the Australian public hospital system is funded by the Federal Government, and I ask: will he tell members of House what progress has been made on his initiative?

Mr BEATTIE: Today the Senate Community Affairs Reference Committee begins its inquiry into the Australian health care system, and it has to report by 30 June 2000. Members will recall that the Leaders Forum, that is the meeting of Premiers, on 23 July called for a wide ranging review of the health system by the Productivity Commission. The Federal coalition Government opposed that review. The State Opposition has been opposing my call for reform and for the Federal Government to provide more money to

Queensland's hospitals. On 11 August the Senate established an inquiry into the public hospital system.

The case that I advanced to the Leaders Forum has now been followed by the recommendation of an independent arbiter that extra funding should be provided. The Australian Medical Association is calling on the Federal Health Minister to accept that recommendation. The Australian Catholic health care association is calling on the Federal Health Minister to accept the recommendation. Again I call on the Federal Health Minister to provide extra funding to Queensland.

Today the Queensland Government representative will tell the inquiry that the Commonwealth Government is short-changing the Queensland public hospital system by up to $100m a year. Dr David Filby, the Deputy Director-General of Health, will be giving evidence today—the first of the States to be invited by the committee to give evidence. Our key messages will be—

> The Commonwealth Government is short-changing the Queensland public hospital system by up to $100m a year and it is time that Queensland stopped being punished for running the most geographically dispersed and efficient health system in the country.
>
> Queensland's public hospitals, especially in the remote areas of the State, are providing services that should be provided by general practitioners under the Commonwealth's Medicare scheme. Because there are no GPs in many of our more remote areas, the Commonwealth gains at the expense of the State's public hospitals.
>
> The same applies to pharmaceuticals: because there are no pharmacies in many rural areas, our State hospitals pick up the cost of drugs rather than the Commonwealth under the pharmaceutical benefit scheme.
>
> Queensland Health is a provider of health services. The Commonwealth should honour its role as the funder under the Australian Health Care Agreement.
>
> Queensland Health should continue to provide primary health care service to Queensland in remote parts of the State where there are no GP services. However, the Commonwealth should be paying fair compensation. We estimate this to be $31m a year.
>
> Queensland is a further $65m out of pocket for treating patients in emergency departments who should have been seen by a GP, funded by Medicare. If the Commonwealth honoured its obligation, we would be able to use that money to enhance services, address staff shortages in some areas of the State and further reduce waiting lists.

I call on the Leader of the Opposition and the Opposition to drop their opposition to our push for more funds from the Commonwealth. I call on the member for Surfers Paradise to join me in the Government's push for a better deal for Queensland Health and for more money for Queensland hospitals.

Education Budget

Mr QUINN: I refer the Minister for Education to his own media release of 14 September, just two months ago, in which he announced that Education was one of the big winners in this year's Budget, and I ask: why has he told teachers that he cannot give them a pay rise of more than 3% because of some fictitious cut to the Government's revenue when his own media release claims that the Education budget has actually increased by 3.7%?

Mr WELLS: The degree of incomprehension of honourable members opposite of the normal processes of Government absolutely astounds me. We have had a professor of accounting, who sadly is no longer with us—sadly, he is with us again—who could not count to three. Now we have somebody who, for two and a half years, was Minister for Education who did not know that teachers' salary increases are not taken out of the Education budget itself. They are not budgeted for in that particular process; that is a separate matter entirely. But he does ask about the Education budget and I would like to take the opportunity to refer to some of the significant initiatives in the Education budget.

One of them, which honourable members opposite will find of very great interest and of very great value, is the continuation of the Building Better Schools program. That was a program that was due to end after a period of years. It was introduced during the period of the Goss Labor Government but was due to expire. It has now been continued for an additional period. The effect of this is going to be that it will enable us to apply funds for renewal to high schools. This has not previously been possible. It has previously been possible only in the areas of State

schools, and many State primary schools have benefited from that initiative.

Mr Schwarten: And for 30 years of Bjelke-Petersen there was no maintenance.

Mr WELLS: As the honourable Minister for Public Works says, the consequence of 30 years of Bjelke-Petersen and National Party rule was the deterioration of our school stock. So it has been necessary to continue the Building Better Schools program.

Mr Purcell: A great move!

Mr WELLS: It is a great program.

I would like to mention our computer initiative. The Information 2001 program is aimed at increasing the ratio of computers per student. Computer education is extremely important. It is a tool of communication. It has value not only as a research instrument for the purposes of our students who will have to make their way in the work force in the environment of the 21st century, it also has quite separate value intrinsic and important to Queensland. Here I would like to mention the virtual schooling initiative, which is funded in this year's budget.

Without the computer program which we are undertaking, the virtual schooling initiative would not be as effective. With the virtual schooling initiative, we will be able to supplement those schools where it has not been possible, because of the smallness of the numbers, to provide classes for certain subjects that some students wish to continue. We will be able to do that as a result of the virtual schooling initiative.

Time expired.

Scratch and Reveal Tickets

Mrs LAVARCH: I refer the Treasurer to the Beattie Government's recent decision to ban the sale of scratch and reveal tickets to children. I ask: why has this been done? What implications does the sale of those tickets have for Golden Casket products?

Mr HAMILL: This is a clear example of the Beattie Government listening carefully to the wishes of the community and acting on those wishes. Last year the former Government released a paper on charitable gaming. In fact, that discussion paper was issued in April last year. That was the basis of legislation that was adopted unanimously in this Parliament in June this year. What is interesting is that Golden Casket agents seem to be blissfully unaware of that discussion paper and unaware of the legislation. No doubt, that is why they came to see me, expressing concern about the implications that that legislation might have on their businesses and in particular the sale of Golden Casket Scratch-It tickets.

For the record, it is worth noting that the sale of charitable scratch and reveal tickets, as opposed to scratchies, was approved by the former Treasurer in 1996, yet it took some time before this development came to the attention of the Golden Casket Agents Association. In order that there should be no confusion whatsoever between the two products—Golden Casket Scratch-Its and the scratch and reveal tickets, which are sold in some supermarkets on behalf of certain charities—the Government acted to do several things. Firstly, it acted to ban the sale of scratch and reveal tickets to minors. It should be noted that Golden Casket agents are not allowed and never have been allowed to sell Scratch-Its to minors. Secondly, the Government has also acted to put a cap on the prize money available through scratch and reveal tickets. Although lucky envelopes may have a maximum prize of $500, we have been determined to keep the maximum prize money available under scratch and reveal tickets exactly where it was at $250.

Another point that has caused some considerable concern among Golden Casket agents is the allegation that supermarkets are making excessive profit out of commissions being charged to the charities concerned. Golden Casket agents receive 8% to 9% of the value of the sale of Scratch-Its by way of commissions. Obviously, that is a very lucrative part of the business of a number of newsagents. I inform them that, under the legislation, there is a maximum that can be paid by any charity for the reasonable costs of running lucky envelopes and scratch and reveal tickets. In the case of scratch and reveal tickets, only 10% of the expected sales is paid to the supermarket. In the case of the scratch and reveal tickets, to date Coles supermarket, which is the major venue for the sale of these tickets, has received the princely sum of $4,000.

Gold Coast Marketeers

Mr DAVIDSON: I refer the Minister for Fair Trading to a question on Gold Coast marketeers asked during the Estimates hearing and specifically to her response, which was—

> "Total funding of almost $500,000 has been approved for this 12-month project."

Is it not a fact this Mr Bruce McGregor, a director within the Minister's DG's office has now informed staff at the Gold Coast office that only $300,000 in total will be spent, but it will now be spent over the next three years, and further that only three staff whose positions were advertised in the 15 October edition of the Queensland Government Gazette will now be employed to pursue that project instead of the five staff originally promised? I ask: why did the Minister deliberately mislead the Estimates committee and the victims of those marketeers?

Ms SPENCE: There are no surprises in the question. The shadow Minister obviously has the same list of questions that I have. Obviously, five pages have been leaked to him by someone in my department who is crooked on other employees. A lot of them are malicious. Some of them are worth answering. When I received the list of questions, I gave them to the department for a response.

Mr Schwarten: He obviously didn't write the question himself.

Ms SPENCE: He obviously did not write the question himself. I say to the member that it is not a measure of hard work to repeat gossip like this.

In terms of the marketeers, we have committed a $500,000 budget to the team of new inspectors on the Gold Coast. As we said, five people will be allotted to that team. We have advertised those positions and spoken to some applicants. I understand that in the next couple of weeks the appointments will be made known formally. We have advertised for three new investigative positions on the Gold Coast. We are moving two other experienced investigators into that team, because it is important that we have some experienced investigators who have a very good knowledge of the Auctioneers and Agents Act working with the team. The positions of the two people whom we are moving into that team will be backfilled in Brisbane or elsewhere in Queensland.

It is wrong to suggest that we are in any way reneging on our commitment to have five new investigators on the marketeering scheme on the Gold Coast. In respect to the other questions that I know that the shadow Minister has on the marketeers, I point out that the information that he has been given is wrong. Last time Parliament sat, he asked a question from the list that alleged that the department has botched up an attempt to serve a search warrant. That was wrong. In fact, in that particular case, the investigators did not execute a search warrant; they knocked on the door of an elderly woman who invited them in. In that case, they were considering an investigation of someone who was purporting to be a door-to-door salesperson and allegedly targeting elderly residents in Queensland. It was his mother who let them into the house. The member should not keep asking questions from the list. He should not put any store in them. The member has been given very bad information.

Goods and Services Tax

Ms NELSON-CARR: I refer the Treasurer to claims made by the Federal member for Blair in this morning's Courier-Mail that revenues from the GST will provide a cure-all for State finances, and I ask: what will be the impact of the GST on State taxes and charges?

Mr HAMILL: I thank the honourable member for Mundingburra for drawing the article in question to my attention. It disturbs me that the Federal member for Blair would be continuing to try to tell the great lie that the GST is the panacea for all the State's revenue ills.

Mr McGrady: He was the adviser to the former Treasurer.

Mr HAMILL: I take the interjection.

Mr Schwarten: That's why he doesn't understand.

Mr HAMILL: He certainly has form when it comes to economic advice.

In the article, the Federal member for Blair perpetrates the myth that somehow or another GST revenue will enable the State to remove payroll tax. I have heard that from a number of small businesses. They ask: when will payroll tax be removed now that the GST is coming into place? The very sad fact is that the Federal Government never proposed at any time that payroll tax be removed in return for a goods and services tax being imposed across the country. In addition—and this is where small business has good reason to be terribly disappointed with the performance of the Federal Government—the small business sector was told that a range of stamp duties would also be removed in return for the new goods and services tax. What happened? In order to wheel and deal the goods and services tax through the Senate, the Federal Government abandoned the interests of small business. It said that the States would continue to raise stamp duties. As well, small business would be burdened with a goods and services tax and all the costs of compliance that go with it. In relation to the costs of compliance, the small business and welfare services sectors have much to be concerned

about. It is an iniquitous tax. It is a very expensive tax to administer. The costs will be worn by those charitable organisations and small business.

The other point that the member for Blair seeks to peddle in his article in this morning's paper is that the goods and services tax will enable the States to lessen their addiction to gaming revenue. Again the honourable member seeks to deceive. Not only is the goods and services tax being levied on just about everything that moves in this State but it is also being levied on gaming. Yes, the States will reduce their gambling taxes, but for one very clear reason: the Federal Government is putting a goods and service tax on gaming. The so-called panacea for all the State's revenue ills is, in fact, being levied on the very thing that the member for Blair rails about: gaming revenue. It is about time the member for Blair stopped being an apologist for an iniquitous tax that is being imposed on the people of Queensland and started advocating and supporting the very people he is supposed to be elected to represent. The small business operators in the electorate of Blair, small farmers and the charitable organisations are all going to be hit for six, because of the member for Blair's goods and services tax.

Interruption.

REMEMBRANCE DAY

Mr SPEAKER: Order! I rise to interrupt question time to ask members to observe the tradition of Remembrance Day. In 1918 at the 11th hour of the 11th day of the 11th month the guns of the Great War fell silent. This year we are reminded of the reality of service in foreign lands of conflict. Most awfully highlighted by the carnage of two world wars, such service in lands over the sea has been almost a constant for our Australian century.

This year we note the 100th anniversary of Australians serving in what we know as the Boer War. This year we also hold high in our thoughts the Australian military personnel in East Timor. Today, as we have for over 80 years, we pause to remember those who were lost and those who suffered. All members will rise in their place for two minutes' silence.

Honourable members stood in silence.

QUESTIONS WITHOUT NOTICE

Rugby World Cup

Mr HEALY: My question is directed to the Minister for Tourism, Sport and Racing. Following the Minister's overseas trip last week to the Rugby World Cup tournament, can he confirm that, as a result of his discussions in Cardiff with members of the International Rugby Board, the board will allocate a semifinal of the 2003 Rugby World Cup to Queensland only if the Government can guarantee the availability of a 60,000-seat stadium? Therefore, can the Minister guarantee that Queensland will get a semifinal?

Mr GIBBS: One of the reasons for my attendance in the UK last week resulted from ongoing discussions which have been taking place now for more than 12 months with the Australian Rugby Union in relation to the World Cup which will be held in Australia and New Zealand in 2003.

I place on record the outstanding job that was done by the Chairman of the Rugby World Cup, Mr Leo Williams, a Brisbane-based person who has been recognised worldwide for doing an outstanding job. In fact, I understand that a lot of the organisation was actually done from his offices here in Brisbane. He has played an influential role for Queensland in terms of the negotiations and discussions that have taken place thus far. One of the purposes of being over there was not only to meet with the Rugby World Cup organisation itself but also to hold further discussions with the Australian Rugby Union.

It is true that those discussions have progressed very well from the time I first initiated them 12 months ago. I put a proposition to them that Queensland—indeed Brisbane—should be considered for a quarterfinal and a semifinal. It was made very clear to me at that time that that would be conditional on us being able to provide a suitable stadium in Brisbane for that event. We are now in a position to be able to say to them that we can guarantee that by 2003 we will have a world-class 60,000-seat stadium in Brisbane capable of hosting that event.

Further discussions are to take place but, as a result of the reception we received in Cardiff and the discussions we had, I am confident that we can look forward to a progression over the next 12 months as the deals are done, as they will be, between New South Wales and Queensland and certainly New Zealand to try to stitch up the majority of games in those three places.

One of the pleasing things to come out of my trip was the opportunity I had to meet with the Welsh tourism board to discuss the way it handled the whole production in relation to selling tourism associated with the World Cup.

It was by accident that I happened to run into Tony Thirlwell, who is the CEO of Tourism New South Wales. We have already been able to come to an agreement that, rather than being at loggerheads with each other in terms of bidding about who should get what, both tourism organisations in Queensland and New South Wales should work cooperatively to ensure that we both get as many games in our States as we possibly can. I am confident that we will have that 60,000-seat stadium completed by 2003. With that, I think we can look forward to being able to host a semifinal in Queensland.

Schoolies Week

Mr HAYWARD: I ask the Minister for Tourism, Sport and Racing: as it is almost annual schoolies celebration time again, what action will the Liquor Licensing Division be taking to ensure that schoolies 1999 is a well-organised and controlled event?

Mr GIBBS: As all honourable members would be aware, schoolies week has continued to grow each year as a major drawcard for young people who finish their secondary education. The celebrations this year will be the biggest yet, with an estimated 70,000 schoolies expected to converge on the Gold Coast alone.

The schoolies period this year will officially commence on Friday, 19 November and run for approximately four weeks. During this period, all available liquor licensing inspectors will be on duty day and night to ensure that a high level of monitoring is undertaken at all popular schoolies destinations. Inspectors are planning an intensive program of visits to licensed premises to monitor compliance with the liquor laws, particularly those regarding under-age drinking and having minors on licensed premises. Investigators will target intoxication levels and patron behaviour at premises and will crack down on any inappropriate drink promotions and inappropriate drinking practices, such as patrons drinking from fish bowls or jugs or engaging in drinking competitions on licensed premises.

The division is already conducting a Statewide information campaign in the lead-up to schoolies week. All Queensland secondary schools have received information in relation to under-age drinking and the strict penalties involved. Accommodation houses have also received supplies of information fliers about the requirements of the Liquor Act and licensees are again being encouraged to be very vigilant about persons under 18 trying to enter pubs and clubs. In particular, they should be on the lookout for fake IDs and fraudulently obtained drivers licences, which were our biggest problems last year. Young people should be warned that staff at licensed premises know what to look for and if they are in any doubt they will demand a second form of identification.

Our experience is that schoolies themselves are not normally the problem. The trouble is usually caused by the older people who converge on these celebrations to prey on schoolies. Finally, I would like to thank all of the police, the local councils, community groups, licensees and accommodation houses that have helped us in planning for schoolies week 1999 to ensure that it will be a well-organised, enjoyable and controlled event.

Dialysis, Atherton Hospital

Mr NELSON: My question is directed to the Minister for Health. Given that there is a need for increased usage of the dialysis machine at Atherton Hospital and that this increase was promised by the former district manager, can the Minister now assure tablelanders that this increase in usage will go ahead and relieve people of the need to undertake a 160-kilometre round trip to Cairns to use facilities there?

Mrs EDMOND: The use of dialysis machines where they are provided is clearly a clinical decision in relation to whether patients are well enough and capable of being treated locally at Atherton or whether they need to go to Cairns, where there is more expert service available. That is a decision based on the clinical needs of each patient. It has nothing to do with anything else at this stage.

The equipment is there. It is available for those people who are capable of being treated in that place. I am not going to compromise the health of people who need dialysis by insisting that they get treated in Atherton if they need more intensive treatment in Cairns. As to the value of going to Cairns—it has always been made clear that, with the use of satellite dialysis units, they will not be suitable for every particular patient. Some patients—indeed the most ill patients—will continue to have to go to major centres where there is a nephrologist on hand and where pathology and so on, is available instantly, so that they can be monitored closely while they are undergoing dialysis. That is the situation in Atherton. It is not a decision that a Minister or a local member should be making; it is a decision for the clinicians involved, taking into account the care for and needs of the individual patients.

Nursing Home Subsidies

Mr PEARCE: I ask the Minister for Health: is she aware of recent media speculation that the Federal Government will provide $50m to address the chronic shortfall in nursing home subsidies to Queensland? Does this mean that Queensland can now ease off on its campaign to pressure the Commonwealth to meet these obligations to older Queenslanders?

Mrs EDMOND: I thank the member for this question, because I was really heartened when I saw those statements in the media yesterday. I understand that this issue also has been discussed in the Australian Financial Review. As members know, this is a campaign on which I have been working for over a year. In fact, I have invited all members to join with me in lobbying for the frail aged of Queensland to get their fair chance.

Dr Watson interjected.

Mrs EDMOND: I am disappointed that the member for Moggill is saying that there has been no impact. I am sorry, but that is probably right. From the statements that are coming out of the health and aged care sector in Canberra, it appears that there is no basis to that rumour. So I am sorry. We all got excited, because we all thought that, at long last, we were going to get a fair deal for Queensland's aged. We thought that we were going to start getting $50m in subsidies that should be coming to Queensland. The member for Moggill should be ashamed to say that the bipartisan lobbying by members on both sides of this House has fallen on deaf ears. That is a shame.

We are not asking for one red cent more than Queenslanders are owed. That $50m is not for the Queensland hospital system; it is for private providers and State providers who are providing aged care across Queensland. That $50m would only bring us up to the national average. If we got the same subsidy as Tasmania, we would get $83m. And wouldn't that be a bonus for the frail aged in Queensland!

I know that the member for Gregory has lobbied the Federal Government on this issue. I know that a number of Opposition members have written to me—when I invited them to do so and gave them the information to lobby—saying that they have done this. I thank them for that. I know also that, with the information we gave them, Federal members of the coalition caucus have also given a hard time to Bronwyn Bishop in the caucus room. But still the member for Moggill says, "It is all to no avail. They are not going to take any notice." What a disappointment! She is not taking notice of the Liberal Party standing up in the caucus for aged Queenslanders, and she is not taking any notice of the private health care industry in this State or the residential carers who are looking after aged people in this State. What a shame!

But as I said, I did get a flutter of excitement. I thought that, finally, we might get some justice. But do not give up. We will keep up the pressure. All of us will work together. Every member who has an aged person in residential care in their electorate should be demanding justice.

Water Allocations, St George Irrigation Area

Dr PRENZLER: I refer the Minister for Natural Resources to the pre-election statement by the then shadow Minister for Natural Resources, now the Minister for Public Works and Minister for Housing, which committed his Government to a parliamentary inquiry into the water allocation process in the St George irrigation area, and I ask: why did the inquiry consider various other aspects but not allocations? Why has this Government reneged on its commitment to review the allocation process? And when can we expect the Beardmore West dam to be commenced, or will it remain a figment of the imagination of the member for Bundamba?

Mr WELFORD: It is not the role of a Minister or any member on this side of the House to direct a parliamentary committee on what it inquires into. The inquiry conducted by the members of the committee into the St George storage situation was conducted on their own initiative and according to the terms of reference that they saw fit. They conducted it very well and delivered a very good report.

It is not true—as the honourable member's question infers—that this Government has not fulfilled its commitment to conduct a review of the situation with the Beardmore Dam storage in the St George irrigation area. That review has been conducted. I have had an independent consultant prepare a report on it, and that report is being considered presently by the Government in conjunction with other matters relating to our negotiations with the Commonwealth Government over National Competition Policy payments.

Starland; Disney Corporation

Mr WILSON: I ask the Minister for State Development and Minister for Trade: can he advise the House of any moves the Government is making to get value out of the

$1.4m in intellectual property which was the result of the previous Government's deal with Starland and the Disney Corporation?

Mr ELDER: Yesterday, the Leader of the Opposition said that there was far more intellectual property available and that I had not actually found all the intellectual property. As members know, I am a fair man. I give everyone a second chance. So I scoured my department to find any more intellectual property. In fact, I even went as far as calling on the Treasurer and going through the Treasurer's portfolio. And yes, I found more intellectual property.

Yesterday, I showed members the black and white version of "Once upon a time". But I have now found the colour version—the Disney technicolour version—of "Once upon a time", this time with the pictures outlining the project. So in that sense, yes, there was more intellectual property. We have two pieces of intellectual property—no, not at $40,000 or $50,000 a page, but at $20,000 or $30,000 a page.

One could almost hear those whiter-than-white shoes wandering to his door: "Hi ho, hi ho, it's off to Rob we go. We've finished the project. We've got the intellectual property." Because it came through Treasury members opposite spent $1.4m—cash in hand, walk away. And what they left the Government with was intellectual property. And I have now found the colour version. What also galls me about all this is that, with that $1.4m, members opposite were looking after those real battlers who needed a handout: the Disney Corporation.

Yesterday, after my answer, the Leader of the Opposition circulated in the gallery an extract from a letter which he said underpinned the point that members opposite were taking no financial responsibility here—due diligence. He said it was from a certain letter. I had the letter. I sent it to the gallery. Believe it or not, the extract from the Leader of the Opposition did not come from that letter. So as usual with the Leader of the Opposition, it is not the whole truth and nothing but the truth, but the half-truth. This is the half-truth. It is typical of the Leader of the Opposition continually—not the truth and the whole truth, but the half-truth.

Last week, Opposition members were criticising this Government for APEC, saying it was not spending enough money, then that it should not have spent any money; trying to highlight the role that we played with APEC. The one mistake we made was we never highlighted your mistakes, but I will.

Time expired.

Education Queensland

Mr VEIVERS: I direct a question to the Minister for Education. I might preface this question with the statement that I hope he does not sack my wife from the Education Department because I ask it. Is it true that, under the Minister's administration, Education Queensland is now more than 300 teachers over budget, which means that his department is clocking up a serious additional debt of in excess of $1m per fortnight? Is it also true that the director-general's office of his department is unable to provide him, as Minister, with details of this massive budget overrun because the department's computerised personnel system, EDPERS, closed down last Monday and the replacement system, TSS, will not become operational until 23 November? Is it true that the implementation of the new TSS system is so far behind schedule that all public servants in his department across Queensland who were trained in May this year on the new system will have to be retrained at further cost to Queensland taxpayers? And finally, what immediate action will the Minister take to stop this massive loss of $1m per fortnight?

Mr SPEAKER: Order! That is a fairly long question to ask.

Mr VEIVERS: I am sure that the Minister for Education can handle it.

Mr WELLS: The honourable member's confidence is well justified. I would like to assure the honourable member that I will not be sacking his wife from Education Queensland; she has already suffered enough. As for the honourable member's concern about the computer system not being up to date, I would like to assure the honourable member that his wife will continue to be paid. Everything is going to be perfectly all right; he need not worry about this.

This is the fourth question that I have been asked this morning and not one of those questions has concerned education.

Mr Elder: There might be a conflict of interest with the household budget.

Mr WELLS: I think there might be a technical conflict of interest, but we will not make too much of it. In the first question, the member for Surfers Paradise asked why 4% in 1996 is different from 3% in the year 2000. The second question I received was from the member for Moggill. He referred to an agreement which is based on funds that are not going to come through for three years, and he asked why we cannot do it in the context of something that is happening in the first six

months. The third question I received was asked by the member for Merrimac and it was based on the proposition that the salaries in an EB are included in the budget and are budgeted for long before the EB even begins. Now I have received a question from an honourable member who wants to know whether I am going to sack his wife.

This is a herculean effort—

Mr Schwarten: What is it? How do you pronounce that word?

Mr WELLS: "Herculean".

Mr Schwarten: No, it's not—"herculean".

Mr WELLS: It is not pronounced "herculean"; it is pronounced "herculean". I know why honourable members think that it is pronounced "herculean". Usually in English the emphasis is on the second last but one syllable—the ante-penultimate syllable. It does not apply when one is dealing with a name. For example, if one was dealing with the name "Schwarten", the emphasis is on the first syllable. One says "Schwarten" not "Schwarten". If one wanted to adopt the honourable member's principle, one would have to say "Schwartonnian" and that would be silly.

Mr Schwarten: T-e-n.

Ms Bligh interjected.

Mr WELLS: I urge Honourable Ministers to remain silent and let me finish the answer to the question.

Opposition members interjected.

Mr WELLS: This is another surrender by the Opposition, given the white handkerchief being waved. When those opposite give up, I will always sit down.

Time expired.

Affordable Housing in Queensland

Mr REEVES: My question is directed to the Minister for Public Works and Housing. I refer the Minister to his recent statements about the need to increase the availability of affordable housing in Queensland, and I ask: what initiatives has he taken to encourage the private sector to provide more affordable housing?

Mr SCHWARTEN: It is t-e-n at the end of my name, not t-o-n.

Honourable members interjected.

Mr SCHWARTEN: Forgive them, Lord, for they know not what they say. This is a very important question because never in the history of this State has there been a greater need for a Government to address the issue of affordable housing. I congratulate the honourable member who put his mobile phone number in a media release. He has had people ringing him about the latest wonderful package that this Government is offering to sell affordable homes back to tenants. I believe he has had 35 calls. He has obviously missed his calling.

The reality is that affordable housing in Queensland has reached a cross-roads because of the Federal Government's lack of interest in providing decent funding to this State. As I have said previously in this House, we lost $60m out of the latest CSHA, we lost $130m over the last three years as a result of the actions of those opposite, and the GST is going to cost us $90m over the next three years.

We find ourselves in a fairly desperate situation. We must embrace the private sector in trying to come to grips with this problem. Today, there is a seminar at the University of Queensland which is sponsored by Queensland Housing, the Royal Australian Planning Institute, the Urban Development Institute of Australia, the Australian Housing and Urban Research Institute and others. This seminar will deal with the issue of affordability in housing.

On top of that, I recently met with the UDIA in order to discuss ways in which the private sector might embrace the concept of affordable housing. Affordable housing is not what a lot of people think it is; that is, low-cost housing. It is about providing housing which is low in maintenance and low in energy costs—in other words, which costs little to run—and is well located in cities such as Brisbane so that such on-costs as transport do not detract from the ability or the capacity of the tenant to pay rent.

We have a long way to go, but I was pleased to see that this year the UDIA accepted a $20,000 bonus from the Government to run an affordable housing competition next year. This will enable us to excite some interest in the private sector. The private sector is now seeing this for what it is—an opportunity to enter into a market in which it has never previously made an appearance.

It is not a path that we necessarily wish to tread, but thanks to the various Tory Governments which have preceded us—

Opposition members interjected.

Mr SCHWARTEN: Coming events cast their shadow.

Time expired.

Mr SPEAKER: Order! Before I call honourable member for Clayfield, I would like to welcome to the public gallery Year 7 students, teachers and parents from the Blackwater North State School in the electorate of Fitzroy.

Unemployment

Mr SANTORO: My question is directed to the Minister for Employment, Training and Industrial Relations. I refer to the latest unemployment figures released this morning which show that unemployment in Queensland has risen from 8.4% to 8.7%, while the national figure has dropped from 7.4% to 7.1%. Can the Minister explain to the House why it is that while the unemployment rate is falling nationally it is growing at an alarming rate in Queensland?

Mr BRADDY: It is interesting that when we are asked these questions we find that the old half-truths come out. The figures that are constantly used in relation to this matter—because they are the most reliable—are the trend figures.

Mr Santoro: That's not true.

Mr BRADDY: They are not the figures that were used by—

Dr Watson interjected.

Mr SPEAKER: Order! The member for Moggill!

Mr BRADDY: Reputable economic commentators use the trend figures; there is absolutely no doubt about that. The situation is that the trend figures increased, but only by 0.1%. The situation is not such as the member for Clayfield is seeking to portray.

Mr Santoro interjected.

Mr SPEAKER: Order! The member for Clayfield will cease interjecting.

Mr BRADDY: I would like to read this comment from the ABS into the record—

> "Month to month movements in the seasonally adjusted estimates may not be reliable indicators of trend behaviour."

So, the ABS itself contradicts what the member for Clayfield says.

Dr WATSON: I rise to a point of order. For the Minister's information, in the last two months it has gone from 7.6% to 8.4% and 8.7%.

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

Mr BRADDY: The ABS goes on to say—

> "Trend series are used to analyse the underlying behaviour of the series over time."

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

FAMILY SERVICES AMENDMENT BILL

Second Reading

Resumed from 10 November (see p. 4871)

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Families, Youth and Community Care and Minister for Disability Services) (11.30 a.m.), in reply: I would like to thank honourable members for their contributions to the debate and their support for this important piece of legislation. There is no doubt that this Bill treads a very fine line—a line that balances the civil liberties of adults and the protection of children. It is equally clear that, despite their stated support for the Bill, members of the Liberal Party are not yet comfortable with the course proposed in the Bill. The shadow Minister continues to squirm on the horns of a dilemma. Unable to simply stand up boldly and unequivocally for children, at every turn he has sought to have two bob each way.

When I announced this law the shadow Minister warned, "She has gone too far this time". He now supports the Bill, but he thinks that in some areas I have not gone far enough. He claims to understand the need to put the protection of children first, but his comments yesterday were almost entirely focused on the rights of adults to natural justice. He asserts the need to take tough measures to deter potential offenders, yet focuses on the need to protect the reputations and job prospects of those found unsuitable for employment under this Bill. I commend those members of the House on both sides who have had the courage to resolve these dilemmas firmly in the favour of vulnerable children and clients of the department.

I would like to address some of the questions that were raised specifically by members, starting with some of the concerns and questions raised by the member for Indooroopilly. Firstly, in relation to the case involving Mr Simpson, which drew my attention to this problem initially, the member for Indooroopilly asked whether in fact if these laws had been enacted they would have found that there were charges or that he was subject to investigations. Of course, the answer to the member's question is that we cannot know the answer, because at this stage police are not authorised to disclose the information.

However, it is clear that if there were charges or investigations and this Bill had been in place at the time, it would have remedied the situation.

The member for Indooroopilly raised the question of the separation of powers. In his speech during the second-reading debate, he asserted that this Bill attacked the separation of powers and would lead to a situation in which the courts were no longer the arbiters of guilt or innocence. For the benefit of the member for Indooroopilly and other members on his side of politics, I would like to again assert the very basic definition of the separation of powers, which is as follows: in a free society, the liberty of the citizens is secured by the separation of the power to make laws from the power to administer those laws and from the power to hear and determine disputes according to law. Nothing in this Bill threatens this doctrine. Any suggestion otherwise is nothing more than ill-informed, ignorant claptrap. Courts will continue to determine the guilt or innocence of accused citizens. The Director-General of the Department of Families, Youth and Community Care will use information that he gains under this Bill to make well-informed employment decisions, not determine the guilt or innocence of accused persons.

The member raised concerns about whether the Police Commissioner would have access to interstate and overseas material. The Police Commissioner and delegated authorised officers will have access to the national database, which will include both Queensland and interstate information. I accept the member's point that there may be some difficulty in accessing international data, but in my view that is no reason not to proceed to do what we can to strengthen our screening procedures.

The member asked about the inclusion of concerns regarding the mental health of prospective employees of the department. He asked why this was not included in the Bill. In my view, the answer is very simple: to do so would have been a clear breach of the Anti-Discrimination Act—something that I would have thought the member would be familiar with as he is a former Attorney-General who administered the Anti-Discrimination Act. If a person's psychiatric disability manifests itself in criminal or potential criminal activity, then that will be picked up by the Bill before the House. If the person's psychiatric disability does not involve any potential for criminal behaviour then, frankly, their psychiatric disability is none of our business. In workplaces right across Australia, the psychiatric disabilities of many members of our community do not impair their ability to be valuable contributors to their workplaces. Moreover, the Public Service Act provides for action to be taken in relation to employees where there is a reasonable belief that an illness or disability prevents them from performing their duties. These actions include transfer to more suitable employment, redeployment, or retirement on the grounds of ill health. In my view, that is the appropriate way to deal with those sorts of problems.

The member asked about the provision of appeal mechanisms. I will clarify for him that currently the only appeal right for any external member of the public applying for a Public Service position before or after this legislation for failure to get a job is through judicial review. So people who are denied employment for any reason, whether it is a check of their criminal history or any other reason, are not eligible for an appeal right. In my view, there was no need to include one in relation to this Bill. There is judicial review available to people applying from external positions. Existing public servants who might be seeking a job in my department—who may be, for example, employed in another department and who are denied a position on the grounds of criminal history checking—would have access to all the appeal provisions that are currently part of the normal Public Service appeal and grievance mechanisms. They would have an opportunity to appeal or to take a grievance to the Office of the Public Service Commissioner and, indeed, if termination was the result, they would have the right to appeal to the Queensland Industrial Relations Commission.

Frankly, I find it extraordinary that the member for Indooroopilly would come in here and suggest that this sort of information being used in relation to people's employment should be subject to appeal rights and I remind him of the notorious days when Special Branch kept files on people from all over Queensland. The very existence of such a file, which was not transparent, not accountable, not achievable and not findable, could in fact affect their employment prospects and there was no way that people could overcome that.

A number of members, including the member for Indooroopilly and the member for Clayfield, raised the question of consultation in relation to the Bill. As the member for Chermside outlined in his contribution, the motive for this Bill and the recommendations behind it have been widely canvassed already in a number of very public forums, including the Wood royal commission and the Basil Stafford inquiry. It was raised again by the Forde inquiry. For the past 12 months, it has

also been the very, very public intention of this Government and, as the member outlined, the Bill has been on the table for seven months. I can assure members that during the time the Bill has been on the table this proposal has been discussed in great detail and at some length with Task Force Argos, with the Crime Commission and the commissioner himself, with the Children's Commissioner, and in a number of meetings with the State Public Services Federation of Queensland. I am happy to report to the House that all of those people approve of and support the Bill.

This has been a very, very public proposal. I can also happily report to the House that I have not received one submission or complaint opposing the Bill. In fact, the only opposition in the public arena that I can find or recall in the past seven months is from an editorial in the Kilcoy Sentinel. So perhaps the member for Indooroopilly finds himself in good company.

Again, the member for Indooroopilly is suggesting that I went too far. The member for Indooroopilly asked whether employment in the Children's Commission would be covered by the Bill.

Mr Beanland interjected.

Ms BLIGH: If the member wants his questions answered, this is his chance. The provisions relating to employees of the Children's Commission and the criminal screening that will apply to them will be mirrored in the new Bill covering the Children's Commission.

There was some concern expressed by members about the extent of coverage. Again, I think that is indicative of members wanting to have two bob each way. On the one hand, the member for Indooroopilly acknowledged that the very people whom we are seeking to keep out of these workplaces have a reputation for being cunning. On the other hand, he seems to think that they would not be cunning enough to exploit an obvious loophole. People who do social work pracs in our department and people who volunteer from time to time are people who have a great deal of access not only to individuals in terms of direct service client contact but also to a great deal of personal information about clients of our department that could be exploited. Even the member for Caboolture could figure that one out. I direct the members for Indooroopilly and Clayfield to the speech given by the member for Caboolture, which in my view gave two excellent examples of why one should not restrict the coverage of this Bill simply to direct service workers.

In relation to the confidentiality provisions, some concern has been expressed that penalties for a breach of confidentiality should apply beyond the officer of the Public Service who breaches it and that we should be pursuing second, third and fourth parties. I point out that the Bill is constructed on the view that the penalty should apply at the source of the information. It is currently the case that many Public Service positions—including existing officers of my department, the Police Service and other Public Service departments—already possess a great deal of very sensitive information about people. For example, people within my own department have access to information about people's adoption backgrounds, deeply personal information about the nature of people's disabilities and our child protection register. The Queensland police already have access to extensive information about charges against individuals and investigations into alleged crimes committed by them. All of those officers are already very well used to the strict confidentiality requirements of the positions that they hold.

The Police Service Administration Act requires both sworn and unsworn police to meet exactly the same confidentiality requirements that are being proposed in the Bill for officers of my department. Again, the penalty applies to the source of the information being given out. There is no mechanism within the Police Service Administration Act for second, third or fourth parties to be pursued. It is my view that it is appropriate to apply the same standard to officers of my department as apply to officers of the Police Service in regard to this kind of information. The penalty is exactly the same as for police, that is, 100 penalty points.

The member for Indooroopilly referred to the definition of "agent" in section 4 of the Family Services Act. "Agent" is defined as an agent under a contract entered into under section 9. Section 9 then provides that the chief executive may enter into contracts for services with such persons having qualifications and experience appropriate to the proper discharge of the contracts as the chief executive thinks fit, with a view to those persons acting as the chief executive's agents in giving effect to the Family Services Act 1987 or any other Act.

The Family Services Amendment Bill inserts a new section 18, which is about the chief executive obtaining the criminal histories of persons engaged by a department and other information about those persons. The section goes on to provide that an agent is a

person engaged by the department. The honourable member for Indooroopilly correctly makes the point that the Acts Interpretation Act defines "persons" as including corporations. His point is that a community organisation incorporated under the Associations Incorporation Act may have to make disclosure to the chief executive of any criminal history that the organisation may have before the chief executive engages the organisation to give effect to the Family Services Act or another Act. The linkage to an Act means that we are not talking about commercial contracts entered into by the department for services.

The Criminal Code applies to offences committed by individuals. Officers of my department have spoken to the Police Information Centre, which confirmed that no records are held by the Police Information Centre in relation to criminal offences committed by associations or corporations. The reason for this is that only individuals can be charged with such offences under the Criminal Code. It is true that corporations can be charged with offences under other legislation, such as environmental protection or trade practices legislation, but those are not the kinds of offences contemplated or targeted by this legislation. The kind of information that the chief executive is authorised to seek under this legislation is criminal history information held by the Queensland Police Service in its central database. No information is held by that body in relation to corporations. The issue of criminal history checks on persons employed by organisations that are funded by the department to perform a service will be dealt with in the new Children's Commissioner Act, a matter that has already been the subject of public discussion and release of information by myself.

The issue raised in relation to this point can therefore be dealt as follows: while the member for Indooroopilly does have a point, it is a rather ethereal and technical point. It is that "person" is defined to include a corporation within the Acts Interpretation Act. This definition will have no effect in relation to the implementation of this legislation, because those types of organisations cannot have a criminal history of the type contemplated by the Bill before the House.

The member for Indooroopilly and the member for Clayfield have raised some concerns about whether or not stricter penalties ought to apply to certain persons for the act of applying to the department for a position. I can understand the motives and the concerns of the honourable members in this regard. However, in my view, it poses a number of difficulties in the context of this particular Bill and, indeed, in the context of the member for Indooroopilly's own concerns with the Bill. I presume that we will discuss these matters further in the Committee stage, but I will touch on them briefly here.

Firstly, this Bill covers all criminal history across all offence types. It is neither practical nor, in my view, desirable to prosecute everybody who applies to my department and who has any kind of criminal history. I assume that the member for Indooroopilly is not seeking that sort of breadth of coverage. I assume that he would seek to limit such an offence and the penalty for it to those who are convicted of certain prescribed offences.

How are we to define such offences? At face value some offences raise serious concerns, but on further investigation we may find that those concerns are not warranted. A good example of this is the offence of an indecent act. The indecent act provisions of the Criminal Code could indicate that someone has committed very serious offences. However, it is precisely that provision that would have been used 10 or 15 years ago to prosecute somebody involved in an act that we would now consider to be larrikinism. For example, streaking at a cricket match as a dare with one's mates or coming home from a football match, having consumed a few too many light ales, and urinating in the garden of one of the neighbours are precisely the kind of acts that could lead to a conviction or charge of committing an indecent act. In my view, those are precisely the sorts of cases where we should sit down with someone and find out the circumstances surrounding the conviction or charge.

There are other offences which, while they are very serious, may not be grounds for a blanket ban on a person from all employment for all time—even something as serious as manslaughter. For example, as we speak senior members of the coalition are campaigning for a more lenient sentence for and perhaps even the release of a woman from the Sunshine Coast who has been convicted of manslaughter after suffering a long history of domestic violence. I am sure that people would not suggest that Lorna Mackenzie should be prosecuted should she ever apply for a job as a filing clerk in the Department of Families. In my view, the situation is more complicated than is being proposed and I am happy to have the debate later in the Committee stage. The system proposed in the Bill before the House allows the circumstances of a conviction to be

considered. It affords individuals the very natural justice that the honourable member for Indooroopilly seems to value so highly.

The member for Gladstone raised some concerns in relation to the obligation that the Bill places on the DPP and the QPS to notify my department where they have knowledge that an employee of the department has been charged or convicted. Information about a person's employment is normally supplied to the police in interviews, but I accept that people might lie about that or might be able to disguise it. It is very plausible that situations could occur where the police would not know that a person was, for example, a casual youth worker in my department. The obligation rests on the DPP and the QPS where they have the knowledge. If they do not have the knowledge, obviously they cannot pass the information on to us. I suggest that in many serious cases that information would come to them through the process of investigation.

In relation to the storage and destruction of records, I am having a separate brief prepared for the member for Gladstone because this is quite a complicated matter. I reassure her and the House that the storage, recording and destruction of information will be in strict compliance with the requirements of the Libraries and Archives Act and that there will be very limited access to the information. People will have to pass security checks to be employed in positions where they would have access to that information.

The member raised concerns in relation to a situation where my director-general might seek information from the Police Commissioner in circumstances where the Police Commissioner was of the view that to provide that information could jeopardise an investigation and, therefore, did not provide it. The member asked what would happen if, in those circumstances, that person was employed by the department. In those circumstances, the person employed would become an existing employee of the department. All provisions that relate to existing employees, such as an obligation to disclose and a penalty for failing to disclose, would apply to that person. In the circumstances that the member outlined, clearly the department's interest in that person would have been flagged with the Police Service. Should the investigation result in charges, I think we could be pretty certain that they would be ringing us up and saying, "I couldn't tell you then but I can tell you now."

In relation to the honourable member's concerns about taking into account whether a person was convicted of an offence as a juvenile or as an adult, I stress that this is only one of a number of considerations that an officer has to take into account. In relation to the specific example given by the honourable member, I draw her attention to the guidelines, which provide specifically that where a person has been convicted of an offence of a sexual or violent nature against a child they are automatically banned from employment. The question of whether they are a juvenile or an adult would not come into it. But I accept that, beyond serious offences, every case has to be looked at. In relation to the member's concern about the requirement that officers take into account whether the offence of which the person has been convicted or charged is still a crime, I say again that that is only one thing that should be taken into account. It would depend on the nature of the offence.

Again, in relation to whether or not alcohol is a mitigating circumstance, I say that, when it comes to any serious offences, those people are automatically prohibited from employment. But in relation to the guidelines, I stress that they are draft guidelines. I am happy to incorporate a reference in that section to alcohol not being a mitigating circumstance in respect of incidents of violence. I think that would clarify it for the officers concerned.

The honourable member for Clayfield raised a concern that employees required to make a disclosure might suffer some embarrassment in doing so. There is no doubt that he would be right in respect of some instances, and I accept his point. But I stress that, in my view, honesty and openness are the hallmarks of a good employee/employer working relationship. I have some sympathy for people who might have done something stupid in their youth which they would rather was kept from the knowledge of their employer. However, I think it would be the experience of most employers that, if people are able to be honest about their past, that is something that would go in their favour in the employment process. I have had some discussions with people involved in the casino industry who say that they do employ people who have had past offences for fraud or stealing, if they have disclosed that up front. It is their experience that employees who are up front and honest, even if they offended a number of years ago, make the best employees in the end.

Quite extraordinarily, the member for Clayfield came in here yesterday and expressed a great deal of concern about the reputation of public servants whose lives might be affected by these provisions. His concern is

very touching and I hope that he keeps that concern in mind when he next decides to come in here and do an ill-informed and baseless bucket job on the next Tuesday morning of a sitting week.

Both the members for Indooroopilly and Clayfield expressed some concerns over the delay with this Bill. As we know, this Bill has been on the Notice Paper for a number of months. The honourable members are being hypocritical. A number of speakers spoke about the fact that the Simpson case was the genesis of this legislation. I draw to the attention of the honourable member for Indooroopilly the fact that the first complaint about Mr Simpson was made to the department in November 1996, when his Government held power. Mr Simpson was stood down from his position in April 1997. Nothing occurred for 14 months after that case was first brought to the attention of the previous Minister; there was no drafting and no legislation was brought into the House. We moved as quickly as we could once the matter was brought to our attention. I am very pleased to see the matter before the House. In conclusion, I acknowledge and thank a number of people for their work in bringing this Bill to fruition.

Mr Mickel: The Channel 9 film crew. The AWU.

Ms BLIGH: And not the joker in the back row.

I thank my Director-General, Mr Ken Smith, the former Deputy Director-General of the department, Ms Margaret Allison, and the senior legal officer of the department, Mark Healey. I thank members of my caucus committee, the staff of my office, particularly my senior policy adviser, Ms Bronwen Griffiths. I thank also all of the front-line officers of my department who work with children whose lives are affected by neglect and abuse on a daily basis and who know the effect that the types of predators that we are seeking to weed out can have on the lives of those children. I recognise that the vast majority of employees of my department and people who seek employment in my department are people of good character with good intentions and whose motivations are to work in the interests of children and families. It is a great pity that a very small group of predators affects the reputation of the great majority. I recognise their work and their efforts. I commend the Bill to the House.

Motion agreed to.

Committee

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Families, Youth and Community Care and Minister for Disability Services) in charge of the Bill.

Clause 1—

Mr SANTORO (11.55 a.m.): Later I need to attend a meeting of the Parliamentary Criminal Justice Committee. I intended to make several contributions to this debate. However, I wish to take the opportunity that this clause affords me—and I assure the Chamber that I will be brief—to say to the Minister, firstly, that although I raised reservations in relation to the Bill I took an on-balance attitude towards many of the reservations that I raised. I accept some of her explanations, but I still say, as I said yesterday during the second-reading debate, that there is a need to be vigilant about the way that these clauses apply to the professional and personal lives of individual public servants. I will not take up the time of the Committee in relation to the remaining clauses, because I am unable to be present when they are being debated. However, I wish to say briefly that I very much resent the fact that in his contribution the honourable member for Chermside accused me of perpetrating half-truths and lies and of speaking dishonestly. I reject those—

The TEMPORARY CHAIRMAN (Mr Reeves): Order! The clause relates to the title of the Bill. I am conscious of what the honourable member said and his reasons for making a contribution at this stage. However, he should be referring to the Bill and not to what other members have said. If he continues to do so, I will sit him down.

Mr SANTORO: Mr Temporary Chairman, I understand your ruling and I will respect and observe it. Certainly, in respect of the Bill we are debating I would not indulge in perpetrating lies or half-truths, particularly in relation to families—

Mr MICKEL: I rise on a point of order. Mr Temporary Chairman, I seek your ruling on the use of the word "lies" by the member for Clayfield. My understanding is that that term is unparliamentary, and I seek a ruling on that.

The TEMPORARY CHAIRMAN: Order! I accept the point of order. That is correct. I ask the member to refrain from using that word and withdraw it. I remind the member of what I said previously. If he continues in this vein, I will sit him down and allow him to speak only to the title of the Bill.

Mr SANTORO: Thank you, Mr Temporary Chairman. Of course, the word that the honourable member for Logan finds offensive was not one uttered by me; it is contained within the Bill.

The TEMPORARY CHAIRMAN: Order! I have asked the honourable member to withdraw.

Mr SANTORO: But I did not accuse anybody.

The TEMPORARY CHAIRMAN: Order! I have asked the honourable member to withdraw.

Mr SANTORO: Mr Temporary Chairman, I will withdraw it. However, I simply point out that the same request was certainly not made during yesterday's debate. It is because of that reason that I am raising it.

Mr MICKEL: Mr Temporary Chairman, the member for Clayfield is again reflecting on you as the Temporary Chairman of the Committee of the Whole. I think he should be made to withdraw it.

Mr SANTORO: Mr Temporary Chairman, I did withdraw. Obviously, there is no reflection on your rulings.

The TEMPORARY CHAIRMAN: Order! I take it in good faith that the member for Clayfield was not referring to me, and I ask him to get on with his speech.

Mr SANTORO: Certainly I assure you, Mr Temporary Chairman, that there is absolutely no reflection on your chairmanship of this debate. In relation to points I made yesterday which were questioned—as to the consultation on the Family Services Amendment Bill, I appreciate that there has been an enormous number of inquiries—there have been a number of very, very comprehensive inquiries, including the Forde inquiry. However, when I talked about consultation, I was referring to the very provisions which are contained in the Family Services Amendment Bill. Members would appreciate—and I am sure most reasonable members would agree—that often a comma, a full stop or a particular word can have a very, very big impact on the way that the legislation is interpreted, implemented and, in some cases, enforced. The comments I was making there were not in relation to any lack of interest, inquiry or public and parliamentary consideration—

The TEMPORARY CHAIRMAN (Mr Reeves): Order! I have been quite patient. The member is talking about delays in the Bill, which have nothing to do with the clauses. I took the liberty of allowing him to speak because of his engagement with the PCJC, but he must refer only to the clauses, or else I will have to sit him down. That is the final time I will warn him.

Mr SANTORO: You may have to do that, Mr Temporary Chairman, because I thought that I had reached an understanding with the Chair that, under this particular clause, I would be able to make some broad relevant comments about the Family Services Amendment Bill.

The TEMPORARY CHAIRMAN: Order! My understanding is that the member is able to speak on the clauses. He has not done that, so I would ask him to take his seat.

Clause 1, as read, agreed to.

Clauses 2 and 3, as read, agreed to.

Clause 4—

Mrs LIZ CUNNINGHAM (12.01 p.m.): I wish to ask the Minister something that I omitted to ask her in my contribution to the second-reading debate. The definition of "criminal history" in the Bill states, in part "every conviction of the person for an offence, in Queensland or elsewhere". It is my understanding, though, that criminal checks will not be done interstate, presumably because of cost—and maybe that will not be general knowledge. However, if a person comes from interstate and they intend to make mischief with young people and dependent people in our State, they are not going to disclose that criminal history. I wonder what mechanisms the department will put into place to ensure that it is able to pick them up, otherwise they are going to slip through that loophole.

Ms BLIGH: I am happy to answer the question from the member for Gladstone. The Bill provides for the chief executive to access the information that the police have about an individual. The Queensland police have access to a national database of convictions and charges. The member is probably right that it might be difficult for them to know about an interstate investigation in some instances, but the national database is what will be checked by police. I think we probably have some doubts about the extent to which international offences could be picked up and some doubts about whether all investigations would be caught in that net. However, it is certainly a much wider net than just Queensland, and all State information on convictions and charges will be scooped up in that check.

I move the following amendment—

"At page 5, lines 24 to 26—

omit, insert—

'(c) an offence against a provision of the Criminal Code mentioned in the schedule; or

(d) an offence of counselling or procuring the commission of, or attempting or conspiring to commit, an offence mentioned in paragraphs (a) to (c).'.'."

This amendment extends the definition of "serious offence" by reference to the Schedule to the Bill which nominates a further 25 serious offences which are not included amongst the 50 serious offences contained in the Penalties and Sentences Act of 1992. The revised list includes offences under the Criminal Code, such as murder, taking a child for immoral purposes and abduction of a child under 16. The effect of this amendment will be that the chief executive will be able to ask the Commissioner of Police to provide information about investigations relating to these other serious offences insofar as they concern a person engaged, or seeking to be engaged, by the department.

The definition relied upon in the Bill as it currently stands is a definition of "serious offences" as listed in the Penalties and Sentences Act. On subsequent consideration of that, it was clear that there are some offences, such as those I have already listed, that are clearly of a serious nature and clearly of a nature that we would want the police to be able to provide us with information if such offences were being investigated. This Schedule supplements the original definition and is, in my view, a much more full and comprehensive one which will go towards achieving the intention of the Act.

Mr BEANLAND: Briefly, the Opposition supports the amendment. I understand why the Minister is moving this amendment as there are some other areas, as she has pointed out and as she has listed in the Schedule, that ought to be taken into account. Of course, we are looking at different issues here to what is contained in the Drugs Misuse Act and the Penalties and Sentences Act. It is only appropriate that other offences which are being investigated or may result in a conviction are taken into account. I quite appreciate why that is being done.

There is one other point I want to make. The Minister seems to think that I said at some stage that the Minister had gone too far. I am not sure where she got those words from, but I have never said that. I certainly indicated that there were some matters of detail which we, as the Opposition, would need to look at. We certainly did need to look at that, and so did the Minister, with respect. That is why she is today moving some amendments. I was correct after all—more than I appreciated at the time—when the Minister sat down and looked at further matters, she found that she had also failed to get some details right. That is what she failed to do, but I am not going to make a song and dance about it. I do appreciate that what she is doing is the correct thing, and I support what she is doing, just as the Opposition and I supported the second reading of the Bill.

I make the point, though, that when the Minister announced it initially, I did not say that the matter had gone too far. In fact, at the time I made some comments that we wanted to see the details. I raised a number of issues—issues which we have raised since then and issues which we are raising now in this debate on the clauses. We will continue to raise them as is appropriate from this side of the Chamber. I am sure that the Minister's own committee and other Government members have also raised a number of matters of detail and will continue to do so through the Committee stage. Apart from the amendment that we are now debating, I have no doubt that there will be some other amendments on detail which the Minister will move. The Opposition supports the amendment.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5—

Mr BEANLAND (12.06 p.m.): I move the following amendment—

"At page 8, line 19—

omit, insert—

'Maximum penalty—5 years imprisonment.'."

This amendment relates to the point that I raised earlier during the second-reading debate, that is, the maximum penalty for false, misleading or incomplete disclosure or failure to disclose information. The Bill states—

"A person must not—

(a) give the chief executive a disclosure for the purposes of this division that is false, misleading or incomplete in a material particular; or

(b) fail to give the chief executive a disclosure as required under section 23, unless the person has a reasonable excuse."

I appreciate that. I listened intently to the words that the Minister uttered during her reply to the second-reading debate. She said that

one has to take a range of issues into account. Over a period of time people may have been convicted or investigated and some of those particular issues may be quite small. However, we are not talking about a minimum sentence here; we are talking about a maximum. Someone in the department will have to instigate these prosecutions in the first place. It may be that issues are not followed through because they are of such a minor nature. I appreciate that that would be the case. I can well understand that, for some very minor things, one would not worry about doing that. And, of course, people do legitimately forget, and I accept that, too.

Having said all that, we have to send a very clear message to those people whom we are endeavouring to ensure do not get a position with the department or are engaged by the department, to use the term in the legislation. I do not believe that a fine of 20 penalty units, which is $1,500, is going to mean anything at all to those predators out there whom we are trying to ensure do not apply. The Minister can say, "Well, of course, we will pick these people up when we go to the Police Commissioner." That may be the case; it may not be the case. There may quite a number of situations in which that does not come to pass. I think it defeats the purpose of the legislation if those people slip through the loop and end up obtaining jobs with the department.

If the penalty is very significant—and our amendment provides for a maximum penalty of five years' imprisonment—then a very clear signal would be sent to those predators, paedophiles, would-be paedophiles and child molesters that there is no position for them in the department and that, if they apply for a position and leave information off their application forms, there are severe penalties for that. It is so easy for those people to leave information off their application forms. No predator or child molester would worry about a $1,500 fine for leaving information off an application form to seek a job with the department. I suggest that they would sit up and take notice of a five years' maximum prison sentence. That would mean something to the people whom the Minister is trying to ensure do not get through the loop. An onus must be placed on those people.

The penalty for leaking confidential information is a maximum of two years' imprisonment or a fine of $7,500. There is some discrepancy between the penalties for those offences. We are not talking about a minimum penalty; we are talking about a maximum penalty. Even under the existing penalty of a paltry 20 penalty units, I am sure that one would not bother to follow up many of the matters. I am sure that people will leave off their application forms minor offences that have been forgotten about, and one would not bother to follow them up because they are not of a significant nature. However, a serious penalty is needed for the people whom the Minister seeks to ensure do the right thing, so that they reveal that information on their application form and do not get through the loop. I do not believe that the Minister is getting across the right message with such a small penalty. The amendment provides for a more severe penalty to send a clear message to the people who might try to get through the loop so that, if they try to make an application, the department, the Police Service and the prosecution can come down very heavily on them for failing to show that information in the first place and for trying to get through the departmental requirements to get a job with the department.

Ms BLIGH: Despite the fact that, in his arguments in support of this proposition, the member for Indooroopilly has focused on the nature of the kind of people who prey on children and the kind of serious offences that they might have committed, he has not restricted his amendment to people who might have been failing to disclose or provide erroneous information about such serious offences. The effect of his amendment is that it will apply to every person who makes an application to the department who may, for quite good reasons in some cases, have failed to meet the requirement.

I refer the member for Indooroopilly to his own contribution to the second-reading debate yesterday. He stated—

> "The reason care has been shown is that not only are staff subject to criminal history searches, but they also have positive obligations imposed on them to disclose information, with the Bill penalising disclosures that are 'false, misleading or incomplete in a material particular'. If, for example, a person fails to disclose that they have pleaded guilty and did not have a conviction recorded for whatever reason as an impressionable 18 year old, then they could have the full weight of the law come down on their heads under this legislation. I fail to see the logical justice in that. I also fail to see what harm such a person could pose to anybody in the community, including a client of the department."

I agree with the member for Indooroopilly in that regard. It is precisely for that reason that the penalty is a reasonable one that fits the nature of the offence of failing to disclose.

In relation to his concern about whether or not a penalty of $1,500 or 20 penalty units would deter someone who is seriously intent on harming children, I could not agree with him more. However, I suggest to him that if such people are undeterred by the very severe penalties for such crimes already in existence for the Criminal Code, they will be equally undeterred by even a five-year maximum sentence. The probably unintentional effect of the proposal from the member for Indooroopilly is that it will have no effect in deterring the sorts of people whom he would be seeking to deter, but could have a very harsh effect on people who, on reasonable grounds, might fail to make a disclosure.

I accept that there is some discrepancy between the penalty for failing to disclose or providing the wrong information and the penalty provided in the Bill for people who make unlawful use of the information that comes into their possession as an officer of the department. I do not believe that the way to fix that discrepancy is as being proposed by the member for Indooroopilly. I would have been prepared to accept an amendment that brought the penalty for failure to disclose, that is, 100 penalty units, in line with the penalty for a breach of the confidentiality provisions. The criminal law taken as a whole has to make some sense. I do not have the Criminal Code in front of me, but on my recollection, indecent acts—which we would regard as odious—record a maximum penalty of only two years' imprisonment. I think the public would find indecent acts and indecent exposure to children of a much more serious nature than someone who, for a range of reasons that might be justifiable, failed to disclose information.

The criminal law must make sense overall. I do not think that inserting a penalty of five years' imprisonment for failure to disclose would make sense. As I said, I would be prepared to consider an amendment that would bring the two penalties into line, but I do not believe that a five-year imprisonment is warranted. I cannot support the proposal.

Mr BEANLAND: The Minister refers to the Criminal Code. The Minister would be aware that the Criminal Code sets out maximum penalties for offences, with the exception of murder, which has a mandatory minimum sentence. Nevertheless, minimum sentences for other offences are not provided within the Code. That is for a range of very good reasons. There is a range of penalties across the spectrum, no matter what the offence. The code has to cater for the range of offences. The Minister indicated that in different circumstances she would be prepared to accept an amendment proposing a penalty similar to the penalty for the leaking of confidential information, which is two years' imprisonment or $7,500. I believe that that indication shows that the Minister believes that the current penalty is somewhat inadequate, as I do.

The Minister has indicated that she does not believe that those people who are going to want to get through the loop will worry about a five-year sentence. I think that a five-year sentence is a significant sentence within the ambit of criminal sentences in this State. It would indicate that it is a serious matter. Of course, the maximum penalty would not necessarily be imposed in every case. Again, there is a range of offences, many of which one would not bother to consider prosecuting. It is quite clear to me that this is an inadequate penalty. I think the Minister has admitted that. I have attempted to cover the range of offences right up to child molestation with a provision for a maximum of five years' imprisonment.

Question—That Mr Beanland's amendment be agreed to—put; and the Committee divided—

AYES, 37—Beanland, Black, Borbidge, Connor, Cooper, Dalgleish, Davidson, Elliott, Feldman, Gamin, Grice, Healy, Hobbs, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Malone, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Sheldon, Simpson, Slack, Springborg, Turner, Veivers, Watson. Tellers: Baumann, Stephan,

NOES, 41—Barton, Beattie, Bligh, Boyle, Braddy, Clark, E. Cunningham, J. Cunningham, D'Arcy, Edmond, Elder, Fenlon, Fouras, Hamill, Hayward, Hollis, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Pitt, Reynolds, Roberts, Robertson, Rose, Schwarten, Spence, Struthers, Welford, Wellington, Wells, Wilson. Tellers: Sullivan, Purcell

Resolved in the **negative.**

Mrs LIZ CUNNINGHAM: I move the following amendment—

"At page 8, line 19, '20 penalty units'—

omit, insert—

'100 penalty units or 2 years' imprisonment.'."

This amendment is in line with the comments made by the Minister. I think it

gives weight to the seriousness of the offence of failing to provide information or providing false or misleading information. It is consistent with penalties in later parts of the Bill. I think it does telegraph a message similar to that outlined by the member for Indooroopilly, who attempted to include a maximum penalty of five years' imprisonment—that is, that these are serious acts and we take very seriously attempts to withhold information or to provide false or misleading information. This amendment will also introduce consistency.

Ms BLIGH: I thank the member for Gladstone for the amendment. I think it will have the effect that she seeks. I think this amendment achieves what is being sought without going completely over the top, as I think the previous proposal did. I am very happy to incorporate the amendment.

Amendment agreed to.

Mr BEANLAND: I will not proceed with my amendment No. 2.

Ms BLIGH: I move the following amendment—

"At page 11, after line 24—

insert—

' '(7) A reference in this section to a conviction of an indictable offence includes a summary conviction of an indictable offence.'."

The effect of this amendment will be to ensure that the chief executive officer is notified in the case where the prosecuting authority is aware, even when a person engaged by the department has been summarily convicted, of an indictable offence.

Under the Bill before the Chamber, section 27(3) requires prosecuting authorities to notify the chief executive if a person engaged by the department is convicted of an indictable offence. Section 659 of the Criminal Code provides that where a person is summarily convicted of an indictable offence—that is, convicted in the Magistrates Court—the conviction is deemed to be a conviction of a simple offence only and is therefore not an indictable offence. This amendment ensures that the chief executive is informed of summary convictions of indictable offences that have been deemed to be simple offences. Again, I think it clarifies the intention of the Bill and I commend it to the Chamber.

Amendment agreed to.

Clause 5, as amended, agreed to.

Mr BEANLAND (12.23 p.m.): I move the following amendment—

"At page 14, after line 2—

insert—

'Insertion of new pt 5

'5A. Before part 6—

insert—

'PART 5—CERTAIN PERSONS MUST NOT SEEK ENGAGEMENT BY DEPARTMENT

'Person convicted of offence of a sexual nature must not seek to be engaged by the department

'32.(1) A person convicted of an offence of a sexual nature must not seek to be engaged by the department.

Maximum penalty—5 years imprisonment.

'(2) An offence against subsection (1) is an indictable offence.

'(3) The Criminal Law (Rehabilitation of Offenders) Act 1986, sections 6 and 8,[1] do not apply in relation to the prosecution of an offence against subsection (1).

'(4) In this section—

"offence of a sexual nature" means an offence against any of the following provisions of the Criminal Code—

- section 208 (Unlawful sodomy)
- section 209 (Attempted sodomy)
- section 210 (Indecent treatment of children under 16)
- section 213 (Owner etc. permitting abuse of children on premises)
- section 215 (Carnal knowledge of girls under 16)
- section 216 (Abuse of intellectually impaired persons)
- section 217 (Procuring young person etc. for carnal knowledge)
- section 218 (Procuring sexual acts by coercion etc.)
- section 219 (Taking child for immoral purposes)
- section 222 (Incest)
- section 229B (Maintaining a sexual relationship with a child)
- section 336 (Assault with intent to commit rape)
- section 337 (Sexual assaults)
- section 347 (Rape)
- section 349 (Attempt to commit rape).'.'.

[1] Criminal Law (Rehabilitation of Offenders) Act 1986, sections 6 (Non-disclosure of convictions upon expiration of rehabilitation period) and 8 (Lawful to deny certain convictions)"

This amendment provides that certain persons must not seek engagement by the department. It seeks to ban certain persons who have been convicted of an offence of a sexual nature from seeking to be engaged by the department across-the-board. A number of these offences are listed in the amendment and they are outlined in provisions of the Criminal Code as follows: section 208, unlawful sodomy; section 209, attempted sodomy; section 210, indecent treatment of children under 16; section 213, permitting abuse of a child on premises; section 215, carnal knowledge of girls under 16; section 216, abuse of intellectually impaired persons; section 217, procuring young persons for carnal knowledge; section 218, procuring sexual acts through coercion; section 219, taking a child for immoral purposes; section 222, incest; section 229B, maintaining a sexual relationship with a child; section 336, assault with intent to commit rape; section 337, sexual assault; section 347, rape; and section 349, attempting to commit rape. These are the sexual offences that I have largely attempted to incorporate in the legislation. I think this amendment does that.

Again, I believe we have to reverse the onus. I accept that a range of different types of offences can occur within these categories; nevertheless, I do not believe that people who have been convicted of these sorts of offences are the sorts of people, regardless of the time the offence was committed or the nature of the offence, that we want working within the department.

Of course, there is a whole range of other violent offences to be considered. We need to look at those, but I believe it is the people who commit sexual offences—paedophiles and child molesters—that present a real problem in relation to the department, where they may come in contact with young people and those with various types of disabilities. This amendment seeks to reverse the onus and say to convicted sexual offenders that they will be banned from seeking employment with the department because of the concern for children. Of course, some people will say that they have served their time and that each case should be considered on its merits. But I think it is fair to say that, over a period, it has been difficult to ensure that paedophiles and child molesters do not repeat the offences that they have committed in the past. Unfortunately, we have seen the serial activities that occur in this regard.

This sends a very clear message out into the community that people who have been convicted of these types of sexual offences are simply not wanted within the ambit of the operations of the department. I believe that there are many good people within the community who would be only too happy to apply for and obtain a position within the department. I do not think that it is appropriate that people who have been convicted of these types of offences should be allowed to apply for and obtain positions within the department. That is the area where we run the gravest of risks, and that is where the real difficulties arise in ensuring that these offences do not recur.

Mrs LIZ CUNNINGHAM: I seek some clarification. I know that, in this proposed amendment, the maximum penalty is five years' imprisonment. It says "must not seek". I would be interested to know how people will be advised that they are unsuitable even to seek employment with the department. All of the sexual offences that are listed are reprehensible, and I will say no more about that. But what about if something did occur in a person's younger life, but they had significantly changed—and there are only one or two offences that I am referring to: the first two that are listed on that list of Criminal Code offences—and later in their life, when they were 40 or older, they applied to the department because they had matured and they valued the family, etc., and wanted to help people through the department? How would these people be advised that they were not even able to seek employment? Would there be a sign erected? How would that information be passed on? I presume that once they fronted at the counter and asked, "Is there any work?" or "Could I apply for work?", that would constitute seeking to be engaged, and they would immediately contravene this clause in the Bill and be subject to a significant penalty. I would be interested in the Minister's clarification of when "seeking" becomes a contravention of this clause, if it was included.

Ms BLIGH: I referred in my second-reading speech to having a degree of sympathy for the motives which I think underlie the proposal that is being put forward here. However, I believe that it is important to stop and think about what we are doing and how we might actually do it.

I am concerned that this is a very new area of law. It is, to my knowledge, without precedent. I believe that it will create a very messy system whereby we will have more than three or four categories of prospective employees. In the first instance, we will have a group of prospective employees who have a certain kind of criminal history and who are prohibited from applying. The very act of

application will expose them to the commission of a criminal offence for which they might be liable to five years' imprisonment.

We will have a second category of prospective employees who may have committed very, very serious crimes. They may be murderers, for example. They will not be liable to that kind of penalty, but they will be prohibited from being employed under the guidelines that I have tabled. There will be a third category who may have some criminal history, which will show up, but which is not of sufficient seriousness to warrant them missing an opportunity to be employed by the department. Then there will be another category of employees whose criminal history does not show up at all but might be the subject of investigations for these sorts of offences. So I believe that it is starting to get very, very messy in terms of its application.

I would like to talk about a number of the precedents. I know that the member for Warwick has spoken in the public arena about this proposal in a number of forums and claimed that this is a policy that has been put forward by the Blair Government in the United Kingdom. I have actually done quite extensive research on this and found that, in fact, the Blair Government did put in place a working party to look at the greater protection of children. Last year, the working party made a number of recommendations, some of which are very similar to what we are proposing here in relation to criminal history checking, and they have been enacted in the Parliament.

There was a recommendation that the Blair Government pursue something along the lines of what is being proposed here, but it has yet to be picked up by the Blair Government. It is not a piece of legislation before their Parliament and, at this stage, has only the status of a working party recommendation. I have no way of knowing what the intentions of the Blair Government are in relation to that recommendation. Suffice it to say that there is no legislation that I can find which comprehensively defines the kinds of offences that we ought to be picking up under this proposal.

I have to say to the member for Indooroopilly that, given the point that he made about this Bill being on the table for seven months and the concerns that he had about consultation in relation to the Bill in general, the lack of consultation about the creation of a new offence is something that would concern me a great deal. I was only provided with these amendments when we moved into Committee. I have had no opportunity to go through this list and to determine whether, in fact, this is a comprehensive list. I have had no opportunity to receive advice from my department, Crown Law or the police about how this list is different from the list in the Penalties and Sentences Act and different from the Schedule that we are actually going to be putting at the end of the page.

It seems to me that, from just looking at it very quickly, there are some very serious issues that are not there. For example, why would we not include bestiality on the list? Why would we confine this list only to crimes of a sexual nature? Why would we make it an offence for someone who had committed a crime of a sexual nature against a child to even apply, but we would not make it an offence for someone who had murdered a child to apply, and that we are not proposing to make it an offence for somebody who has abducted a child to apply?

It seems to me that there are some fundamental questions in this proposal about our system of law. In our system of law, under the doctrine of the separation of powers, courts determine the guilt or innocence of an individual. Courts have the responsibility of determining the sentence of the individual, and the person then serves their sentence. The object of the Bill before us today is not to repunish somebody for something that they might have committed in the past. The object of the Bill before us is to keep people out of these workplaces. There is a suggestion in what is being proposed by the member for Indooroopilly—and I am not suggesting that this is conscious or intentional—but I think there is an element of double jeopardy involved here.

As I said, it is not our intention to re-punish people once they have already served their sentences; it is our intention to keep people out. A conviction would show up in our criminal history checking and such people would not be employed by the department. The intention of the Act would be achieved by what we are proposing.

There are several questions that remain unanswered in relation to its implementation. The member for Gladstone has raised the question in relation to how people know about it. I am concerned about this. There are many people in the community who have committed offences—obviously not the kinds of offences referred to here—and, by virtue of having had that experience and having moved on in their lives and put that behind them, they have become constructive and contributing

members of our community by virtue of their life history. These people make very good employees of my department. They are just the kind of people that we want to having working with young offenders. We would not want these people to feel deterred from at least submitting an application. I want people to feel that they can submit an application. On the basis of the guidelines, the department reserves to itself the right to determine the suitability of such people.

I have some questions in my mind in relation to how it will operate with regard to someone whose conviction was subject to an appeal. We could have someone who had the view that they were the subject of a vexatious or false conviction and the conviction was still the subject of appeal. I am not sure what interaction that would have with regard to this proposal. Again, I question some of the content of it. Why would we not include indecent acts, some of which are very serious? People who commit such offences are not the people that we would want to employ. However, "indecent acts" covers a category of offences on which we would want some flexibility. We need to find out the circumstances involved in the offence. We do not want to put these people on a proscribed list.

I would like to stress to the member for Indooroopilly that I understand his intention and I applaud his motives. As I said, this issue is without precedent. We need to think through it a little more carefully before we rush in and make laws that are incomplete or whose implementation may be difficult.

A question has also arisen in relation to the proposed changes to the Children's Commission Bill. I am very happy to give an undertaking to the Committee and to the member for Indooroopilly that I would be prepared to look at this matter. I have already said on the public record that I am looking at this matter in relation to the proposed changes to the Children's Commission Bill and the proposals for employment screening in that Bill. As a Parliament, we have the responsibility to look at this more carefully. We should consult and take advice about the nature of the offences that ought to be included—if any—and how it ought to be implemented.

As I said, I am happy to give a commitment to the member for Indooroopilly and to this Assembly that I will take this suggestion on board in the context of our further negotiations and consultations with regard to the Children's Commission Bill. Should we find a way through this matter that is workable, I will be happy to bring in an amendment to not only the Family Services Act but to the Children's Commission Bill as well. I think this is rushed. I understand the motives, but I would caution against taking this action at this stage.

Mr BEANLAND: The offences which are included in the list are those which are of a predatory nature. They come from the penalties and sentences legislation. As I have indicated, I have not attempted to cover every offence within the Criminal Code. I have not attempted to cover all violent offences. I agree with the Minister when she says—and I think the member for Gladstone may have said this, although I could not hear her very well—that there are a lot of violent offences in which young people are involved. These people are rehabilitated in later life.

A prime example of such offences is drugs. Unfortunately, young people seem to become involved with drugs. However, later in life some of them turn out to be excellent counsellors against drug use and drug abuse. We do not want to frighten away such people. Far from it! Some of them are excellent. They are among the best people that we can employ to assist our young people in the counselling field.

As I say, the list has endeavoured to pick up sexual offences of a predatory nature. The list is not inclusive of every possible offence. It includes the worst sexual offences. The member for Gladstone referred to applicants for jobs. The Minister referred to categories. No doubt the new application forms for jobs with the department will contain an addition or an addendum which will cover people who cannot apply. Of course, we have the guidelines. These matters will be included in the application form.

These things will become part of the application form. When people seek to gain employment with the department—whether voluntary or not—they will face these requirements. Under the Minister's proposal, we already have three categories. I think this will probably make the fourth category. This will be part of the administrative processes which will be put in place by the department in order to enable the director-general who, at the end of the day, is responsible for employees, to make a decision. The checks will occur and the appropriate processes can take place during that procedure. These matters are already covered by the three categories I have referred to. When the matter is sorted out, changes will have to be made in relation to the way in which the department employs people.

Ms BLIGH: I would like to make a couple of additional points. I have another concern, which was echoed by the member for Gladstone—and I am not sure that it has been picked up by the member for Indooroopilly—and it is this: there is nothing in this proposal to define at which point someone is judged to have sought to be engaged by the department. There is no definition about seeking employment.

I draw attention to the inclusion on the list provided by the member for Indooroopilly of the offence of carnal knowledge of a girl under the age of 16 years. Prior to 1989, the previous offence in that category was carnal knowledge of a girl under the age of 17 years. Carnal knowledge is one of those offences which runs the whole gamut. An 18-year-old or 19-year-old man could have been convicted of unlawful carnal knowledge of his 16-year-old girlfriend. Twenty years later, we find that he has committed no further offences. However, that offence remains on the list. This person would commit a further offence by applying for a position with the department.

I do not believe that such a blanket prohibition on some of these offences—obviously not all of them—is warranted. I believe it could lead to an unintentional injustice. We need to think more carefully about why we are distinguishing between crimes of a violent nature and crimes of a sexual nature. I take the point made by the member for Indooroopilly about predatory behaviour. However, in that regard, I draw to his attention that we have not included offences relating to obscene publications and child pornography. There are plenty of examples of people who have been involved in a series of relationships where they have serially abused and neglected children. I think it warrants more thinking and I would urge caution.

Amendment negatived.

Clause 6—

Ms BLIGH (12.48 p.m.): I move the following amendments—

"At page 14, line 3, 's 61'—

omit, insert—

'ss 61–63'.

"At page 14, after line 7—

insert—

' 'References to "Minister"

'62.(1) This section applies if the Disability Services Act 1992 is administered by a Minister (the "Disability Services Minister") other than the Minister administering this Act.

'(2) A reference in this Act to the Minister includes the Disability Services Minister.

'(3) A reference in another Act to the Minister administering this Act, or responsible for this Act, does not include the Disability Services Minister.

'References to "department" and "chief executive"

'63.(1) This section applies if the Disability Services Act 1992 is administered in a department (the "Disability Services Department") other than the department in which this Act is administered.

'(2) A reference in this Act to the department includes the Disability Services Department.

'(3) A reference in this Act to the chief executive includes the chief executive of the Disability Services Department.

'(4) A reference in another Act to the department in which this Act is administered does not include the Disability Services Department.

'(5) A reference in another Act to the chief executive of the department in which this Act is administered does not include the chief executive of the Disability Services Department.'.'."

This amendment makes the entire Family Services Act 1987 applicable to and enforceable by the new Department of Disability Services Queensland upon its creation. The Government's intention to create the new department occurred, and was announced, after the tabling of this Bill. I think it is important that we include it here.

Mr BEANLAND: The Opposition supports the amendments. I understand why the Minister is moving them. They will ensure that those who come within the area of the new Department of Disability Services are picked up by this particular piece of legislation.

Amendments agreed to.

Clause 6, as amended, agreed to.

Insertion of new Schedule—

Ms BLIGH (12.49 p.m.): I move the following amendment—

"At page 14, after line 7—

insert—

'Insertion of new schedule

6A. After part 7—

insert—

'SCHEDULE

'OTHER SERIOUS OFFENCE PROVISIONS OF THE CRIMINAL CODE

section 4, definition "serious offence", paragraph (c)

1. Section 211 (Bestiality)
2. Section 219 (Taking child for immoral purposes)
3. Section 221 (Conspiracy to defile)
4. Section 228 (Obscene publications and exhibitions)
5. Section 238 (Contamination of goods)
6. Section 239 (Hoax contamination of goods)
7. Section 240 (Dealing in contaminated goods)
8. Section 300 (Unlawful homicide)
9. Section 307 (Accessory after the fact to murder)
10. Section 308 (Threats to murder in document)
11. Section 309 (Conspiring to murder)
12. Section 311 (Aiding suicide)
13. Section 314 (Concealing the birth of children)
14. Section 324 (Failure to supply necessaries)
15. Section 327 (Setting mantraps)
16. Section 355 (Deprivation of liberty)
17. Section 359 (Threats)
18. Section 359E (Punishment of unlawful stalking)
19. Section 363 (Child-stealing)
20. Section 363A (Abduction of child under 16)
21. Section 364 (Cruelty to children under 16)
22. Section 415 (Demanding property, benefit or performance of services with threats)
23. Section 416 (Attempts at extortion by threats)
24. Section 417 (Procuring execution of deeds etc. by threats)
25. Section 417A (Taking control of aircraft).'.'."

This amendment seeks to insert a Schedule of serious offences referred to in my first amendment.

Mr BEANLAND: The Opposition supports this amendment. This is why I indicated to the Minister originally that one has to be careful, because I understand from going through the penalties and sentences legislation that there are other offences that the Government will want to include. Of course, through this amendment we have another range of what can be, depending on how they occur, very serious offences indeed. For example, the contamination of goods could become quite a serious offence, bestiality is another, the concealing of the birth of a child is another, not to mention offences such as deprivation of liberty, threats and so on. I think it is wise to include this Schedule because, depending on their nature, these can be very serious offences indeed.

Amendment agreed to.

Clauses 7 and 8, as read, agreed to.

Bill reported, with amendments.

Third Reading

Bill, on motion of Ms Bligh, by leave, read a third time.

COMMUNITY SERVICES LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 25 March (see p. 856).

Hon. V. P. LESTER (Keppel—NPA) (12.52 p.m.): The Opposition is pleased to see the introduction of legislation designed to bring Aboriginal and Torres Strait island councils more into line with local government authorities and which will improve the financial accountability of these councils. In recent years, the financial performance of Queensland's 31 Aboriginal and island councils has improved considerably. I note that, for the year 1997-98, 20 out of the 31 councils received unqualified audits—up from only nine two years earlier. However, there is obviously still quite a bit more to be done.

This Bill will go some way towards helping to enhance that result. In the Minister's second-reading speech, she pointed out that the current provisions in the Community Services Act concerning intervention by the State in the affairs of Aboriginal and Torres Strait island councils do not reflect the imperatives, due process, or natural justice. The Opposition agrees that this Bill will address those shortcomings by basing the new provisions on those contained in the Local Government Act 1993 that relate to the intervention by the State in local governments.

The Opposition supports most of those provisions of the Bill that provide for the

appointment of financial controllers to Aboriginal and island councils. I note that the adoption of these provisions was recommended by the parliamentary Public Accounts Committee in its report No. 42, Aboriginal Councils and Torres Strait Island Councils—Review of Financial Reporting Requirements. The ability of the State to appoint financial controllers through the Governor in Council is necessary and prudent. It is a measure that will allow the implementation of controls over expenditure by Aboriginal or island councils that are or may be at risk of insolvency. In this manner, the State, through those controllers, will have the ability to help the particular council to regain financial security and reduce the possibility of dissolution—a sort of halfway step to appointing an administrator.

The Opposition supports the limited power of veto afforded to the financial controller to revoke or suspend a resolution or order of a council if that expenditure has not been provided for in the budget, or will result in the wrongful expenditure of grant money, or if it is deemed that the expenditure will lead to insolvency. However, the Opposition is concerned that the trigger points provided in the Bill for the appointment of a financial controller by the State may not be as clear and strong as they could be. The Opposition believes that it is in the interests of all parties concerned, that is, the State, the Minister, the Aboriginal and island councils, and the community, that the early warning signs of financial mismanagement are detected and then acted upon. I believe that all members would agree that it is far better to nip the problem in the bud than to allow the situation to deteriorate or become untenable. I understand that the Minister has actually accepted some of these points and no doubt she will comment on them later on. I would appreciate that very much. However, the Opposition does not have complete confidence that the proposed amendments, as they stand, will provide that early warning, and accordingly we will be moving an amendment.

As with any elected Government or council authority, Aboriginal and island councils have a responsibility to ensure that the expenditure of taxpayers' money is undertaken in a transparent and accountable manner. To date, existing accounting standards have only been a guide. This Bill will give the Minister the power to set accounting standards to enhance the financial accountability of Aboriginal and island councils. The Opposition supports these amendments, but tied to bringing accountability standards for Aboriginal and island councils in line with the standards required of local government is the extension to those councils of the power to amend their budget within the bounds of that budget.

To date, I understand that Aboriginal and island councils have been denied the ability to amend their budgets except in emergencies. I also understand that, in practice, this requirement has not always been observed. The provisions in this Bill will now bring Aboriginal and island councils into line with local government authorities, giving them the ability to amend their budgets within the bounds of that budget. These provisions, together with the imposition of accounting standards, will enhance the financial accountability of these councils. The Opposition supports this move.

Finally, the Community Services Legislation Amendment Bill contains provisions by regulation for the declaration of part of the State as a council area and for the subsequent establishment of a new Aboriginal and island council. Although the Opposition does not envisage that these provisions will be used often, they are necessary to bring about accountability and to accommodate community wishes.

The Old Mapoon community in the Gulf Country has long wanted to establish its own council to reflect its identity as a community in its own right. Despite having the support of both the Local Government Association of Queensland and the Cook Shire Council, the Goss Government failed to accede to the Old Mapoon community's request. The former Borbidge Government, and particularly the former Minister for Families, Youth and Community Care, the member for Beaudesert, acknowledged the Old Mapoon community council's request and were proceeding to meet that request. I am pleased that the Beattie Government has proceeded with these provisions that will finally empower the Old Mapoon community to establish its own council.

As I mentioned previously, the Opposition does not envisage these provisions being used widely, nor would it advocate the establishment of new councils on an ad hoc basis. These provisions should not allow the automatic establishment of new councils. Agreement must first be reached between other councils, local government and the Local Government Association of Queensland. The Opposition supports these provisions.

In conclusion, the Opposition is largely supportive of the Bill. However, we will be

moving some amendments that we believe will better achieve the goal of improved financial accountability for Aboriginal and island councils.

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

Mr PURCELL (Bulimba—ALP) (2.30 p.m.): The Community Services Legislation Amendment Bill 1999 represents the most significant amendments to the legislation since its commencement in 1984. The Community Services Acts support Aboriginal and Torres Strait island councils in the delivery of local government and other important services to remote indigenous communities.

Most members will be aware of the importance of accountability when dealing with Aboriginal and Torres Strait island councils. Many will have been present in this Chamber when the Auditor-General tabled his annual audit of the Aboriginal and island councils and outlined many of the difficulties that councils face. It is in the area of accountability that I would like to address my remarks today.

The current Community Services Acts contain provisions that allow the Governor in Council, on the recommendation of the Minister, to move to dismiss a council and appoint an administrator to take control of council affairs. Ministers are most reluctant to move down this path with Aboriginal and Torres Strait island councils, just as there is a natural reluctance to appoint an administrator to mainstream local government councils. Nevertheless, there are times when drastic action is necessary to help councils overcome major problems with their financial administration.

The amendment before the House affectively deals with this dilemma. Clauses 6 and 21 of the amendment Bill, which deal with proposed section 13E, will, under certain circumstances, enable the Minister to appoint financial controllers. These circumstances, which are clearly set out in the Act, mean that the interests of both the Government and the council are protected by ensuring that both parties clearly understand the circumstances under which the financial controller may be appointed. These are: where the council has made a disbursement from a fund that is not provided for in the council's budget; it has made a disbursement from grant moneys for a purpose other than the purpose for which the grant was given; it has failed to prepare financial statements as required by section 32A of the Act; or it proposes expenditure that is likely to render it insolvent.

The proposed amendment has been extensively discussed with other funding authorities and, in particular, the Aboriginal and Torres Strait Islander Commission, which provides significant funding to the Aboriginal councils, and the Torres Strait Regional Authority, which provides similar funding to island councils. Both of those authorities support the provision relating to the appointment of financial controllers. Of equal importance is the fact that the amendment was supported by the parliamentary Public Accounts Committee in its report No. 42 of November 1997, which reviewed financial reporting requirements of councils.

I turn now to the actual role that will be played by the financial controller. That person will provide competent professional advice about financial management to councils. The controller will be able to revoke or suspend a resolution or order of council where that resolution or order will result in unlawful expenditure or the misuse of grant moneys, or where such expenditure would place the council at risk of insolvency. Most important of all, he or she will be able to ensure that the financial affairs of the council are properly managed. I also expect that the councils are likely to cooperate with the financial controller and gain valuable knowledge from the financial controller's expertise. In my experience of island councils, I have found that where administrative people have been employed by a council for some period, those councils have very few or no financial problems at all.

I am advised that the appointment of a financial controller will normally occur when both the State and the Commonwealth authorities agree that such action is necessary. Many members of this Chamber will have visited Aboriginal and Torres Strait island communities and we all acknowledge that much work needs to be done to improve conditions in those areas. This Government sees improved accountability as one of the measures that are necessary to assist in improving the living conditions of Aboriginal and Torres Strait island people in remote communities. Improved accountability will not change physical conditions, but it will help create an environment that enables change to occur. Napranum is a very good example of that. That community has had stable administration for some time and the conditions there are slowly but surely improving.

Improved accountability leads to greater confidence among funding authorities that the money that they provide to councils for

projects will be correctly spent and properly accounted for. In turn, this leads to the provision of more funds and better outcomes for the people concerned. Experience has shown that councils with a good accountability record are often better organised and more competent when it comes to administering funds provided by Government. As is the case with any human service endeavour, that rule is not absolute and some councils with good accountability records will need other forms of assistance to improve their general administration.

I am pleased to say that there has been a steady improvement in the standard of accountability amongst Aboriginal and Torres Strait island councils over recent years. This has been brought about by a strong financial accountability improvement program that is financially supported by the Government and jointly implemented by the Minister's department in partnership with the Aboriginal Coordinating Council, the Aboriginal and Torres Strait Islander Commission, the Island Coordinating Council and the Torres Strait Regional Authority. The improvement in the general levels of accountability is such that I would expect that the requirement to appoint financial controllers will be a rare event. In the few cases where intervention is necessary, the appointment of a financial controller will be more acceptable to both the council and the community than the ultimate step of proceeding to dissolve the council and appoint an administrator. As I said earlier, they will learn from the controller. It should be a learning experience.

The fact that we are introducing the capacity to appoint financial controllers does not mean that we are removing the power to appoint an administrator. There may indeed be a combination of circumstances, not all of them financial, that may lead to a requirement for the appointment of an administrator. These circumstances could be where a council has totally lost the confidence of the community and, concurrently, its financial administration is poor. Once again, this situation would not occur often and is obviously less likely when we are able to appoint a financial controller.

Nevertheless, the Government has improved the provisions relating to the appointment of administrators so that they may mirror the provisions in the Local Government Act. Those provisions now clearly set out the circumstances under which an administrator may be appointed and vastly improve the very vague provisions that are currently contained in the Community Services Acts.

I acknowledge that the provisions relating to the financial controller have been questioned by the Aboriginal Coordinating Council. The Aboriginal Coordinating Council takes the view that those provisions should be considered as part of a wider review of the Community Services Acts. Conversely, all the other stakeholders, including the Island Coordinating Council, believe that the changes relating to the appointment of financial controllers is an important tool in the process of achieving improved accountability and needs to be done sooner rather than latter. I think that most members of the House would agree with that.

I believe that the legislation is framed in such a way that it strikes a careful balance between the power of the Governor in Council and the rights of the Aboriginal and island councils to manage their own affairs. Some argue that the Governor in Council should have greater—unfettered—powers to appoint a financial controller, while others believe that the Governor in Council should have very few powers at all in this area. The Minister is to be congratulated on working out a very sensible compromise that meets the interests of all parties. I commend the amount of consultation that the Minister has undertaken. I know of the work that she has done with all parties involved. They have earned her confidence and she has earned theirs because of the way that she has dealt with this matter.

This is a very positive step in providing assistance to those few Aboriginal and island councils that require substantial support to achieve a satisfactory standard of financial management. Therefore, I commend the Community Services Legislation Amendment Bill 1999 to the House.

Mr NELSON (Tablelands—IND) (2.39 p.m.): It is pleasing to see that this Government is taking what I consider to be a very small step in the right direction. Accountability in the communities that we speak of is probably one of the biggest problems that is standing between what some people call reconciliation and what other people see as the agenda against reconciliation.

The other day the front page of the Australian contained a report stating that $50m in royalties has gone unaccounted for. I can cite many issues on the tablelands. For example, I was invited by the local Aboriginal community to sort out an issue that it had with ATSIC. In excess of $250,000 in public grants had gone missing under the previous administration.

Importantly, we should be addressing the sorts of people who get involved with these councils and communities. Some of these people are running their own agenda and are using public money for their own personal good. I am speaking about people such as Jason Yanner and Noel Pearson, who are two extreme examples of people who are not representing their people or community but their own agenda—and they are doing a frightful job of it. I wish I had a dollar for every Aboriginal who has come to my electorate office in Mareeba and told me that they do not agree with the things that Jason Yanner and Noel Pearson do and that they would like to be rid of those people. Some Aboriginals have told me that they would prefer the Government to step in and ensure that the funds are used in a responsible manner. They want to be treated just like every other Australian and have delivered to them by a responsible council elected by them the sorts of things that most people in the council areas around Brisbane take for granted. They feel that would be much better than having people such as Noel Pearson and Jason Yanner speaking for them. Recently, in a criminal act, Mr Pearson assaulted a woman on radio. I or any other honourable member would have been charged for doing that, yet he used his position to squirm out of it. He got away with it basically scot-free. I believe this Bill addresses these sorts of people. The Bill shows these people that the Queensland Government and the Federal Government will take action against rogue elements in the Aboriginal industry who run the agenda for their own purposes and do not intend to do any good for their people.

I applaud the Government for taking this stance to try to get some more accountability in this area. When it comes down to it, we are talking about public moneys. I and many other members have said all along that these public moneys are not getting to the people who need them the most. That point is best illustrated by the situation in Kakadu, which has been going on for many years.

During the Sorry Day debate I said that people are not looking for us to say sorry; they are looking for an improvement in living standards and a betterment of their way of life. Ultimately, they are not getting that, because the money does not go to the people who genuinely need it. Generally, when that money does get there it has been so watered down or soaked up through this person or that person taking out fees it ultimately never addresses the problem that it was meant to address in the first place. No Australian in my electorate would have a problem with money being made available for places such as Old Mapoon or Injinoo if it was going to permit the people who live in those areas to access the same sorts of facilities available in Mareeba, Atherton or even Brisbane. Nobody would disagree with that. I welcome this Bill, because it is a positive step in the right direction. However, we need to take many more steps in this direction before we are all once again Australians who have access to the same benefits, rights and equity. That should be the ultimate goal of this Bill.

Mr SEENEY (Callide—NPA) (2.43 p.m.): I am pleased to participate in the debate on the Community Services Legislation Amendment Bill. As the member for Keppel indicated, we will be supporting the broad thrust of this legislation. However, we have foreshadowed a couple of amendments, which I will be supporting. These amendments will improve the legislation. They seek to ensure that the stated intent of the legislation is better achieved.

I remember when in 1982 the Land Act Amendment Bill introduced provisions to enable the Aboriginal councils and island councils to hold the community reserve lands through a deed of grant in trust, which quickly became known as a DOGIT. This form of land title was introduced in the face of some fairly severe criticism at the time. However, with the passage of years, it has proven itself to be a suitable land title to allow the people of these communities effectively to own and control their own community lands. I well remember the criticism directed at the legislators and bureaucrats involved in the development of that land title. It went on to be used not only for Aboriginal reserve lands but also for many other areas across the State. It allowed Aboriginal and island councils as well as other community organisations to develop a degree of autonomy and a sense of ownership of and control over their land. It allowed Aboriginal councils to take control of financial matters which before 1982 were in the hands of the Department of Community Services.

Today these councils administer a large amount of public money. They have functions that are not traditionally undertaken by other local governments, including the administration of community police, housing construction, artefact production and other business enterprises. In addition, they have a responsibility for the business and workings of local government for the council area and all the normal powers that local governments exercise. However, they do face some unique problems, not the least of which is the remoteness of the communities and the

consequent limited banking and mailing facilities. Also, they have a limited resource pool within each community from which to draw council staff. There is also an absence of staff skilled in the production of accurate financial data and, in many cases, the ability to assess professional advice.

The difficulty for councils to apply accounting standards which are foreign to the Aboriginal and Islander culture and the inexperience of staff in running various council enterprises is also a problem. The nature of Aboriginal councils is somewhat different in many ways from that of other Queensland councils. Aboriginal councils are in the main people councils and they incorporate close family ties and a strong sense of community. Unlike other councils, they do not have a rates base. They do not collect rates from their communities as other shire councils and city councils do and they have no self-funding capability from that funds source. Therefore, the members of the community do not have the same personal financial investment in the council's activities as do ratepayers in other council communities.

However, these Aboriginal councils administer an extraordinary amount of public funds. The funding for the councils comes from both Commonwealth and State agencies, although the majority is Federal funding. The total receipts for all of the councils for the 1996-97 financial year was just over $157m. That is a lot of money in anybody's language. During the 1996-97 year, councils effectively received $42.6m in State Government grants and $70.4m from the Commonwealth. The report of the Auditor-General on audits of Aboriginal councils performed for the 1996-97 financial year stated that the councils are responsible for the management of assets which at 30 June 1997 were reported at $413.2m, with liabilities totalling just $8.8m. Consecutive reports of the Auditor-General have pointed to significant shortcomings in the financial administration of many of these councils and in the related expertise within councils and council staff. The Auditor-General has noted that there is a propensity for some councils to use grant and other tied money for purposes other than those for which it was originally intended. The Auditor-General has at times also raised concerns about the practice of some councils paying debts for community members by providing interest free loans from council funds.

Other issues raised by the Auditor-General over the past decade have included the fact that there have been inadequate or non-existent accounting records to ensure that the expenditure was incurred only for purposes related to the lawful functions of the council, poor procedures for the raising, collection and bringing to account of revenues, and inadequate supervision and control of trading activities and the associated stock and moneys. The Auditor-General also noted that most of the councils have very limited means of generating extra funds for operational purposes. However, it was noted that, although a few councils were experiencing difficulty in coming to terms with the minimum standards needed to satisfy accountability requirements, other councils were reported to have made significant gains and continue to perform well, displaying high levels of accountability and stewardship.

Quite apart from the Auditor-General's report, in the community across central and north western Queensland in particular and in the general community overall there is much anecdotal evidence that these funds—this public money—has not always been expended wisely. The community at large has every right to expect that the public funds granted to these councils are subject to the same degree of accountability and probity as funds expended in other areas. Regrettably, that has not always been the case.

The major focus of this Bill is to facilitate improvements in the financial accountability of Aboriginal councils and island councils. The Bill also proposes to simplify the establishment of those councils. In that respect, it will have, I am sure, almost total support across the Queensland community generally. This Bill proposes to clarify that the Minister is able to make accounting standards in the form of subordinate legislation. I do not think that anyone should have any argument that that is not a right and proper thing. Good accounting standards should prescribe to standards of financial management of councils and the content of financial statements prepared by the councils. The relevant council will be obliged to comply with any accounting standards made by the Minister.

In common with all other councils across Queensland, each Aboriginal and island council will be required to frame and adopt a budget on or before 31 August in the relevant financial year. Councils are currently only able to make a disbursement that is not provided for in the annual budget if the circumstances are emergent or extraordinary. This Bill proposes a new section that allows councils to be able to amend their budget throughout the budget year. That is similar to an existing provision in the Local Government Act 1993, which provides that a local government may

amend its budget for a financial year at any time before the year ends. That provision has been successfully implemented by mainstream local governments across the State. Once again, it seems only right and proper that that should be applied to the Aboriginal and island councils.

This legislation proposes that the Governor in Council have power to appoint a financial controller for an Aboriginal or island council. The functions of a financial controller would include ensuring that the council adheres to its budget and giving advice about financial management to the council. This legislation proposes that a financial controller could be appointed for an Aboriginal or island council if the Minister were satisfied that the council—

> had made a disbursement from the fund that is not provided for in the council's budget;
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> had made a disbursement from grant moneys for a purpose other than the purpose for which the grant has been given—that has been cause for much concern in the community when that type of thing has happened; or
>
> was at the risk of insolvency.

So financial controllers would have the power to revoke or suspend the operation of the resolution of the council if the financial controller reasonably believed that the council resolution or order would either result in the unlawful expenditure by the Aboriginal council or result in expenditure from grant moneys for a purpose other than the purpose for which the grant was given or cause the council to become insolvent. Obviously, there are—and quite rightly so—some due processes to be followed before the Governor in Council can appoint a financial controller. It is required to give written notice of the exercise of power to the relevant council and the reasons for the exercising of the power.

I believe that this concept of a financial controller is a very good one and it would go a long way towards satisfying the general community's need to ensure that the funds that are administered by these Aboriginal and island councils are administered in a thoroughly accountable way. Obviously the Minister has the power, as she does with all local governments across the State, to dismiss the council and appoint an administrator. This option is a particularly brutal one from a local government's point of view and it represents a point of no return for the council involved whether that council be an Aboriginal council or any other shire or city council. Consequently, Local Government Ministers of all political persuasions have over time been reluctant to use this power to dismiss councils and appoint an administrator. It can only be considered realistically when the financial situation of the council has degenerated past the point of absolutely no return.

The position of a financial controller as proposed in this legislation I believe is something of a halfway house, if you like. It is particularly relevant in the case of Aboriginal and island councils where, realistically, in many cases the option does not exist to dismiss the council even though the Minister has that option under the Act. Realistically, it is not an option out there in those Aboriginal and island communities, which these councils administer, for the Minister to dismiss the council. It certainly would not be in the interests of the community to have their council dismissed. The appointment of a financial controller would be a very effective halfway measure.

I do have some concerns, however, about the conditions that need to be fulfilled for a financial controller to be appointed by the Minister, and they will be the subject of the amendments that are being proposed by the Opposition. Basically, we will be suggesting that, along with the sections that are already listed in the legislation, our amendments will add another two sections which address the need to ensure that sound financial management strategies for funds under the control of the council have been implemented.

The proposed legislation gives the Minister the power to appoint a financial controller if the council is at the risk of insolvency. We will be contending that that section of the legislation should be extended to include a situation where the council is embarking on a course of expenditure which threatens the financial viability of the community or a course of expenditure that has failed to implement sound financial management strategies.

It could, I suppose, be argued that the section that is in the Bill at the moment which talks about the council being at the risk of insolvency covers those eventualities. However, by adding two amendments which address them specifically, I believe that the Minister—whomever that may be at the time—will more effectively be able to ensure that not only will public moneys be better controlled, but the future of these Aboriginal and island communities will be better guaranteed. These amendments will mean that there can be no doubt that a responsible Minister can intervene to protect the future of

the community involved and to protect the interests of the general community who, in the end, provide the funds being administered.

The responsible Minister needs to be able to intervene early enough to ensure that both parties are protected. Given the wording of the legislation as proposed, it could easily be argued that the Minister has to wait until the community is at risk of insolvency. Our contention is that that is far too late. That clause needs to be clarified and strengthened to ensure that there is no doubt that the option exists for early intervention by the Minister in that small number of cases where an action is being taken or being proposed that would cause a significant deterioration in the council's financial viability.

It is important to note that there would be only a small proportion of councils that have a history that would warrant any intervention by any Minister. The majority of councils have had satisfactory results from the auditing process conducted by the Auditor-General. In his report of 1998 the Auditor-General noted that a number of councils had experienced liquidity difficulties during the year and five councils were technically insolvent at 30 June 1997. That is a relatively small number of councils and it illustrates that, for the most part, the various grant funds are being well managed.

However, in those isolated cases where that is not happening, there needs to be a clear authority for the Minister to act to ensure the interests of all parties are protected. This legislation quite obviously sets out to do just that, and I support the intent, as would any fair thinking person who understands the situation in this particular instance. It is only a question of how that intent is achieved. In that respect, I believe the legislation can be improved and we will be seeking to bring about that improvement with the amendments we have foreshadowed we will be moving in the Committee stage. I will certainly be joining with the Opposition in supporting the legislation. I commend the Minister for the Bill's introduction.

Mr MULHERIN (Mackay—ALP) (2.57 p.m.): I am pleased to support the Community Services Legislation Amendment Bill 1999. The Bill when proclaimed will enable the State of Queensland to finally make amends for one of the more unfortunate incidents in our State's history. I refer to the forced removal and relocation of the people of the Mapoon community in 1963.

In a shameful action, homes were burnt down and the people sent to Weipa and New Mapoon. The people themselves believed that the Government wanted to move them to clear the way for an expansion of mining activity. It is hard to imagine that less than 40 years ago the police, under instruction from Government, could be used to round up people and summarily relocate them to another part of the State. While their homes were destroyed, the spirit of the people was not broken. The link between the people and their land proved too strong and, from 1970, Mapoon people gradually returned to their land.

In 1989 the Government, in recognition of the Mapoon people's undeniable right to land, issued a deed of grant in trust over the Mapoon land to trustees representing the Mapoon people. While recognising the importance of the deed of grant in trust, the Mapoon people were acutely aware that their deed did not result in the creation of a council which would govern the community of their own people. Despite the difficulties, the people of Mapoon have been steadily reconstructing a thriving community. Houses have been built, a school established and a health service put in place, and the population is around 200 people. While earlier requests to create a council were rejected, recurrent funding was, however, provided to the Mapoon community Aboriginal corporation to provide local government services to the growing community.

The Mapoon people were resolute in their pursuit of council status. In 1998 after a visit to Mapoon, the then Minister for Families, Youth and Community Care announced his intention to establish an Aboriginal council for the Mapoon community. After the change of Government, that decision was quickly endorsed by the Honourable Minister for Aboriginal and Torres Strait Islander Policy.

This Bill will enable the Governor in Council to establish an Aboriginal council for Mapoon by regulation. Under clauses 7 and 22, which deal with proposed new section 14, the legislation provides a capacity for the Government to pass a regulation declaring part of the State to be a council area. It is that provision that will be used to create the council area for Mapoon. The process that has led to agreement over the creation of a new council for Mapoon is one that needs to be followed in any similar case that might arise in the future.

Mapoon is currently in the Cook Shire and that council supports Mapoon having its own council. In cooperation with the Aboriginal Coordinating Council, the Local Government Association has urged the Government to enable Mapoon to become a council in its own right. This is an example of commonsense and

goodwill being exercised by all parties. The amendments also ensure that councils may exercise jurisdiction over land in their area regardless of the tenure of the land. In the case of Aboriginal and Torres Strait island councils, normal local government powers may be exercised where native title or indeed other forms of tenure may exist. This is similar to the mainstream local government, where a council's powers are not tied to the ownership of the land. Currently all councils are trustees of the deed of grant in trust land upon which councils operate.

The Mapoon community will still have some work to complete before they can become a council, such as deciding on the composition of the council, determining what will be done with the assets of the Marpuna Aboriginal Corporation and working out myriad small operational issues. Departmental officers will assist the community in that process, with the aim of having a council created in time for the March 2000 local government elections.

For the Mapoon people, the establishment of an Aboriginal council will represent the achievement of a cherished goal. For Queenslanders—both indigenous and non-indigenous—it will be an important step along the path to reconciliation. I congratulate the Minister and her staff for bringing this Bill to fruition. I know that the people of Mapoon will be over the moon once the council has received Executive Council approval.

As a member of the Public Accounts Committee I will comment on the sections pertaining to accountability requirements. Those reforms have been long overdue. We appreciate the work that the Minister and her staff have done.

Mr REEVES (Mansfield—ALP) (3.02 p.m.): I rise to support the Community Services Legislation Amendment Bill 1999. The Community Services Acts commenced operation in 1984 and ushered in a new regime for Aboriginal and Torres Strait island councils throughout Queensland. I expect that these significant amendments will be the last changes to the Acts before the completion of a review process that is currently being led by the Aboriginal Coordinating Council in conjunction with the Department of Aboriginal and Torres Strait Islander Policy and Development.

I congratulate the Minister on her proposal to introduce a new provision in the legislation that enables the Governor in Council to appoint a financial controller for Aboriginal and Torres Strait island councils. Most members would appreciate that the dismissal of a council, which would cause social disruption in a community, is not a step that can be taken lightly. The consequences of such a decision are that both the community and the council members lose self-esteem and confidence, and there is a general detrimental impact on the community and its residents.

The new legislative arrangements will allow the Governor in Council to appoint a financial controller in certain defined circumstances. The beauty of that arrangement is that the council itself will be able to remain in place while the decisions about its financial affairs are being made by a person with the necessary expertise and qualifications to make informed judgments about financial matters. Most of us would be aware that there are many councillors, both in Aboriginal and Torres Strait island councils and in mainstream local government councils, who do not have a total understanding of the financial affairs of council. That is not surprising given the complex array of financial issues that are facing councils on a daily basis. In the case of Aboriginal and Torres Strait island councils, this problem is often exacerbated by isolation and the fact that many of the mature councillors did not have access to the educational opportunities that are available to young people today—opportunities such as training in the use of computers, which assist in modern financial account keeping.

It is also true that in some exceptional circumstances councillors who are making decisions about financial matters do so to the detriment of the community and are not easily dissuaded from taking inappropriate financial decisions. At times, they are the recipients of poor advice. In such cases, it is the people of the community who suffer. This amendment will allow the Government to act in a way that protects the interests of these residents without having to dismiss the council. In many cases, councils recognise the need for expert financial advice and seek that advice from a competent source without the need for State Government intervention. In extreme cases, however, it may be necessary for the Government to act through the appointment of a financial controller who can ensure that the decisions of councillors do not cause the council to become insolvent. Such occasions should be rare.

The legislation will also give the Minister the power to introduce appropriate accounting standards. These standards will have the force of law and thus must be met by both Aboriginal and Torres Strait island councils. Passage of the amendment will give the

Minister the necessary authority to deal with one of the issues identified in the recent Auditor-General's report. That issue was the making of loans by councils. The Government does understand that there are specific reasons why councils have been making loans or grants for welfare-related purposes. Nevertheless, I am advised by the Minister that she wants to discuss the development of a well-regulated framework for the making of such grants or loans with Aboriginal and Torres Strait island councils. It would seem appropriate for the accounting standards to more clearly define the circumstances under which such loans might be made and the process under which such loans would be repaid. We would expect those circumstances to be quite specific and limited to welfare-related matters. That process would be a prelude to the Minister's ultimate desire of having a situation in which it is no longer necessary for councils to make such loans at all. In many cases those types of grants or loans are made from the council's own revenue, which often comes from liquor outlets or other enterprises. In the case of one community, individuals contribute a weekly sum from their pay to form a community fund from which loans are made.

One option that the Minister will ask the Aboriginal Coordinating Council to consider in its process of reviewing the Act is that another community-based organisation more clearly aligned to the provision of welfare be given the capacity to make decisions about assistance for emergency welfare purposes. As members would be aware, mainstream councils do not generally make loans or grants for welfare-related purposes, but there are other community-based organisations that can assist people who are facing genuine emergencies.

I am pleased that the Minister has supported the Aboriginal Coordinating Council in its request to review the Community Services (Aborigines) Act 1984. It is now 15 years since that Act commenced and it is timely that it be subjected to a thorough review. The consequences of that review may well be that there will be totally new legislation governing the operations of Aboriginal and Torres Strait island councils. The review process will not involve going right back to day one as though nothing has occurred in the past 15 years. The process would involve consideration of previous work, including that undertaken by the Legislation Review Committee in 1991, the reports of the parliamentary Public Accounts Committee—which the member for Mackay just mentioned—and the many other reports relating to the communities. I would hope that the review processes see those recommendations of the review committee that have not yet been implemented being thoroughly considered and evaluated in the context of the circumstances that apply in 1999.

We now have 20 councils and eight of their nine controlled entities achieving unqualified audit reports. That is a far cry from only seven councils achieving unqualified status in 1995. Of course, unqualified audits are only part of the story. This Government is on about better administration, social justice and a fair deal for all. It is my belief that amendments currently before the House will significantly assist the Aboriginal and Torres Strait island councils in the administration of their communities. I commend the Bill to the House.

Mr LINGARD (Beaudesert—NPA) (3.09 p.m.): I am delighted to be able to rise in support of this legislation, which aims to improve the financial and other arrangements for Aboriginal and island councils. I had the delightful opportunity to live in these communities back in the 1970s when those councils—there were 31 at that time—were run by the Queensland Department of Community Services.

We must all recognise the changes that have occurred since the 1970s. At that time, each Aboriginal and Torres Strait island community elected a council. It was the role of the councils to maintain good law and order, and it was certainly the role of the on-site manager to look after the financial affairs. That is a very important point, because the councils themselves did not have to look after the financial affairs. The on-site managers had to carry out that role.

In 1982 we introduced the Land Act and the legislation for DOGIT, which I believe was one of the best intentioned pieces of legislation we have ever had. However, it obviously led indirectly to the Mabo case in relation to Murray Island and the criticisms about lack of ownership. At least with DOGIT we handed over all of that land to the councils. Those councils had the responsibility of making available the use of particular land to whomever in the community they wanted, but they could never sell it.

There was that unbelievable night in 1984 when the House started debating the first of the pieces of legislation relating to Aboriginal councils at 9 o'clock one night and finished at half past 8 the next morning. The second Bill went through in 20 minutes because the

debate was gagged by the Government. We finished that particular sitting day at 10 to 9 in the morning. I well remember the Honourable Ron McLean bringing out the union rules and saying that at least he deserved breakfast. He led a walk-out. I also remember the Honourable Russ Hinze saying that he was required for track work. He reckoned that we had sat long enough.

Those pieces of legislation were very important. They provided for Aboriginal and island councils to be responsible for the supply of town and social services and for the provision of law and order on these Aboriginal and Islander reserve lands. This represented an increase in the financial and other responsibilities of the councils.

When people start to criticise Aboriginal and island councils for their lack of control of financial affairs, many do not realise the amount of control those councils have. They are far larger and have a much greater role in such affairs than do our own city councils. As the member for Callide outlined, functions that are not traditionally undertaken by local governments include community policing, housing construction and enterprises such as beer canteens. They are massive financial concerns. Each of these Aboriginal and island councils is responsible for not only running virtually a city council in relation to their financial affairs but also running those other programs.

On top of that, those councils have very limited facilities. I acknowledge the presence in the Chamber of officers of the Department of Families who have travelled through the Torres Strait islands with me, trying to improve their facilities. When we consider the amount of money from the State Government and also the Federal Government that those on Darnley Island had to administer, it is hard to believe that they were sitting in a shed with an iron roof that was completely rusted away so that water was coming down on to whatever computer equipment they had. Those people suffered from an amazing lack of facilities. Yet we expected them to administer those financial concerns and deal with all of the personal problems that the member for Callide outlined.

They are people councils. When a person becomes chairman of one of these councils he has a responsibility to his council, but we do not realise the responsibility that he also has to his family. There is a family tradition to look after elders. These people look after their extended families. If an elder asks for a loan, which they are allowed to give, it is very hard for these people to say no. They have respected their elders for a long time.

I refer to fellows such as George Mye at Darnley Island, old Mr Lui, who died,recently and old Mr Nona. When they put demands on councils in those areas, they were very significant demands and very hard for the council to say no to. Unfortunately, simply because of those demands, many councils got themselves into difficulties. We also have to realise that these people live a very close relationship with the many factions on those islands. There are many factions, all making demands. There are demands from families which we in our European community do not understand.

I remember being a school principal on one of these communities and receiving massive amounts of money on the first day of school from all my kids. At 3 o'clock I wondered what I would do with this massive amount of money. If I were in the city, I would immediately go down to the bank or send my secretary to the bank, but there was no bank. There were no facilities for banking. They did not understand that. That was at Bamaga, which is probably one of the more advanced communities. What happens in that sort of situation? People put the money in their pockets or in a port. Two weeks later a banking person might come and the person with the money then has to try to vindicate himself in relation to where all of the money has come from.

There is a limited pool of experienced people in all of these communities. There is no career path for experienced people. If a community does find a person who is trained in accountancy or clerical work and that person does want to come back to the island, that person may stay for only two or three years. There is no career path for that person. If that person then goes on to a better job, there is absolutely no-one on the island to fill the gap. Whilst they might take a few months to train a person, it is in those few months that they get themselves into difficulties and develop massive problems. There is a complete absence of trained staff.

I have talked about the facilities. We were very fortunate to be able to build the magnificent administration centre on Yam Island. I hope that the one on Darnley Island is now completed and has been opened. I hope the one at Badu Island has been finished also. Unfortunately, they are the more significant islands. Islands such as Boigu, Saibai and Dauan are the ones that still have to overcome their financial difficulties and still have to run

these massive financial concerns utilising very limited facilities. Yet we expect it and we criticise them when they do not come up with records that are spot on.

The main focus of this legislation is to facilitate improvements in the financial accountability of Aboriginal and island councils. When I became Minister I differed from the ALP in my attitude to what we called self-determination. I honestly believe that, while we said to these councils, "You have to have financial accountability and you are responsible for it", it was not correct of us to stand back and say, "We believe in self-determination. We will stand right back and let you do it. We will have no involvement whatsoever." Some people who talk about self-determination say that that is what has to happen. As far as I was concerned, these people did not see it as us imposing if we said to them, "I will send in a financial controller to assist you"—the most important word there is assist—"and when you do get yourself into trouble we will try to get you out of trouble before you get in too deep."

The departmental officers would well remember that at 11 o'clock one night on Horn Island I saw a little boat come in. It was the council of one of the islands which had got itself into deep trouble. They came to tell me that they believed they were in trouble. I said, "How much are you in trouble?", and they said that they could not account for something like $190,000. They said, "We have got the records in our boat"—a little 12-foot boat. We had a talk about it and early that morning they went back to their island, with all the financial records of that island in their boat.

That island is as responsible for its affairs as is the Brisbane City Council. As I have tried to explain here, it is responsible for not only financial accountability but also for many, many other things. Fancy running a beer canteen and trying to be responsible for the money that goes through it! Fancy trying to run the police service on the island and being responsible for all of those things! At that particular time we said that we would appoint 12 financial people whom we would allow to go onto the islands and do the work.

Similarly, in relation to the financial controller, I was always concerned that, at a Federal level at Thursday Island, there was a financial controller and that the islands themselves had to be responsible to that financial controller. Many people in politics said, "That is not self-determination." Similarly, we would be able to criticise this Bill for not being self-determining for not appointing a financial controller. However, I still believe that it is more responsible for us, as a community and as controllers of money—which is, after all, taxpayers' money—to appoint a financial controller who can sit on Thursday Island with his computers and control what is spent on the islands—control to the extent that they cannot spend it out of columns. And if $100,000 is allocated to roads on Yam Island, they cannot spend $100,000 on roads and another $100,000 on, say, funeral services or housing; it has to be spent within the columns. And once they have finished that column, they cannot go into another column. Many of them got themselves into trouble because when they saw a gross amount in their accounts, there was no difficulty with taking out $50,000 to build a basketball court. But when it was discovered that that $50,000 came out of a housing account, they just put their hands up in the air.

So I see no difficulty in appointing a financial controller who can say, "No, you cannot spend that money out of that account, because there is no money left there." If $100,000 is left in that account and they want to spend it on roads, that is okay, but they cannot spend $120,000. That has always been the difficulty.

I am delighted to see what has been done with Mapoon. In the 1970s, we set up Old Mapoon—or Mapoon—at Bamaga. Bamaga was made up of five settlements, and Mapoon was one of those. Those people came from Weipa and the old settlement of Mapoon—Old Mapoon.

I disagree with the member for Mackay, because I believe, quite honestly, that we are going to be very, very careful when looking at Aboriginal communities in which a certain group of Aboriginal people go off and set up a settlement—and let us say it is a settlement outside Wujal Wujal, where there are some delightful beach settings—they set up a settlement of maybe 10 families and expect the Government to provide schools, shops and all sorts of infrastructure. Unfortunately, that is what has happened at Mapoon.

The problem in the old days was that those people who went in and had a look at the conditions at Mapoon were shocked by what they saw. And whilst they heard people say that they saw their homes burning—yes, they probably did; but they were probably straw huts. And I do not believe that all of that unbelievable infrastructure is fair to the kids who live in those communities. I am not going to fight the elders. If they want to camp beside the magnificent river where Mapoon is, that is

okay. But I am concerned when they take kids down there and do not provide any infrastructure or education and then whinge and grumble because authorities come in and say, "You cannot live like this." We do not allow people to live like that. So somewhere along the line we are going to have to say, "Regardless of what you, as an adult, want to do, we are responsible for these children."

I support what has happened to Mapoon, because many of the Old Mapoon people and the Cowal Creek people have set up a community of a couple of hundred people, and now the Government has provided educational facilities and hospital facilities. And now that those facilities and the infrastructure are in place, there is no doubt in my mind that that community will continue to survive. But we must be very careful about how many of those types of communities are set up, and how the Aboriginal people take five or six families down there and then say, "The Government must provide for us." So I support what has happened in Old Mapoon. I believe that is excellent.

Comments were made about Tamwoy town. John Abednego is an excellent person. He has done a fantastic job since he has been in charge of Tamwoy. Those people who have lived on Thursday Island would know that Tamwoy was the old name of the northern area. Now it has become TRAWQ, which represents the names of Tamwoy, Rosehill, Aplin, Waiben and Quarantine.

I will give the member for Nerang his due. When he was Minister for Public Works, he allocated a massive amount of money for infrastructure on Thursday Island. Anyone who stands now on Horn Island and looks at Thursday Island sees a brand-new hospital on the left-hand side—on the western side as one looks at it. It has brand-new child-care facilities, brand-new courthouse facilities and other brand-new facilities right along the beach. Massive improvements have been made on the southern side of Thursday Island.

On the northern side of the island, the town of Aplin was removed, and people were put in demountable homes in Quarantine until Aplin was refurbished. All of those five suburbs are being completely renovated and completely refurbished. I know that John Abednego is very thankful for what we did, but it was not before time. I also believe that he now has a fantastic new hall on the northern side of the island.

One other thing I congratulate John Abednego on is his CDP program. Of all the CDP programs that I saw as I travelled around the communities, the one at Tamwoy town was the most excellent as far as economic viability is concerned. John set up a lawnmowing service, and they were going around the community and people were paying for the services that they provided. So of all the CDP programs that I saw, I believe that Tamwoy town's—or John Abednego's—was the best of the lot.

I am concerned about educational standards on the islands. I have been contacted by Getano Lui about Yam Island. He says that a report on the education of the Torres Strait island people shows that their literacy standards are very low. That is a concern. I believe it is something that we must consider. The difficulty with all of those community schools is that they have very little peer group pressure.

One of the excellent things about our own education system, especially the private school system, is that kids are mixing with other kids who have high achievement attitudes. Kids tend to follow their peer groups; and when they see other kids achieving highly, they want to achieve highly. The difficulty in the Torres Strait islands is that there is very little peer group pressure. Whilst the education might be excellent and the teachers might be excellent, I am afraid that some of their standards are not high. Within the education system, we have to look at the education programs on those islands.

The other programs I wish to emphasise are those out-station concepts in the islands. I am sick and tired of seeing young kids from Aurukun who see other kids come down to the prison system in south-east Queensland; and when those kids go back with new clothes, having been fed well, they are regarded as gods by those kids who have remained in areas such as Aurukun. So those kids who have not gone anywhere regard it as an achievement to misbehave and come down to these prison systems. Somehow or other we have to formulate youth programs whereby we develop out-stations up there in which those kids are disciplined by their own elders. That is why I am disappointed to see the "Old Man" Guest area outside Cairns being disbanded. I know that there was criticism about it. In any institution like that, there will always be criticism. However, he was doing an excellent job for the kids of Cape York.

If that program is being disbanded, then the Government has to be responsible for putting in place another program whereby those young kids can be disciplined by the elders, taught by the elders, ridiculed by the

elders and mocked by the elders so that they are shamed into behaving themselves. We do not want to bring every child who misbehaves in those communities down to a discipline centre here in Brisbane, have them here for a year and then send them back like gods, because all the other kids will want to get out, as well. I believe that is doomed for failure. If the Government continues to cancel programs like Piabun near Kingaroy and Geoff Guest at Cairns, there will be no good programs for those young people who have obviously gone astray.

Dr PRENZLER (Lockyer—ONP) (3.30 p.m.): I rise to speak on the Community Services Legislation Amendment Bill. Before I begin, I would like to say that I am somewhat hesitant about giving my full support to the Bill. Even though I agree with the majority of the proposed amendments, there is an area of considerable concern which I will shortly address.

The major focus of the Bill is to facilitate improvements in the financial accountability of Aboriginal and Torres Strait island councils. I commend the Minister for this approach. I must say that this is very commendable and long overdue. For decades, Aboriginal and island councils have been the subject of limited financial accountability, often using grant money and other moneys for purposes other than those originally intended. A common example in some communities is the provision of interest-free loans—using council funds—to pay the debts of community members.

The Auditor-General raised those concerns via audit reports, highlighting the fact that, in the past decade, Aboriginal and island councils have had inadequate or non-existent accounting records. There has been nothing in place to ensure that expenditure was incurred only for purposes related to the lawful functions of the council.

It makes me wonder why this lack of accountability and obvious misappropriation of public funds was allowed to continue for so many years before something was done about it. We are talking decades here, not just one or two years! It seems to be another case of turning a blind eye when it comes to the special treatment that is often given to indigenous Australians.

But this is not the issue of my concern. What concerns me, and One Nation in general, is the amendment that will provide power in the Act to establish new Aboriginal and island councils. It is claimed that this very open amendment is necessary as it is intended in the future to establish an Aboriginal council for the Old Mapoon community.

From my understanding, Aboriginal and island councils cannot be established in an area already governed by a local government authority. In the case of the Old Mapoon community, the Cook Shire Council currently governs the area and it will need to change its boundaries to exclude the area for which the Aboriginal council will be established. I ask the Minister: because this amendment is so broad, what assurances can she give that regulations will not be introduced to establish Aboriginal and island councils in areas other than the Old Mapoon community?

What assurances can the Minister give that the redefining of Aboriginal and island council areas will not extend into existing local government authority boundaries to the detriment of non-indigenous residents in those areas? It may well be beneficial for the Cook Shire to cede an area to form the Old Mapoon council, but we need to see a mechanism put in place which prevents the formation of native council areas against the wishes of existing shire councils and against the best interests of the community.

According to the Queensland Parliamentary Library research note No. 4/99, Aboriginal and island councils discharge the same functions as mainstream local government authorities. However, they are differentiated for the following reasons: the nature of Aboriginal and island councils as "people" councils, incorporating close family ties and a strong sense of community; the diverse range in community populations; the remoteness of the communities and the limited banking and mailing facilities that they have; the limited resource pool within each community from which to draw council staff, including the absence of staff skilled in the production of accurate financial data and the inability to access professional advice and assistance when facing accounting problems; the difficulty for councils to apply accounting standards which are foreign to the Aboriginal and island culture; and the inexperience of staff to run various council enterprises.

Referring to those reasons—in particular the last three points—how can the existence of these councils be justified? Perhaps the real question is: why cannot the functions of mainstream local government authorities be expanded to accommodate the needs of indigenous Australians. Why do separate councils have to be established to service the needs of only 2.2% of the population?

It is no secret that One Nation opposes the segregation of services for Aborigines and non-Aborigines. To be quite frank, the more one researches the issue, the more one learns about the abuse of taxpayers' money being poured into Aboriginal-specific programs. These are not programs that can be accessed by all Australians; they are programs that can only be accessed by 2.2% of the population.

Millions of dollars of public funds are being spent on these programs each year. According to the information I received from the Parliamentary Library, over $1.2 billion of State and Federal funding is allocated to Aboriginal-specific programs per year. That is a huge amount of money that is being spent on services that probably already exist for the Australian community as a whole—Aboriginal and non-Aboriginal. It is a huge amount of money that could be allocated to other areas of need, such as better education and better health facilities for all these areas.

Let us not forget the fact that Aborigines and Torres Strait Islanders can access all mainstream services. They are not excluded from accessing the service in the way that non-Aboriginals are excluded from accessing Aboriginal services. This promotes divisiveness and is a major disincentive to the noble aim of a nation united.

I can accept the theory as to why Aboriginal and island councils came into existence in the first place—to service the needs of indigenous Australians residing in that area. However, it is an irrefutable fact that local government authorities established all over Australia are there for the same reasons. We already have an establishment with aims and objectives to service the needs of people residing in each council area.

We already have skilled and qualified people employed who are familiar with council operations and accounting practices and standards. Why does a separate entity have to be established to service the needs of only indigenous Australians? Why cannot local government authorities be structured to service the needs of Aborigines and Torres Strait Islanders? Why does a separate and exclusive system of services have to be established for indigenous Australians when services are already in place for everyone?

According to the Australian Bureau of Statistics, population estimates identified 23% of Australia's population as being overseas born, with the majority of immigrants coming from New Zealand, the United Kingdom, China, Hong Kong, South Africa, Vietnam, the Philippines, India, Taiwan and Bosnia. As 23% of our population is overseas born—with the majority coming from Asian countries—is the next step going to be the establishment of Asian councils or Asian services to look after the specific needs of our immigrant population?

How can this Government say that it is community-minded when all it is intent on doing is segregating the community? We constantly hear of reconciliation, but how can one reconcile when one segregates at the same time? It does not make sense, and it does not make sense to the majority of Queenslanders. In fact, it angers them to see their taxes being spent on the establishment of services which they cannot access because of race—especially when areas such as public health and education are in desperate need of funds.

I urge all members of the House to reconsider the implications of the legislation, which is based on race. We are here to service the needs of all Australians. It is about time that all segregation stopped. I will be supporting the Bill because it focuses on a necessary improvement, namely the facilitation of improvements in the area of financial accountability. That will certainly improve the situation. I thank the Minister for raising the issue.

Mr HOBBS (Warrego—NPA) (3.38 p.m.): It is a pleasure to speak to the Community Service Legislation Amendment Bill. The policy objectives of the Bill are aimed at detailing powers of intervention by the State in the affairs of Aboriginal and Torres Strait island councils. The Bill describes how such powers are to be exercised.

This amendment is reflected in the Local Government Act 1993. Other councils throughout the State operate under this Act. I believe that we are heading in the right direction in relation to applying one set of general principles by which all councils should be able to operate. I understand the difficulties that face many of the Aboriginal and Torres Strait island councils. We have to work our way through the process.

Even though we might like to see the process succeed quickly, in many instances that cannot be done and we must do the best we can. We have to work with the various communities in order to achieve that goal.

Another policy objective is to assist Aboriginal and island councils which are in financial difficulty. The legislation allows for the appointment of financial controllers. The legislation will limit the areas of council

expenditure and forestall insolvency and the dissolution of councils.

We have all seen the unsatisfactory unqualified audit reports that have been presented in the past. It is good to see that the situation is improving. However, more work is required in that area. This legislation should put in place some better principles which will allow that to happen. We must have improved accountability across the board. I believe this is occurring in a lot of Aboriginal and island councils.

The legislation allows the revocation or suspension of a council, but only in limited circumstances. For instance, the Governor in Council may by regulation appoint a financial controller for an Aboriginal council if the Minister is satisfied that the council has made a disbursement from a fund that is not provided for in the council's budget or that it has made a disbursement from grant moneys for a purpose other than the purpose for which the grant money was given. This legislation will make the system better. It will allow the appointment of a financial controller to assist these people in relation to the financial management of their council, which is a large responsibility.

I thought that the contribution made by the member for Beaudesert in this debate a little while ago was excellent. Because of his knowledge of the Aboriginal communities as a long-time former Minister for Family Services, his good standing in those communities and the fact that he was a teacher at Bamaga, I was very interested to hear what he had to say. The member has a great affection and understanding for a lot of people in that area.

In relation to the dissolution of a council if that, unfortunately, did occur, the legislation states that the Governor in Council may by regulation dissolve an Aboriginal council if the Minister is satisfied that the council has acted unlawfully or corruptly or has acted in a way which puts at risk its capacity to exercise properly its jurisdiction of local government, or is incompetent, or cannot properly exercise this jurisdiction of local government. That is fairly self-explanatory. Really, in terms of any council, those provisions should apply. In fact, at various times for various reasons many mainland councils across the State have been faced with those same provisions. Those councils may not have faced the same difficulties as an Aboriginal or island council, but the Minister should have the option to be able to dissolve a council. Sometimes for various reasons problems arise and communities can implode. There needs to be someone with the authority to be able to come in and try to assist the community resolve the difficult issues that they may face.

The legislation also allows the Minister to make accounting standards to prescribe the principles of financial management and accountability to be observed by Aboriginal and island councils. I think that is quite a relevant point in that, in the past, the accounting standards of some of those councils have not always been exactly up to scratch. Certainly, in that regard this legislation will make a difference. I believe that the standards contained in this legislation will define quite clearly what is required by those councils and the guidelines within which they have to work. It also sends the message to the general public that these are the rules and that all councils have to abide by them.

Another objective of the legislation is to provide a simpler system of financial management for Aboriginal and island councils by allowing councils to amend budgets. That occurs in other councils. There is no reason why that cannot happen in relation to these councils. It is just that the checks and balances have to be in place to make sure that the financial management is carried out properly. I certainly recognise the big job that many of those Aboriginal councils have to carry out. As the member for Beaudesert said, those councils face a lot of other social issues that other councils do not have to face. The lifestyles and the culture of the people who live in those communities are different. Many people do not perhaps understand that until they have become involved with the communities, they have visited the communities and have talked to the people about the various issues that they face. In that way, people get to understand that the people in those communities do things a little differently. They can still achieve their objectives, it is just that they approach them differently. We must understand that and respect their different ways of approaching issues.

Another difficulty facing the councils in those remote areas is getting qualified staff, such as chief executive officers and other positions. In many instances, those councils are located in isolated places and sometimes it is really difficult to get people to work there. That is disappointing, but that is just the way it is. Even areas such as Charleville, Longreach and other areas in central Queensland find it difficult to attract specialist people. However, we have to make sure that we do the best we can to attract those people. Generally

speaking, a lot of specialist people who go to work in those areas are very dedicated. That is certainly a big plus for the councils. So although sometimes we might not get the most qualified person for a remote council, we will get someone who is there because they want to be there. That certainly does make a big difference.

Some of those services provided by the Aboriginal community council areas are also difficult to administer. For example, the councils have to run the beer canteens and suchlike. In that regard, those councils have a big responsibility. As we have seen, sometimes the situation in those areas gets out of control, but generally speaking the councils do a pretty good job. Some councils run their areas better than others. However, it is our job to make sure that we lift the standards of all of those councils and provide the resources that they require in relation to roadworks and water and sewerage facilities.

Some of those island communities experience problems in relation to rising water tables. It is very hard to get adequate water facilities into those areas. Believe it or not, some islands in the Torres Strait do not receive an adequate rainfall. One would think that it would rain all the time in that area. However, in the winter months, it does not rain all that much. Unless a quite reasonable reservoir is put in place, it is difficult to provide an adequate water supply throughout the dry period. To provide such a water storage facility, it is a matter of finding the best location and who owns the land. Sometimes, the site has to be lined so that the water does not get away or is not contaminated by the rising water table. That is a very difficult task.

The septic systems, which most of those communities in that area use, cause some real difficulties. In fact, I was really quite amazed to find out how far behind many of those island communities were in relation to their sewerage system. In some cases, they are still putting sewage onto the beaches and the tide takes it away. We have to try to work harder to stop that. Over the past couple of years, a good package has been put together to alleviate that problem. I hope that that package is still under way, because we cannot have that practice continuing. If we did allow it to continue, the whole area is likely to become more polluted. Those communities live in a beautiful part of the world and we have to make sure that we do what we can to assist them as much as possible.

Interruption.

DISTINGUISHED VISITOR

Ms R. Parker, MLA

Madam DEPUTY SPEAKER (Dr Clark): Order! I would like to acknowledge the presence in the gallery of Rhonda Parker, the West Australian Minister for Seniors.

Honourable members: Hear, hear!

COMMUNITY SERVICES LEGISLATION AMENDMENT BILL

Second Reading

Resumed.

Mr HOBBS: I would like to raise another issue which occurred recently at Thursday Island in relation to Uzu Air. Unfortunately, an Uzu Air Cessna Caravan crashed on one of the islands. As a result, the Civil Aviation Safety Authority cancelled the licence of that airline. The basis for that cancellation was that that airline was taking passengers when it was not licensed to do so. Of course, as is typical of CASA, there was not a lot of logic behind the whole decision. The reason why Uzu Air was not able to get a licence to take passengers was that the dimension of the airstrips would not meet the standards set down by CASA. Unless the sea fell or the islands rose, there was no way in the world that the dimensions of those airstrips would ever get to the stage at which they would reach the dimensions set down in the book.

Try as hard as they might, the issue took months to resolve. Eventually, they found that there was no reason why the licences could not be issued. They tried to drum up a few examples of breaches of the Civil Aviation Safety Authority legislation, which was very weak indeed. However, at the end of the day, the only outcome has been that they have made it harder for people on those island communities to communicate. Even some communities on mainland Australia, the gulf and Cape York, relied on the plane to bring mail and stores. Indeed, they could hop on the plane to fly to Cairns, Cooktown, Thursday Island or wherever. During the wet season, those people were not able to communicate with other communities. They did not have access to the sorts of services that others throughout Australia take for granted.

The way that the issue was handled was an absolute disgrace. CASA made an assumption that the aircraft that crashed was not maintained properly. I understand that when the mail plane came in to land, another aircraft was parked on the strip and it had to fly around again. Unfortunately, that is when it

crashed. The pilot was not at fault at all. In fact, the pilot was endorsed as a multi-engine aircraft pilot. He had aerobatic experience and was a Grade 1 instructor as well. There was nothing wrong with his ability. There must have been a mechanical failure. Unfortunately, such things happen from time to time.

Basically, the Opposition supports the legislation. The shadow Minister will move some amendments that we believe will tighten up the legislation and make it a little better. We have to try to put in place the best and the simplest rules possible to ensure that the Aboriginal communities and councils have good, clear guidelines to follow. In this way, they can hold their heads high and run those communities in the best and most efficient way possible for the betterment of all those in the communities.

Mr LUCAS (Lytton—ALP) (3.52 p.m.): The financial administration of Aboriginal and island councils established under the Community Services Acts will be significantly enhanced as a result of the Community Services Legislation Amendment Bill. Two seemingly minor amendments will have a very great impact upon the financial administration and management of Aboriginal and island councils well into the future. Firstly, the Bill will enable the Minister to make accounting standards for councils. At present, there are Aboriginal and island accounting standards in existence, but they do not have the force of law. Accounting standards are an important component of the accountability regime for councils. They provide guidance on the standard that is to be applied to the wide range of accounting issues that must be addressed as part of a council's management of its financial affairs.

I am told that the current Act does not have a head of power that enables a regulation to be passed giving the Minister the power to apply the accounting standards. Currently, the accounting standards can only be described as a guide to councils. Standards are an integral part of any accountability regime and must have the force of law. They also need to be updated and amended regularly to reflect changes in accounting procedures. This amendment will enable accounting standards to be made to subordinate legislation in a manner similar to those which apply to local governments established under the Local Government Act 1993.

Accounting standards will support Aboriginal and island councils in the transition to accrual-based accounting, which is to be phased in over the next few years. One council is currently conducting a trial of an accrual-based system and more councils will follow shortly. Accrual accounting is the way of the future and eventually all councils will be required to move to accrual accounting. The value of the trial will be that the individual council concerned, the Aboriginal Coordinating Council, the Island Coordinating Council and the department will be able to identify any problems with the introduction of accrual accounting. Many mainstream local governments had problems with the introduction of accrual accounting and such problems are likely to be exacerbated in remote Aboriginal and island communities.

The second of these important initiatives will enable councils to amend budgets. Due to an overly restrictive provision in the original legislation, Aboriginal and island councils have never had the ability to amend or reforecast budgets at critical times during a financial year. In fact, the inability to exercise this most basic of accounting conventions has contributed to poor financial management practices. If it had been available, it would have certainly assisted councils to improve their accountability.

The current legislation does have the power to declare expenditure to be extraordinary or emergent. These provisions are meant to be used exactly for that purpose, not to deal with the routine budget amendments that councils are required to address on a regular basis. The power to amend budgets will enable Aboriginal and island councils to reallocate revenue and expenditure across the various functions at critical times during the year. This will result in less complicated end-of-year reporting, where actual and budgeted revenue and expenditure can be more effectively compared.

As an example, Aboriginal and Torres Strait island councils receive grants from both Federal and State sources and many of those are received after the councils have framed their budgets. The expenditure that flows from those grants is neither extraordinary nor emergent. It is simply a routine part of the normal business of councils. Clearly, the budgets must be changed as a result of those grant additions. All mainstream councils have the power to amend budgets in addition to the power to declare expenditure emergent or extraordinary. Naturally, a council will have to formally approve a budget amendment before expenditure can occur against a receipt of funds.

Another area that I would like to mention relates to the ability to appoint a financial controller. One thing that has focused the

minds of Governments for a number of years has been the importance of accountability in Aboriginal and Torres Strait island communities and their councils. In the past, it has always been disappointing to see reports come before the Parliament indicating that accounting and audit practices have not been up to scratch. In fact, in 1994-95, only seven councils made the standard. In 1997-98, 20 councils achieved satisfactory audits, so there has been a substantial improvement.

There will be a great advantage in the appointment of financial controllers, who will also have the ability to veto illegal expenditure that is proposed. I am told that the appointment of financial controllers will not be widespread. At present, there are probably only two or three councils where this might be necessary.

It is very important that the absolutely highest financial accountability standards are observed in Aboriginal and island councils. There are a number of reasons for that. Firstly, we owe it to the residents of the communities to ensure that the money that is provided for their benefit and welfare is spent effectively and properly.

Secondly, a number of people in the community are hell bent on criticising Aboriginal and island communities, no matter what. When one's accounting and financial practices are not up to scratch, it gives such people a perfect opportunity to question the entire viability of the system that is meant to provide support to the Aboriginal and island communities and that is attempting to give those communities an acceptable standard of living that is equal to that enjoyed by urban centres. Unfortunately, some people use past poor accounting practices as an excuse to get stuck into Aboriginal and island communities. By improving accountability, we will take away that argument and allow the communities to focus their efforts on properly looking after their funds as they should do.

At no stage should we ever tolerate lower financial accounting standards from councils in any community. Aboriginal and Torres Strait Islander communities ought to comply with the law, but we ought to give them support that allows them to comply with the law. An earlier speaker in this debate indicated that, in remote communities, it can be very hard to get that support. For example, the climate is unfavourable and it is difficult to recruit staff.

I very strongly commend the Minister for the important initiatives that are outlined in this legislation. I am confident that, when this legislation is adopted, the additional financial accountability standards that it will introduce will increase Aboriginal and Torres Strait Islander people's confidence in and support of their councils and communities. In addition, hopefully it will also increase the confidence that the whole community has in the very important social onus that is placed on us as members of this House.

Hon. J. C. SPENCE (Mount Gravatt—ALP) (Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy and Minister for Fair Trading) (3.59 p.m.), in reply: I thank all honourable members who participated in the debate. It is gratifying that the Opposition is supporting the legislation. The members of the National Party who spoke in the debate—the shadow Minister, the member for Callide, the member for Beaudesert and the member for Warrego—displayed their understanding of the issues with respect to Aboriginal and Torres Strait island councils. They acknowledged the difficulties that these councils face operating in remote communities and in attempting to grapple with accounting standards that have changed in recent years and also the complexity of the tasks that they face.

In particular, I acknowledge the support of the shadow Minister and indicate that we will be supporting the amendments that he will be introducing in this Chamber in good faith. I believe that they will improve the Government's capacity to introduce financial controllers into Aboriginal councils, and we are happy to endorse them. In his contribution, the member for Beaudesert spoke of the history of the legislation. He imparted a good understanding of the enormity of the task and the responsibilities of DOGIT councils in this State. I acknowledge the member for Beaudesert's concerns about the potential to commit future Governments to impossible infrastructure obligations. However, I have to say that he is wrong in respect of the community of Mapoon. This legislation gives us the ability to create a new council of Mapoon, 36 years after a Queensland Government went into the mission of Mapoon, forcibly removed the citizens of that community and put them on a boat to Bamaga, burning their houses behind them.

Mr Schwarten: They weren't straw huts, either.

Ms SPENCE: They were not straw huts. This was a decent community run as a Presbyterian mission. Many reasons were put forward as to why the Government of the day did that. It is reasonable to contend that the Government did not want to continue

supporting yet another mission after the Presbyterians indicated that they wanted to pull out of that part of the world. That was the simple reason that they burnt Mapoon.

Sometimes it is important to take stock and think about what we are doing. That we are creating a new council of Mapoon means a lot to the few hundred people living in that part of the world. Over recent months they have asked, "Minister, why hasn't this legislation gone through? What are the problems? Who is opposing this legislation?" I tried to explain to them that these are the normal processes of Parliament and that their day would come. Today is that day. We are now giving them the power to take part in the local government elections next March as a fully fledged council in this State. I know that means a lot to those few hundred people. It is truly a measure of reconciliation on the part of this Parliament that today we have recognised that the actions of the Government 36 years ago were wrong and we are setting about righting them.

In response to the concerns of the member for Lockyer that the Bill is too broad and that we are giving the Government the power to create Aboriginal and Torres Strait island councils throughout the State, I will say a number of things. This is the same power that is already in the Local Government Act. Theoretically, the Government of the day could already create councils throughout Queensland. Secondly, the reality is that the Cook Shire came to this Government and suggested this idea. We did not have to drag the Cook Shire kicking and screaming with respect to this issue. This was its idea.

The political reality is that the Government would not create new Aboriginal and Torres Strait island councils unless it had the support of the whole community—both the wider community and the council that is giving up part of its land. This is the first time we have created a new Aboriginal or island council since 1984, when the community services legislation was introduced. It is extremely unlikely that we would do this again in the future. I hope that reassures the honourable member. I found many aspects of the speech of the honourable member for Lockyer disappointing. Philosophically, we are poles apart on these issues. However, I do not have sufficient time in this debate to respond to all of the issues that he raised.

I am pleased that the member for Tablelands supports the intent of this legislation and understands the importance of the accountability measures that we are introducing. I do not believe that his criticism of Murrandoo Yanner and Noel Pearson added anything to the debate today, and that would be best left for discussion in another forum.

I thank Government members for their contributions to the debate today. The members for Bulimba, Mackay, Mansfield and Lytton have all displayed an understanding of the legislation. They are on my legislative committee and I know that they have an intense interest in and concern about Aboriginal and Torres Strait Islander issues in this State. I thank them for their contributions.

Finally, I thank the members of my department who have worked on this legislation. The creation of the council of Mapoon has taken a number of years. Many good people have been making sure that this would happen and that the community was ready to accept it. I thank those people.

All speakers have mentioned accountability. We all agree that that is important in respect of Aboriginal communities. Some members acknowledged that sometimes we make impossible demands of these remote and small communities. Many of these communities are working from council chambers that are clearly unsatisfactory. I am proud that I was able to gain $5m in this year's State Budget to rebuild some five council chambers on Aboriginal communities throughout this State. We cannot ask for an increasing level of professionalism if we are asking them to operate out of buildings where there are workplace health and safety concerns.

Mr Lucas: It's difficult to operate computer equipment in a shed.

Ms SPENCE: That is right. Reconciliation is not just about words or about changing laws; it is also about making a financial commitment to improve those communities. I commend the Bill to the House.

Motion agreed to.

Committee

Hon. J. C. SPENCE (Mount Gravatt—ALP) (Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy and Minister for Fair Trading) in charge of the Bill.

Clauses 1 to 4, as read, agreed to.

Clause 5—

Ms SPENCE (4.08 p.m.): I move the following amendment—

"At page 9, lines 17, 21 and 29 and page 10, line 2, 'this'—

omit, insert—

'a'."

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6—

Ms SPENCE (4.09 p.m.): I move the following amendment—

"At page 12, after line 9—

insert—

' '(3) In this section—

"State interests" means—

(a) interests that affect economic, social or environmental interests of the State or a region; or

(b) interests in ensuring there is an efficient, effective and accountable system of local government in the council area to which the by–law relates.'."

Amendment agreed to.

Mr LESTER: Quite simply, I have already spoken with the Minister on this issue. We are simply trying to tighten the accountability just a little bit, and she agrees. So on that basis, I move the following amendment—

"At page 12, lines 18 to 20—

omit, insert—

'(c) has contravened a provision of part 3, division 1A[1] relating to its budget or another financial matter; or

(d) has failed to implement adequate financial management strategies for the funds under its control; or

(e) has acted, or is about to act, in a way that—

(i) caused, or may cause, a significant deterioration in its financial viability; or

(ii) will or may cause it to become insolvent.'.

[1] Pt 3 (Local government of areas), div 1A (Financial operations of Aboriginal councils)."

Amendment agreed to.

Clause 6, as amended, agreed to.

Clauses 7 to 19, as read, agreed to.

Clause 20—

Ms SPENCE (4.10 p.m.): I move the following amendment—

"At page 27, lines 11, 15, 23 and 25, 'this'—

omit, insert—

'a'."

Amendment agreed to.

Clause 20, as amended, agreed to.

Clause 21—

Ms SPENCE (4.10 p.m.): I move the following amendment—

"At page 30, after line 2—

insert—

' '(3) In this section—

"State interests" means—

(a) interests that affect economic, social or environmental interests of the State or a region; or

(b) interests in ensuring there is an efficient, effective and accountable system of local government in the council area to which the by–law relates.'."

Amendment agreed to.

Mr LESTER: I move the following amendment—

"At page 30, lines 10 to 12—

omit, insert—

'(c) has contravened a provision of part 3, division 1A[2] relating to its budget or another financial matter; or

(d) has failed to implement adequate financial management strategies for the funds under its control; or

(e) has acted, or is about to act, in a way that—

(i) caused, or may cause, a significant deterioration in its financial viability; or

(ii) will or may cause it to become insolvent.'.

[2] Pt 3 (Local government of areas), div 1A (Financial operations of Island councils)"

Amendment agreed to.

Clause 21, as amended, agreed to.

Clauses 22 to 35, as read, agreed to.

Schedule, as read, agreed to.

Bill reported, with amendments.

Third Reading

Bill, on motion of Ms Spence, by leave, read a third time.

LIQUOR (EVICTIONS, UNLICENSED SALES AND OTHER MATTERS) AMENDMENT BILL

Second Reading

Resumed from 25 May (see p. 1823).

Mr HEALY (Toowoomba North—NPA) (4.13 p.m.): The coalition will support the Liquor (Evictions, Unlicensed Sales and Other Matters) Amendment Bill 1999. The reason we support this Bill, quite frankly, is that it is a positive response to some problems that have occurred out there in the community and to the needs of the community. We recognise that legislation needs to evolve with the community that it seeks to govern.

Queenslanders now enjoy a vibrant and diverse range of restaurants, hotels, bars and nightclubs right across the State. These businesses encourage us to visit licensed premises, socialise over a drink, enjoy a meal, be entertained and even have a cup of coffee. However, abuse and misuse of alcohol results in significant personal, family and social costs. To protect our young people in particular, there is a social imperative to regulate the sale and consumption of liquor and to provide licensees with regulations which allow them to run their business in a safe, healthy environment.

When the initial Bill was enshrined in legislation in 1992, it was intended to empower licensees to manage their premises in a manner consistent with the responsible serving of liquor. It was designed to allow licensees to operate their business in a style of their choosing by establishing codes of dress and of behaviour. It was considered that licensees had the right to refuse to serve liquor to persons who they felt were unduly intoxicated and to evict persons who were creating a disturbance or behaving in a disorderly manner.

Unfortunately, recent court decisions have raised some doubts as to the effectiveness of the Act and highlighted grave omissions. In particular, two cases in the Townsville Magistrates Court brought into question the right of licensees or their employees to evict unruly patrons from their premises. In the first case, a licensee sought to evict a patron who was not intoxicated but was creating a disturbance in the premises, disrupting the social environment of the other clientele. The magistrate found that the Liquor Act did not provide power for a licensee to evict a patron who was creating a disturbance.

In a second case heard by a different magistrate, a patron from a Townsville nightclub had been charged with behaving in a disorderly manner and resisting an employee of the premises, who required the patron to leave. In this case the nightclub employee had witnessed the patron throwing lit firecrackers into a crowded bar at 2.30 in the morning. Whilst the patron was found guilty of behaving in a disorderly manner, he was found not guilty of resisting eviction. The magistrate considered that the Liquor Act did not confer a right of eviction under any circumstance. So the issue of a licensee's power to evict is a critical one. The right of eviction is an essential power for licensees to effect the proper management and good control of their premises and to ensure a safe and friendly environment for their patrons.

Surprisingly, I have had a little bit of experience in relation to this—I have not been evicted from licensed premises or anything like that. I come from a family hotel background. In fact, the Healy family ran the Gladstone Hotel in Toowoomba for some 33 years and I spent the first 21 years of my life in a hotel. My father, the licensee, Mr Dennis Healy, is still regarded as one of the finest hoteliers in Toowoomba and on the Darling Downs. The hotel, of course, had a wonderful reputation, and it was a working man's hotel.

Mr Gibbs: I've had a few drinks there.

Mr HEALY: Yes, I know that—in fact, several. The Minister will agree that it is not a bad establishment.

In those days—this is before the 1992 legislation—because of the way the hotel was, quite often a few fellows who were obviously fairly well intoxicated would come into the hotel. We often found that, if there was a problem in the hotel, it was normally because there was a bit of a blue on; it was because a couple of them got into a heated argument and next thing there was a fight on in the hotel. I always used to be amazed at how my father would be able to handle these. He is a fairly big man and can handle himself, but I never ever in my whole life saw him throw a punch in the hotel to try to stop a fight.

What he used to do, which was a real art, was that, if a fight did break out between some unruly patrons who were obviously intoxicated, he would race around the side of the bar and every time somehow herd them outside onto the street and then he would lock the doors behind them. In the cases which I observed, whilst he was evicting the patron, he never himself got in the fracas, in the scuffle, although I am sure in a lot of cases he would have loved to.

With the legislation that was in place at that time, I often wondered how far could he or any other licensee go when it came to evicting

patrons, but he was very good at it. He is still involved to some degree in the industry. He is now president of the Toowoomba City Bowls Club, and for about 10 years he was involved with Clifford Park Racecourse managing the bars. So he has had a long and distinguished history and career within liquor licensing in Toowoomba and on the Darling Downs.

Having grown up in that atmosphere, I can understand the need for effective legislation to protect those licensees when the time comes for them to address a particular situation that may occur in their licensed premises. Although licensees can call upon police to help remove drunk or disorderly patrons, it is often impractical to do so, particularly late at night and particularly in remote locations. It could be argued that the provisions relating to the power to remove persons from premises or to refuse entry to certain persons does not have sufficient regard to the rights and liberties of the individual. However, it can be conversely argued that the rights of licensees to conduct their business in a socially responsible way would be hindered by the absence of the amendments.

Discriminatory refusal of entry to a premises or service to patrons has never been contemplated, nor will it ever be or should be. Licensees must have some basis upon which eviction or refusal of entry is based. Legitimate reasons include if the patron is drunk, disorderly or creating a disturbance, or if their attire does not conform to the stated dress code. Refusals on the grounds of race, gender, sexual preference or other such discriminatory reasons will never be accepted.

The amendment of the liquor legislation relevant to evictions provides licensees with a firm set of guidelines and limited circumstances within which they are able to operate a premises, provide responsible liquor service and maintain a safe, friendly environment for their patrons. As I said, these amendments are worthy of support because they recognise change in our environment and respond to the needs of our community.

Our hotel and club licensees are constantly facing difficult circumstances created by unruly patrons. On the one hand, the licensees are providing a very necessary component of this State's tourism strategy for a growing tourism market, that is, clean, safe environments for the service of food, beverage and entertainment—a market that seeks a high level of value and service. It is also a market that, unfortunately, attracts some who, in the full impetus of holiday mode, abuse the standards of dress and behaviour as stated by the licensee. To protect their business and the comfort of their patrons, licensees need to access the same right as any other business or individual to demand the removal of an unruly, rude, abusive or highly intoxicated person. But they also need the right to undertake that eviction themselves, so that disruption to the premises and the patrons is kept to a minimum.

Apart from the impracticality of the State's Police Service being called in every time there is an incident when a licensee wishes to remove an unruly person, in certain parts of Queensland a police officer may be some hours' distance from the licensed premises. As our tourism market grows, so too will the problems faced by our licensed venue operators. We need to recognise that developing situation and provide a positive response to the Queensland licensees who seek to provide a necessary service in a safe environment, while conducting a profitable business.

The other amendments relate to unlicensed sales and other matters. They are recognition of other increasing problems within our community. The trading and sale of liquor from unlicensed premises have been a problem for many years. The original Act undertook to curb that practice, but some so-called clever people have found some so-called clever ways to circumvent the legislation. Apart from being a blatant disregard of the law, those illegal business operators place an additional burden upon the resources of our police and the Liquor Licensing Division of the Department of Tourism, Sport and Racing. Those premises are not subject to the same stringent legal requirements as licensees with respect to the responsible service of liquor. They have no qualms about selling liquor to minors. They have no hesitation in selling alcohol to the unduly intoxicated, and they feel no responsibility to their neighbours or the surrounding area. More importantly, they are not required to meet the same financial obligations associated with a licensed operator.

General licence holders such as hotels are required to pay large premiums upon the granting of a licence. These premiums are then factored into the overall value of the premises. Unlicensed operators and illegal traders impact greatly on the viability of those licensed premises and detract from the value of the business. The provisions of the Act relating to unlicensed trading have been strengthened by a range of measures including an increase in penalties, including jail terms, and by extending the power of seizure

to equipment used or potentially to be used in the commission of such offences.

The current provisions have certainly not deterred some of those illegal operators from trading illegally. In fact, large sums of money and resources have been expended in an attempt to enforce the current provisions of the Act upon illegal operators, yet these provisions have done little to discourage illegal operators and have had very little apparent impact on some particular operators. In fact, on many occasions the same premises have resumed illegal operations within hours of being investigated and even charged. The police and investigating officers have removed illegal alcohol from an unlicensed premises, only to see replacement stock at the same premises appear within less than 24 hours and the illegal trade continue.

As I stated earlier, all these amendments are a direct response to the constantly changing environment in which our society lives and grows. They are modifications and improvements that reply to the needs of our liquor operators, whether large multinational operators or owners of small businesses. They are adjustments and variations that ensure that our community is able to enjoy the hospitable social atmosphere of Queensland's hotels and clubs in a safe, secure environment. They are amendments that respond to a community need, and for that reason we support them. Our support of the amendments to the Bill is an indication of the coalition's desire to seek solutions to difficulties and problems created by the evolution of our community and our commitment to ensure that we provide our community with a safe, healthy environment in which to live and prosper.

Mr BLACK (Whitsunday—ONP) (4.26 p.m.): I will not take up much of the time of the House because One Nation supports the Liquor (Evictions, Unlicensed Sales and Other Matters) Amendment Bill 1999 as we all agree that the liquor industry needs better control mechanisms with regard to the responsible sale and supply of liquor. As the Minister advised in his second-reading speech, this Bill will clarify and strengthen existing provisions of the Liquor Act in relation to the eviction of patrons from licensed premises and the unlicensed sale or supply of liquor.

Licensees are required to manage their business in a manner that ensures a safe environment for their patrons. Some of the common control mechanisms used by pubs and clubs include the removal of drunk and disorderly patrons from the premises as well as refusal of entry to people who are observed to be unduly intoxicated, troublemakers or underage. Under the Liquor Act, a person who is refused entry or evicted from licensed premises must immediately vacate the area when instructed to do so. However, it is generally expected that not all patrons will cooperate when advised to leave, often creating a disturbance to other patrons at the venue. That has resulted in several civil suits against licensees for not protecting their patrons against harm.

The amendments in this Bill clarify the rights of licensees, permit holders, employees or their agents to remove disorderly patrons from licensed premises, using such force as is necessary and reasonable if the person refuses to leave. Police involvement is not feasible in most cases; therefore, it is accepted that this amendment is necessary to ensure that remaining customers are safeguarded from harm.

I agree in principle that licensees should be permitted to use necessary and reasonable force to remove unruly patrons from their premises; however, I ask the Minister whether any safeguards are in place to protect patrons from what could be classed as unreasonable force. I ask that because the most common side effects of being under the influence of alcohol are impaired judgment and altered perceptions and emotions. In some cases, a person who is not normally verbally aggressive or violent may become hostile when confronted with force by bouncers or bar staff. As a result, bouncers generally become angered themselves, reacting by using more force to control the patron. Even if that example were applicable to only one out of every 100 troublesome patrons, there is still that one person—most commonly a woman—who may be the victim of what could be classed as "bouncer abuse". Considering that licensed clubs and pubs exist for the purpose of the consumption of alcoholic beverages, bouncers and bar staff should be more considerate of the effects of alcohol on the individual. Perhaps bouncers and staff could pay particular attention to the approach they use when addressing a disorderly patron, in particular the level of force used, which may not be classed as appropriate under the circumstances. Somehow a balance needs to be achieved.

This Bill also addresses the issue of unlicensed sale and supply of liquor. I support the provisions to strengthen the penalties for unlicensed trading, such as increasing fines to include jail terms, as well as disqualifying a convicted person from holding a licence or a

permit for a specific period of time. The power for investigators to seize liquor and associated equipment is another worthy provision to help control the illegal sale of liquor. Often, unlicensed operators resume trading within hours of an investigation. Therefore, the seizure of property to prevent further sales is very appropriate. I believe that the amendments proposed in this Bill should satisfactorily address the identified problems. I commend this Bill to the House.

Hon. R. J. GIBBS (Bundamba—ALP) (Minister for Tourism, Sport and Racing) (4.30 p.m.), in reply: I appreciate the contribution made by the Opposition spokesman, the member for Toowoomba North, who obviously displayed a considerable knowledge of the amendments which are before the House. I am aware of his family background in the Toowoomba area. One little story I have heard is that when his father used to come out from behind the bar and control them nicely, he used to hide behind his father so that he would not be part of the action.

Mr HEALY: Mr Speaker, I rise to a point of order. I find the remarks of the Minister to be offensive and untrue. I did nothing of the sort. I was right there with him. I ask that the comments be withdrawn.

Mr GIBBS: I withdraw. I did say it glibly, with a degree of humour. I am aware that the member's family does hold a very revered position in Toowoomba in terms of the hotel industry and that they are held in high regard. He does have a great knowledge and I appreciate his support for the legislation.

The member for Whitsunday also spoke in support of the legislation. I also appreciate that. He did raise a legitimate concern about the possibility of people who do get a little bit intoxicated at hotels perhaps being manhandled a little more than they should be by bouncers from time to time. I am aware that that does happen. I think we all know that that can happen on licensed premises.

I think the good news can be found when we compare the situation today with what it was like 10 years ago. Unfortunately, people used to get a flogging in hotels. These days, as a result of amendments and the tightening up of legislation, there is a requirement to have people working in those establishments as bouncers. The member would be aware that they now must be licensed and undertake a training course in order to be employed. Over the past couple of years I have been impressed by the large degree of improvement in the professional standard of people employed in that particular role, whether they be in hotels or nightclubs.

Of course, that goes hand in hand with the licensee. Good licensees will ensure that they have responsible crowd controllers, as they are now called, who use minimal force or enough force to restrain a person who is being violent or who is resisting being removed from the premises. The member would probably be aware that, should it occur that that is done with too much vigour and an assault does take place—there certainly have been cases in recent times where that has happened—upon complaint people have a right to take that matter before the court. There have been convictions of people who simply do not play the game appropriately. That is the safeguard.

From the Liquor Licensing Division, for which I am responsible, there are ongoing training courses for publicans and licensees to teach them what responsible laws are about, and patron behaviour forms an important part of that. With that goes, of course, the licensing and proper controlling or training of crowd controllers themselves. I thank honourable members for their support for the legislation.

Motion agreed to.

Committee

Clauses 1 to 21 and Schedule, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Mr Gibbs, by leave, read a third time.

PUBLIC SECTOR ETHICS AMENDMENT BILL

Second Reading

Resumed from 26 May (see p. 1944).

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the Opposition) (4.36 p.m.): The coalition is in the business of providing better government. For that reason—for the potential for small advance that this proposed legislation offers—we will not be opposing the Bill, provided some amendments which I foreshadow are incorporated to improve its effectiveness and if adequate assurances are given by the Premier in his response to the second-reading debate.

Our major concern is that the Bill, while promising much, actually delivers very little. The last thing we want is another public relations exercise which will only heighten the

levels of public cynicism with politics and politicians. It is clear that there is considerable community anger and alienation with all levels of Government and with most public officials, whether elected or appointed. For anybody interested in our system of government, the following finding of the Roy Morgan Research Centre, published on 21 May 1998, should be a matter of alarm—

> "Australians view the honesty and ethics of Members of both State and Federal Parliament as only slightly better than those of car salesmen. Only 7% of Australians believe that Members of both State (down 2%, since 1997) and Federal (down 2%) Parliament are of high or very high standards of honesty and ethics. The only profession rating lower than Members of Parliament is car salesmen (2%, down 1%)."

In fact, an opinion poll published in the Bulletin magazine of 12 September 1995 revealed that 56% of respondents said that they had lost faith in the political system. In June last year Hugh Mackay wrote—

> "Esteem for politicians is so low at present—and still declining—that voters are dealing with the problem by insulating themselves from it. They repeatedly talk of the need for leadership, of the mongrels in Parliament, of pollies with their snouts in the trough, yet the heat seems to have gone out of many of these assertions.
>
> Although there might be distinct policy differences between the Government and the Opposition, the level of cynicism and mistrust in the community is now so high that such distinctions are relatively insignificant when weighed against the more emotional assessment that they're all the same.
>
> Conversations about politics were characterised by a sense of bewilderment that things have got so bad; a deep sense of mistrust of politicians on both sides."

That is unfortunate, because the fact of the matter is that the conduct of parliamentarians has most probably improved in all Parliaments over the past few decades, but so too has the level of public scrutiny and the way that proceedings are reported in the mass media. This very point was made by the Nolan committee in the United Kingdom, which was appointed to investigate standards in public life.

The Nolan committee reported in 1995, and made this comment—

> "We cannot say conclusively that standards of behaviour in public life have declined. We can say that conduct in public life is more rigorously scrutinized than it was in the past, that standards which the public demands remain high, and that the great majority of people in public life meet those high standards. But there are weaknesses in the procedures for maintaining and enforcing those standards.
>
> As a result people in public life are not always as clear as they should be about where the boundaries of acceptable conduct lie. This we regard as the principal reason for public disquiet. It calls for urgent remedial action."

It is no use anybody saying that because a parliamentarian rises in this place and discloses inappropriate behaviour they are compounding this alienation, for that is akin to saying that this Parliament should not do its job and rigorously scrutinise the behaviour of those entrusted by the electorate to govern and to mind the public purse.

At this stage of the debate I do not want to be partisan, but I find it far from humorous that every time anyone from this side of the House exposes misuse of public moneys or abuse of process or abuse of appointment, Ministers say that it is an abuse of Parliament. The only abuse is by the persons who have misused their authority. It is the role of the Opposition and the media to keep the Government of the day honest—to keep it on its toes—and I can assure the Premier that if, under his Government, there was less talk about ethics and more ethics being practised, he and his Ministers would have less to jump up and down about.

At a time when the rate of change is increasing and many Australians, especially those in the bush, in the outer suburbs and the elderly feel overwhelmed by it and left behind, there is an ongoing need for not only standards of ethics to remain high but also for all levels of government to be more inclusive. The republic referendum vote showed, as nothing else could have, that the majority of the voting public is angry and very distrustful of perceived elites—whether political, economic or social.

I would suggest that just one of the ways to effectively, proactively and positively deal with the feeling of distrust and alienation is to have in place proper legislation and administration to oversee and to encourage

ethics in Government. It is for this reason that, subject to certain conditions being met, we are prepared to support this Bill—subject to amendment—because although it is only a very small step, it is nonetheless a positive one.

Under this Bill, Queensland will have a part-time Integrity Commissioner who will be provided, according to the Explanatory Notes, with an administrative support staff of 1.5 full-time equivalents from the resources of the Office of the Public Service Commissioner. I will have more to say about that later. Since 1994, Queensland has had a Public Sector Ethics Act. This Act flowed directly from both EARC and PEARC reports on codes of conduct for public officials. The EARC report recommended, in essence, that there should be declared, by legislation, ethical principles fundamental to good government and good public administration. This core recommendation was endorsed by PEARC, as well as the need for codes of conduct to be developed for both appointed and elected officials.

The parliamentary committee recommended that agency specific codes of conduct should be developed, designed to meet the needs and circumstances of the various units of public administration that exist. However, PEARC also recommended that any legislation should be limited to appointed officials, and that while members of the Legislative Assembly should be subject to a mandatory code, it should be left to a standing committee of this House to determine its scope and its content.

I just make the observation that this House must always be its own master, and that we are subject to the will of the people. We are accountable to the will of the people. I believe that great dangers are put in place if unelected officials and unelected bodies determine what they believe is acceptable practice for the Parliament and the Parliament is bypassed in the process. So although we do have a Public Sector Ethics Act, it does not currently apply to parliamentarians. The Members' Ethics and Parliamentary Privileges Committee is still to present its final report on a code of ethical conduct for members of Parliament, although a draft code has been released and the public has its opportunity to comment.

Since 1994, numerous codes of conduct have been developed for various departments and agencies. Breaches of a code of conduct can result in the institution of disciplinary action under the Public Service Act. There have been, I would think, quite a number of instances where this has occurred, most notably where there has been misuse of Internet facilities to download inappropriate material. I am aware, of course—as is the Premier—of one notorious instance of a senior bureaucrat flouting her own department's code of conduct to misuse electronic mail facilities. This Bill moves the existing legislation forward in a way which has both significant advantages as well as potential problems.

Before turning to the various clauses in the Bill, it may be helpful to put this reform in a wider context. The Premier has said that this Bill will establish Queensland's, and Australia's, first Integrity Commissioner. He is correct up to a point, but it is not a development that is without overseas precedents. Firstly, since June 1994, Canada, at a Federal level, has had an Ethics Counsellor, appointed by the Prime Minister. The Ethics Counsellor advises on conflicts of interest and lobbying. Under this model, the Ethics Counsellor administers a conflict of interest code which applies to Ministers, Parliamentary Secretaries, political staff and senior public servants. The designated persons have to make significant disclosures, and the counsellor is required to resolve ethical issues generally as well as administer compliance measures to avoid conflicts of interest. The Ethics Counsellor also is available to assist the Prime Minister to examine allegations of impropriety by designated persons involving conflicts of interest. This development at the Federal level came some time after significant reforms at the Provincial level.

To my knowledge, there has been legislation in place for around a decade in British Columbia, Ontario and Alberta. For example, British Columbia has had for some time a Conflict of Interest Commissioner. In the other named Provinces, the relevant officer is known as either the Integrity Commissioner or the Ethics Commissioner. I should add that the Canadian experience is to start with a focus on conflict of interest problems and then expand the charter to include wider issues of honour, trust and integrity. Obviously, any move in that direction would have administrative, financial and jurisdictional implications, but it is a matter that needs to be kept in mind.

The Nolan committee recommended that the House of Commons appoint a Parliamentary Commissioner for Standards. This officer was envisaged to be a career member of the House of Commons staff who would maintain the Register of Members' Interests and advise on a members code of conduct. The officer would give advice and

guidance and receive complaints about the conduct of members who had allegedly breached the code. In fact, the House of Commons, on 6 November 1995, agreed to establish the position of Parliamentary Commissioner for Standards, and a new code of conduct for MPs was agreed to in 1996. The commissioner's position is created and defined by the Standing Orders of the House of Commons, and the code is enforced by the Committee on Standards and Privileges. The commissioner's role, as eventually agreed to, is to maintain the Register of Members' interests, advise members on registration issues, advise the committee on the interpretation of the code of conduct, monitor its operation and receive and investigate complaints. The commissioner cannot impose any penalties; that is left to the Committee on Standards and Privileges.

The major difference between the UK approach and this Bill is that, under this proposal, a far wider pool of individuals will be caught. It is not limited to members of Parliament, but includes ministerial staffers, CEOs and senior Public Service and public sector bureaucrats. I think that a model limited solely to MLAs would be too narrow, and the type of public disquiet that I mentioned earlier is not confined to elected officials. We need to ensure that all persons working for the public and at the public's expense are subject to this new regime.

Turning now to the main provisions in the Bill—it will establish an Integrity Commissioner, the functions of whom are set out in proposed section 28. That section states that the Integrity Commissioner will—

(a) give advice to designated persons about conflict of interest issues;

(b) give advice to the Premier, but only if the Premier asks, on issues concerning ethics and integrity, including standard setting for issues concerning ethics and integrity; and

(c) contribute to public understanding of public integrity standards by contributing to public discussion of policy and practice relevant to the Integrity Commissioner's functions.

Before discussing this Bill at length, there are a few preliminary points that need to be made. Firstly, under this Bill the Integrity Commissioner has no proactive role. The commissioner must await a request for advice from either a designated person or the Premier. Under this Bill, the Integrity Commissioner will have a reactive role, and can only give advice. I now quote from proposed section 29 subsection (1) (b)—

> "The person makes a written request for the advice, and, if the person is a senior officer, the request is accompanied by a signed authority to seek the advice from the chief executive officer of the department, public service office or government entity in which the person is employed."

Accordingly, not only is the Integrity Commissioner confined to waiting for people to approach him or her, but the request cannot even be an informal one, or by means of a face to face meeting or over the telephone. Everything has to be in writing, and when one moves down from the CEO level, a senior bureaucrat worried about a conflict situation must first go to the CEO and obtain his or her written approval before an approach can be made to the Integrity Commissioner. The next thing to note is that only a designated person can seek advice.

Proposed section 27 outlines who are designated persons. At the political level, it is defined to include the Premier, Ministers, Parliamentary Secretaries, Government members of parliamentary committees and statutory office holders. At the bureaucratic level it includes CEOs, SES and senior officers, CEOs of Government entities, ministerial and Parliamentary Secretary staffers and persons nominated by a Minister or Parliamentary Secretary.

The next limitation to note is that, under proposed section 30, a designated person can only seek advice about a conflict of interest involving that person. Obviously, if that was all that the Bill provided for, it would be hopelessly inadequate. In fact, proposed section 30 does allow for various classes of what I would term third party referrals. Firstly—and I have no problem with this—the Premier can seek advice from the Integrity Commissioner about a conflict of interest involving any designated person. Having regard to the role of the Premier as the head of Government and the need for the Premier to be the primary custodian of ethics and accountability in any Government, such a right is appropriate. Secondly, a Minister of the Crown can seek advice from the Integrity Commissioner on the various designated persons outlined previously under his or her portfolio responsibilities. Again, having regard to the doctrine of ministerial responsibility, this is appropriate.

Thirdly, a Parliamentary Secretary can seek advice on a person employed in the Parliamentary Secretary's office, or engaged to

advise the Parliamentary Secretary. Finally, a CEO can seek advice on a conflict of interest situation involving a designated person employed in a particular department or office. Nevertheless, the clause does exempt any capacity to seek advice on a person who was previously, but who is not currently, employed.

I might just add in passing—although an argument can be advanced for limiting advice obtained from the Integrity Commissioner to current and live issues—that I think it is a mistake to permanently deprive the commissioner of the right to give advice, when sought, on problems that have arisen but which may have only been resolved by an officer or other individual resigning.

Importantly, when giving advice, the Integrity Commissioner must have regard to various approved or adopted codes of conduct and ethical standards, whether made under the Public Sector Ethics Act, or by this Parliament, or by the Premier.

The Bill contains confidentiality provisions as well as providing protection for both the designated persons seeking the conflict advice and the Integrity Commissioner in providing it. A key provision is proposed section 34, which sets out the grounds for the Integrity Commissioner to make authorised disclosures.

Obviously it is important to encourage people to voluntarily go to the commissioner to seek advice on conflicts of interest, but we accept that in certain circumstances, irrespective of the bona fides of the seeker of the information, the commissioner should be able to disclose the situation which has brought about the request. However, we are concerned about the extent to which this Bill permits disclosure—notwithstanding the need for Parliament, as the legislative body, to be part of that process. The first type of disclosure is by the person who has volunteered it. Obviously, there could be no objection to that. The second disclosure is by the Integrity Commissioner to the person about whom a relevant document relates. Again, this is sensible.

Thirdly, the commissioner must give a document to various persons in certain circumstances. For example, the Premier can ask for documents relating to persons other than non-CEO senior Public Service or public sector officers. In addition, the commissioner can forward the document to the Premier if the commissioner believes that there is an actual and significant conflict of interest, and after having given the person seven days to resolve the conflict.

However, what is of concern is the compulsion placed on the commissioner to hand over documents to a CEO of a Public Service department or a Government entity if they ask for it. This is a matter that will be discussed at greater length later. It, too, is separate from the issue of parliamentary scrutiny.

Those are the positives—and I am pleased to place them on the record. Now to the negatives! This Bill demonstrates all that is wrong with this Government. This Bill defines—with stark clarity—how this Government, this Premier, and their legislative program are so comprehensively, fully and fatally flawed.

It is proposed to establish a Queensland Integrity Commissioner. It is alleged—and I use that term deliberately, since on the evidence available to date it can be nothing more than an allegation and one, moreover, that will require very strict testing—that such an office will provide a confidential source of consistent and expert advice on conflict of interest issues. We learn this from the general outline of the Bill.

It is alleged—again this will need consistent and expert testing before any grounds will exist for believing it to be so—that the presence of the Queensland Integrity Commissioner in the machinery of bureaucracy will make a positive contribution to raising community confidence in public institutions. We learn this from the published objectives of the Bill.

Of course, in terms of the newspeak—the Orwellian option—that the Beattie Labor Government applies to everything it says or does, it is fairly hard to learn anything else from the Bill. We get weasel words. The Bill provides for advice from the Queensland Integrity Commissioner to be silent—totally silent—as far as the public are concerned. Once again, the people, the voters, the taxpayers who are involuntarily funding this Government's many exercises in looking in the mirror and congratulating itself, are being sold a pup. We are asked—the people are asked—to simply accept that the matter of ethics in government is one that can only be conducted behind the curtain, in secret, by those empowered to know. I serve notice that we will not accept that.

The people do not want that kind of government. The people want open government. That is very sensible. Open government—truly open government—is a far better guarantee of ethical behaviour than any number of expert advisers on ethics from the

ethics industry. It is also fair and right that the people should be provided with genuinely open government by the administration opposite. No matter in this instance that they consistently fail to grace the benches opposite—that they merely occupy them. The Premier and the Labor Party promised the people that they would provide open government when they came to power. We are here to see that they do.

In that regard—up front—I give notice that at the Committee stage I shall be moving a substantial amendment to this proposed legislation, an amendment that will provide at least a glimmer of light on the proceedings that this Bill is intended to set in place and regulate. We are inclined to oppose the Bill, despite the fact that were we to do so it would give the Premier another excuse to go out and peddle his nonsense about all good residing on his side and all bad on ours. Without amendment, we certainly shall.

We accept that the Government has the numbers and that, come what may, if it is as impervious to reason as is normally the case, this legislation will be passed as is. We accept that it was contained within their good government policy—so called: almost mutually exclusive; good government and Labor Party—on which Labor ran for office in 1998. We note that, like so many other promises Labor produced in its desperate bid to climb back on the gravy train that it had been forced off in 1996, good government has been playing hide and seek ever since. However, we think—such as it is ever possible to remedy a flawed design—that there are one or two things that this House can do to improve the Bill.

I commend to the Premier the path of compromise and collective improvement and reason that this House offers to him. As a basic principle, many heads are better than one, including his—or a few at least.

Mr Beattie interjected.

Mr BORBIDGE: It depends on the head. Here is an opportunity for the Premier and the Government to engage in real good government. The Premier keeps saying that he wants people to mark him according to his record. Here is an opportunity for him. If he wants the people to look at the record rather than the rhetoric—a change of mood; the Premier is generally far happier if people look at the rhetoric rather than the record—here is his chance. The Premier can strike a real blow for ethics by retreating from his usual salesman position. We know the deal; we have heard it before—"Never mind the quality, feel the width. Would the Dodgy Brothers ever sell you a lemon?"

I like to be fair, so I congratulate the Government. I acknowledge that its rhetoric is very definitely up scale, right up there on the Richter scale, right up on the octave scale. The Premier and his merry little band do so like to perform fortissimo. We just wish that they could manage to do it in tune. However, we know—because they tell us so and, therefore, it must be right—that Queenslanders are getting a truly vintage performance from the choir of angels opposite. The three tenors are nothing on this lot. The Pavarotti Premier! Look at them: 18 tenors, give or take one or two on the front bench; 25 in the chorus behind.

It is in the nature of public relations gimmickry to gild the lily and, over the past 17 months, this Government has spent a lot of its time—time that would have been better spent on actually fulfilling its promises; the ones on which it got itself elected—gilding a veritable paddock full of lilies. It is all aglitter. It must be: its public relations advisers tell us so. Sadly, I have to report that we are not taken in by the Government public relations hype. We do not believe that tricks with smoke and mirrors do anything else or anything more than hide the truth and bend reality. We do not believe that deception works as a public relations tool or as a mechanism of Government. However, we believe that, on the basis of this Government's shameful record, the day they walked in the door, ethics went out the window.

I put this proposition to the House: would the presence of a Queensland Integrity Commissioner have alerted the Premier to the very plain ethical issues that lie festering—and they will fester until the day he leaves office—beneath the administrative scandals, the deals for mates, the questionable appointments that he knows litter his Government and stain its record? I will answer that proposition for the Premier, because he will not; we can count on that: no way in the world! Not before the Public Sector Ethics Amendment Bill is passed and not afterwards, either.

This Bill smells of a stitch up. It smells of a cosy little in-house deal so that the Premier can say that he has nothing to hide and that he has a Queensland Integrity Commissioner to prove it. However, the way in which it works—or the way in which it will not work as well as it could—is that it is designed to pull the curtain down on public scrutiny, "No need to worry, the Integrity Commissioner will sort out any ethical dilemmas". I wonder what the

Premier's erstwhile personal ethical adviser, Dr Noel Preston, thinks about this? I can tell members what people accustomed to plain language and to plainer truths than we ever see from those opposite are likely to think. They are likely to think that people who need the services of an ethics adviser to define the critical difference between what is proper and what is improper should not be in charge of the bickie tin, anyway.

How are we to view the proposed Integrity Commissioner? Is he or she to be employed to keep the stables clean? Is their job to keep the stable door locked? Is it a job that is there on a stand-by basis so that if the horse bolts, the stable door can be slammed shut straight after the break-out instead of when an event becomes public knowledge? Is it more of a veterinarian's job: one that will provide a handy in-house gelding facility? Is it intended that this surgery should be performed as a preventive measure before the fact or as an on-site sanction available to deal with transgressors who have actually bolted through the door and been returned only after a public hue and cry?

Let me put this another way. Let us cut to the chase. Would the presence of an in-house ethicist have prevented the disgraceful net bet affair? Could such an appointment have better regulated the terms and conditions let alone the methodology on which Helen Ringrose was able, with the support of the Director-General of the Department of the Premier and Cabinet, to parachute out of City Hall into the soft landing provided for her at the Executive Building? Might this mechanism if, in fact, it had been in place before the horse bolted, have prevented the head of the Public Service, Brian Head, exempting himself from the selection process for his high office and highly paid position? The $94 question is: could it have directed towards the bargain basement those other in-house experts, the ones whose responsibilities include acquiring toilet brushes suitable for ministerial comfort stations or, if not them, the Minister involved?

The Opposition will need to be persuaded by the Government as to why it should support this Bill with anything more than lukewarm enthusiasm. In the Premier's second-reading speech, there was no persuasion, only the usual public relations gimmickry. However, we want to be positive. We want to be helpful. It is always our intention to help the Government make the very best fist that it can of governing. We on this side of the House support the concept of ethical behaviour in the public sector, and not only the concept but the practice of ethical behaviour. When the Premier introduced this Bill on 26 May, he said that his Government was committed to ensuring that Ministers and other public officials responsible for public resources meet high ethical standards. No-one would argue with that objective. Certainly, no-one should.

This Bill provides for the establishment of Queensland's and Australia's first Integrity Commissioner. We on this side of the House have some difficulties with how the detail of such an appointment might work. On the face of it, given the detail of the legislation proposed, it might not work very well at all. I will return to that issue later. In the meantime, in the spirit of constructive Opposition, I believe that several things need to be said so that the difficulties that the Bill presents in terms of its workability and extent are clearly on the record. The Bill seems to lack teeth if it is to do all of the wonderful things for excellence in public administration that its authors proclaim is its purpose. It states that a primary purpose of the Integrity Commissioner is to encourage confidence in Government and public institutions. Why, then, is the impact of the proposed legislation restricted to Ministers, Parliamentary Secretaries, chief executives and certain closely defined designated persons? Surely if the integrity process that we are being asked to enshrine in legislation is to work properly, it should include all officers. Conflicts of interest or anything else can scarcely be viewed as residing only in the top echelons.

It is stated that the commissioner's advice will carry protection from liability for those who seek advice in good faith and who then substantially comply with it. Who is going to determine this good faith? Who will define what is to constitute substantial compliance? Just as importantly, who will actually monitor this process?

Mr Beattie interjected.

Mr BORBIDGE: That is the problem. The Premier says, "Trust me", but thousands would not. Some would, but thousands would not. I dare to suggest that, in the current political climate, for every person who trusts the Premier there would be 1,000 who do not. That is the great weakness of this legislation. It is another Beattie con job. It is like the unemployment figures that are now going on the trend figures. It is funny that, when he was promising 5% unemployment, the Premier was not going on the trend figures and he made that a cornerstone of his election campaign. That is why people do not trust the Premier. People do not trust the political process.

It does not seem too churlish to suggest that individuals with conflicts substantial

enough to have taken them to the Integrity Commissioner in the first place might use this provision to attempt to gain indemnity for past actions. There is another problem that we on this side of the House see in terms of the workability of the legislation. With the list of designated persons as defined in the Bill, it would appear that the Integrity Commissioner is not going to be very busy. This restriction on the commissioner's area of operations lends weight to the view—and I accept that the Government might see this as an invidious view—that the Bill is less about cleaning out the stables than it is about putting on a nice public relations front. That would hardly be unusual for this Premier or this Government.

There are several other areas of difficulty with this proposed legislation. These are difficulties that neither the Premier's second-reading speech nor the other literature attached to the Bill address in any useful fashion. We on this side of the House look forward to the Premier finding the time and wherewithal to work through the Bill in the Committee stage so that these substantial questions can be answered.

For instance, if the proposed Integrity Commissioner is to act and be seen to act independently, he or she will need to have independent control of any support staff. The support staff should not—and I underline "should not"—be attached to the Office of the Public Service under the Premier's control. The provision that certain designated persons, including senior executive officers and senior officers, may only seek advice from the commissioner if their chief executive authorises them to do so and communicates this authorisation in writing would seem, prima facie, to be a potentially severe deterrent to seeking that advice.

The Bill requires that the Integrity Commissioner must give a copy of a relevant document relating to a particular designated person other than a senior executive officer, senior officer or senior executive equivalent if he believes that person has an actual and significant conflict of interest to the Premier, a Minister or a Parliamentary Secretary as the case may be. What is to stop this information then being pigeon-holed if it is unpalatable? What if politically it is a little bit nasty? What if it spells out the word "accountability" a little too clearly?

Under the provisions of the Bill, if a conflict of interest is established there is a shroud of secrecy with no provisions to ensure a satisfactory resolution. We have this cosy in-house operation that operates almost like an official secrets Act. What kind of public policy is this? Under the provisions of the Bill, if a conflict of interest is established, the shroud of secrecy—the cone of silence—descends over this Maxwell Smart of a Premier with no provisions to ensure a satisfactory resolution. What kind of public policy is this? It is bad public policy—B-A-D!

The Bill also provides that a chief executive may request and obtain a copy of a request for advice from the Integrity Commissioner and a copy of the advice later tendered, if that request has come from a senior executive officer or a senior officer under the chief executive's control.

Mr Johnson: It sounds like a republic.

Mr BORBIDGE: As my colleague from Gregory says, it sounds like the Labor republic.

Again, this is likely to deter officers who need to seek advice from doing so. Furthermore, beyond the constant claims that we hear from this Government about its commitment to openness and accountability and its general level of excellence—claims that we already know do not stand up to scrutiny—what guarantees are there that the result of such an advice-seeking process will not be a cover-up?

These are issues of substance. They go to the heart of the Bill and its credibility. Indeed, they go to the credibility of the Premier. How he responds will determine whether or not the Opposition supports the legislation. We believe that these issues should be looked at searchingly and at length by the originators of this Bill, because the Bill is flawed. We will be proposing amendments to the Bill, but we are seeking assurances. Our attitude will be determined by the assurances that the Premier provides in response to the reservations that I am expressing.

As an aid to this process, it is useful to look again at the policy objectives of the Bill. The major policy objective is to assist senior elected Government officials and senior appointed public officials—these being defined in the Bill as "designated persons"—to avoid conflicts of interest and thereby to improve the standards of integrity and probity in Government and public administration. The Government sees this measure as making a positive contribution to raising community confidence in public institutions. That is an entirely laudable aim. It is an objective that we would certainly support, as I am sure would every member of this House. However, as I canvassed earlier—and I am sure that this issue will be developed during debate and, hopefully, it will be answered by the

Government—the question to be asked is: is this essentially elitist arrangement the way to go?

Let us leave aside questions such as who in a senior position would not know whether something was a conflict of interest. I mean that in the sense of having the wit, the training and what I will refer to as the "organic ethics" to understand. Of course we accept that the complexities of modern administration create grey areas on which it would be reasonable to expect people in sensitive positions to seek advice. Under the proposed legislation, the Integrity Commission is not designed to be a regulatory body. It is designed to provide advice only in relation to conflict of interest issues and only by way of a response to a specific request by a designated person. Therefore, I ask: is this to be a toothless tiger? A further question is prompted by the Government's record to date: does the Government want it to be a toothless tiger? Is this all for show? Are there in fact, rather than in theory, going to be teeth attached to the magnificent animal that we are being asked to bring into existence?

According to the Explanatory Notes—

> "In recognition of the determinative character of the Commissioner's considered advice in relation to a conflict of interests matter, an official who substantially complies with the Commissioner's advice is to be accorded conditional protection against liability in a civil action or administrative process. In relation to the giving of that advice, the Integrity Commissioner is to receive comparable protection against liability."

These are essentially sensible provisions, given that the Government wants an Integrity Commissioner in place. However, again I believe that we need to hear a lot more detail from the Premier as to how he envisages the system will work.

In the Government's view, it is important to provide a confidential source of consistent and expert advice on conflict of interest issues. From the Opposition's viewpoint, it is also important that such a source—confidential, consistent and expert—is available. However, although it would not be argued by the growing army of professional ethicists, it could be suggested that most such inquiries would find remedy within regulations in the case of a Government office, or within the law. If something is wrong, it is wrong. It is like the pirate warnings that are on videos: it is not quite right. Not quite right equals wrong. I do not think that there is any real argument about near enough being good enough when it comes to ethics or the law, and I think that most people are quite clear about that.

The Opposition looks forward to further opportunities to debate the issues raised by this proposed legislation. We also look forward to hearing the Premier's answers to the questions raised.

Mr NUTTALL (Sandgate—ALP) (5.19 p.m.): As the Premier announced in his second-reading speech to the Public Sector Ethics Amendment Bill, the purpose of the Bill is to establish Queensland and Australia's first Integrity Commissioner. Today I speak in support of the Bill because I believe that the Integrity Commissioner will help Ministers and other senior public officials avoid conflicts of interest and, as a result, encourage community confidence in Government and public institutions. When complex and unique ethical dilemmas confront Ministers and senior officials, they can now seek advice from the Integrity Commissioner about how to resolve these dilemmas. Conflict of interest matters are not always black and white and it is often difficult to resolve the grey areas in a way that satisfies everyone. An example that one can point to is where a private company in which a Minister holds an interest is simultaneously doing business with a contractor that is also a supplier of services to the Minister's portfolio. It is reassuring to know that, if requested, the Integrity Commissioner will provide confidential and expert advice to assist Ministers and other public officials in resolving their dilemmas and preventing conflicts of interest from arising.

The Integrity Commissioner can give advice only about conflict of interest matters when requested to do so by a designated person. As advice can only be given on request, the effectiveness of the commissioner's functions therefore relies on designated persons approaching the commissioner for this advice. One of the key features of the Bill is that it aims to encourage designated persons to seek advice from the Integrity Commissioner. First, confidentiality is offered to designated persons who seek and obtain advice about a conflict of interest matter. Only the person to whom the conflict of interest matter pertains may disclose the advice given by the Integrity Commissioner. There are also provisions to ensure that a person involved in the administration of the Office of the Integrity Commissioner must not record, use or disclose information about another person's conflict of interest issue unless it is relevant to the performance of their

functions. The maximum penalty for breaching these provisions is one year's imprisonment.

Secondly, the relevant documents about designated persons' requests for advice and the advice given by the Integrity Commissioner are to be exempt from the provisions of the Freedom of Information Act 1992. Access to these documents is restricted, because it is recognised that the commissioner's advice to a designated person is comparable to legal advice provided and protected in accordance with legal professional privilege. If a lawyer was to give advice about a conflict of interest matter to a Minister, the lawyer's advice would not become public knowledge. Likewise, advice from the Integrity Commissioner is protected from public access. However, if the Premier, a Minister, a Parliamentary Secretary or a chief executive requests the Integrity Commissioner to provide advice about a conflict of interest issue involving a relevant designated person, this advice must be provided. It is not envisaged that this provision would discourage any person from seeking advice. The circumstances in which these persons can request advice about another person's conflict of interest are specific and limited. Furthermore, the person seeking the advice is not empowered to further disclose the documents and information that is obtained. As I said previously, the Bill does not prevent the person to whom the conflict of interest matter pertains from disclosing the advice and relevant documents.

A third feature of the Bill that encourages designated persons to seek advice from the Integrity Commissioner is that the Bill's provisions ensure that the commissioner has regard to fairness and the principles of natural justice when making authorised disclosures. Where the commissioner forms the view that, for instance, a chief executive has an actual and significant conflict of interest the commissioner must advise the chief executive accordingly and indeed give the chief executive seven days to resolve that conflict. If the chief executive fails to resolve the conflict to the commissioner's satisfaction, the commissioner must advise the Premier by providing copies of the relevant documents relating to the chief executive's conflict. In practice, it is unlikely that this situation would indeed arise frequently. Normally, actual and significant conflict of interest comes to attention when a chief executive registers or declares his or her pecuniary or other interests in accordance with the Public Service Act 1996.

The Leader of the Opposition stated that when the Labor Government came to power ethics went out the door. It is a little disappointing that this legislation is needed. We need look only at the behaviour of politicians at local, State and Federal levels over the years to see that we are probably our own worst enemies. I believe that 99% of members of Parliament act with integrity. Occasionally, mistakes are made.

However, sometimes things can be taken too far. We need to be cautious about this, because we could end up tying ourselves up in knots such that we would be precluded from doing our job properly. We need to be mindful of that. Following the difficulties that the Federal Parliament has had with some members misusing their travel entitlements, Federal members now have to hand in their boarding passes. I think these things can be taken too far.

To those members who think that they are not being watched I say: they should see what it is like sitting on this side of the Chamber. I wish to relate to honourable members an experience that I had when conducting a meeting as a representative of the Premier. I will not say when this was, because I do not want the person to be identified. On that day, I had a very tight schedule. Rather than see the person later in the day, I invited the person to breakfast. Over breakfast, we had a discussion about the issue that he wanted to speak to me about. I bought breakfast. The cost for that person amounted to $19. When I came back to Brisbane, I got into strife because I did not get prior approval for that $19 breakfast. I highlight this issue, because I think these things can be taken too far. We need to be mindful of that.

Mr Borbidge: What you said is absolutely true.

Mr NUTTALL: That is right.

However, having said that, I support this legislation. The public rate us, rightly or wrongly—and the Leader of the Opposition pointed this out—on the same level as a used car salesman. I do not believe that is justified. As I said earlier, 99% of us work in a diligent way and respect the fact that we are expending the public's money. I understand why we are introducing an Integrity Commissioner. In my view, this is a situation that would not have arisen if the behaviour of members of State and Federal Parliaments had been of a higher standard in the past. Had that been the case, we would be held in higher regard. With those few words, I support the Bill and I ask honourable members to do the same.

Mr FELDMAN Caboolture—ONP) (5.28 p.m.): It is with pleasure that I rise to speak to the Public Sector Ethics Amendment Bill 1999. I wish to pick up from where the Leader of the Opposition, the member for Surfers Paradise, left off. He said that for every one person who does trust the Premier there are 1,000 who do not and would not.

I am here as an example of that. One Nation would not exist and I would not be here if people had trust and faith in the integrity of Governments. But the trouble is that they do not have faith and they do not have trust in Governments. That is a shame, as the member said. If the general public—the thinking public—trusted Governments, we would have only two sides in this Parliament, but we do not. Tweedledum and Tweedledee have had their day, and that is happening not just here in Queensland. We see that sanity coming up again now in Victoria and South Australia where small parties and Independents are not just winning support but also control—and they are winning even more control—in Government. We see that federally in the Senate and we also see it as a worldwide trend.

We just recently had members of the Dail over here—the Irish Parliament. On speaking with one gentleman, I discovered that the Government rules not just at the behest of one minor party, but two, several Independents and, as I was told, two turncoats from the other side of their Chamber. That is how the Government rules. They are not viewed, as was described, as a possible fruit salad. That is how one actually gets good Bills passed. That is how one actually gets a decent set of legislation through—legislation that means something to every member of the general public, not just to small sections.

Ethics in politics, I was told, are indeed a misnomer; the two could not possibly go together. In common with the Leader of the Opposition, I recall that just before I was elected to this most salubrious office the integrity ratings for occupations were printed in a bastion of ethical print—the Courier-Mail! I believe they were printed in other scandal rags as well. The ratings were interesting. Nurses, I believe, topped the integrity ratings in this State, with an integrity rating of somewhere around 82%. Police—and I was one of them at the time—had a rating of somewhere between 68% and 69%. Politicians, however, were down to 3%—just above journos and used car salesmen. So, according to that, on entering politics my integrity rating dropped from 68% to 3%.

Mr Borbidge: Does that mean when you left the Police Service their rating went up and our rating in here went down?

Mr FELDMAN: I will not answer that question.

Mr DEPUTY SPEAKER (Mr Mickel): Order! The Leader of the Opposition should not be provocative.

Mr FELDMAN: I found it incredible to think that that was the public's perception of politicians. But then, after witnessing first-hand the absolute scrutiny that political figures undergo through media intrusion—being under a microscope like that for some 24 hours a day—I found that one would have to be an absolute saint not to fail at some stage. Unfortunately, it is only when politicians fail, or when they fall, that there is such media interest. That is when attention zeros in on every aspect of a politician's life. Then politicians are examined from every angle and from a very biased, anti-politician point of view. After all, as politicians, we are actually above the integrity rating of journalists. So I suppose the tall poppy syndrome comes in and the journos have to cut us down somehow! Public perception is a very interesting sideline to this Bill. I believe that that is really what this Bill is all about. This Government is trying to convince the public that suddenly it has somehow developed a higher integrity than it had already been examined as having.

The Public Sector Ethics Amendment Bill appears at first glance to be an effective method of furthering the cause of good government in this State. For such a Bill to translate good intentions into practical improvements in our standard of Government, it must provide the persons who are the subject of the advice and the person providing the advice with a clear path through the administrative jungle. It must also ensure confidentiality of the details of the person seeking the advice and the details of their request for advice. Most importantly, it must be closed to corruption. This is quite an essential ingredient to the success of the Integrity Commissioner.

It is based on these vital ingredients that I have a few concerns with the Bill. The role of the Integrity Commissioner is well protected from liability in civil or administrative process for any acts or omissions committed in good faith. The designated person is protected if they have provided the commissioner with all relevant information and acted to resolve the issue according to the advice given by the Integrity Commissioner.

The Bill relates to the seeking of advice on the Government side of the House and within Government departments, yet the Integrity Commissioner is appointed under the terms and remunerations decided by the Governor in Council. This arrangement provides opportunity for favours from mates and backdoor deals. I am not saying that this is what will occur; I am simply saying that the potential for this to occur should not exist in this Bill. This is why I make the suggestion that the Integrity Commissioner's appointment, remuneration and terms of appointment should be decided by a bipartisan committee, a committee which will ensure that the position of Integrity Commissioner will never be labelled as a "job for the boys" appointment. The process of appointment by a committee will ensure that, through terms of employment and remuneration, no deals will be made and certainly no favours done.

The Premier claimed in his second-reading speech that, by creating this Bill and establishing the position of Integrity Commissioner, the public would regain some trust and faith that they have lost in Government. I for one certainly pray and hope that that will occur, but I am not sure if they will regain that trust by the Government establishing this commissioner. A little genuine work for the good of the State might do just that very thing, but I think that perhaps this Bill in some way may help. Government should be as transparent as possible to the public. The bipartisan appointment of the Integrity Commissioner would increase the transparency of his position and ensure the public that all is definitely aboveboard.

My other concern is with the extremely vague qualifications for the appointment of the Integrity Commissioner set out in proposed section 37(2). Although I believe the definition to be far too broad and open to personal value judgment, to list a more detailed and less ambiguous definition would be impractical. My concern stems from the Government's record on integrity. With certain members of its ranks requiring a lot more hard work to achieve a reasonable degree of personal integrity and with five Ministers already tarnished by the shredding of documents relating to the abuse of children, the role of the Integrity Commissioner will be a more onerous one, and the interpretation of the qualifications for the person's appointment needs to be more clearly defined. This is another adequate reason for the commissioner's appointment to be made by a bipartisan committee.

Initially I had concerns with proposed section 34 and the ability of the Premier, Ministers and Parliamentary Secretaries to be given a document of disclosure regarding advice given by the commissioner. On closer scrutiny, however, I believe this section to be fair and the conditions set out in proposed section 34(5) by which the Premier may disclose the documents are adequate and necessary to ensure that actual and significant conflicts of interests are not merely discovered but are acted upon. If action is not taken then the purpose of the commissioner is extinguished.

As I stated at the beginning of my speech, I believe the basic intent of the Bill to be praiseworthy and I trust that the Premier will act upon any uncorrected significant conflicts of interest that are brought to his attention. I believe the establishment of the position of Integrity Commissioner to be a positive contribution to Queensland if it can be protected from the political tarnish and remain a position of integrity—a position by which the community can regain some faith in our present system of government. I trust that that will occur. At this stage we will not be opposing the Bill. I will view the amendments that have been circulated.

Ms NELSON-CARR (Mundingburra—ALP) (5.38 p.m.): I rise to speak in support of the Public Sector Ethics Amendment Bill of 1999. The establishment of the Office of the Integrity Commissioner will be an innovative enhancement to Queensland's system of government. The Integrity Commissioner will be a valuable source of independent advice for Ministers and for other public officials. If requested, the Integrity Commissioner could provide advice about whether the retention or acquisition of a specific interest would give rise to an unacceptable conflict.

Although pecuniary and other interests are registered under the relevant procedures, Ministers and other public officials need ongoing advice about conflict of interest matters. When they are thinking about acquiring a new interest, or if it is likely that their existing interests could become a potential conflict as a result of changing circumstances, advice from an independent expert may be necessary.

After seeking advice from the Integrity Commissioner, Ministers and other public officials need to know that they will not be responsible for any consequences resulting from taking action in accordance with this advice. An essential element of the Bill is therefore the protections and immunity from further action provided to persons who act in accordance with the Integrity Commissioner's advice.

If a designated person requests advice about a conflict of interest issue, discloses all relevant information about the issue to the Integrity Commissioner and acts in accordance with the Integrity Commissioner's advice to resolve the issue, he or she will not be liable in a civil proceeding or under an administrative process for following the commissioner's advice. This protection and immunity from further action not only encourages designated persons to seek advice from the Integrity Commissioner but also reassures persons that they will not be responsible for the consequences of following the commissioner's advice.

The immunity is intended to ensure that the commissioner's advice on a matter is determinative. For example, if the commissioner advises a Minister who owns a substantial interest in a private company to dispose of his or her shares within a specified time period, it is possible that the other company directors could seek to sue the Minister, especially if the disposal of the Minister's interests had an adverse effect on the value and saleability of their individual and collective interests in the company.

If a person takes an action or makes an omission before seeking and receiving advice about a conflict of interest issue from the Integrity Commissioner, then this act or omission is not protected under the Bill. This would not be in the public interest. However, if a person has sought and received advice from the Integrity Commissioner and this person then ceases to be a designated person, any act taken in accordance with this advice will remain protected. The Bill also provides protection from civil action or administrative procedure for the Integrity Commissioner, ensuring that the commissioner is free and able to give frank and fearless advice. I commend the Bill to the House.

Mr SPRINGBORG (Warwick—NPA) (5.42 p.m.): It has been very interesting to sit here for the last little while and listen to the contributions of some honourable members. I refer particularly to the contribution made by the honourable member for Caboolture, the Leader of One Nation. It cannot go without some comment that he is the leader of a political party which was elected to this place on the basis of being anti-politicians, on the basis of a belief that a politician's job is a little easier than he has found it to be and on the basis that Parliament is full of unethical politicians. I think his admission that sometimes we have to be even more saintly than a saint to survive in this place is an indication of some of the difficulties faced by members of Parliament in trying to meet the expectations of the general community. I believe that the ethics industry has been pursued and profited from by some very unethical people in academia, in the media and in other areas in the community.

My comments on this Bill are predicated on the basis that I am generally extremely suspicious of and very worried about the issues of codes of conduct, ethics statements and ethics agendas, regardless of whether they are to be foisted upon members of Parliament or upon the Public Service. I understand that there are certain things the Premier wants to achieve with this legislation. The statements I make in this place may assist in making it a piece of legislation which will meet the Premier's objectives.

There is no doubt that there is considerable community unease about politics, politicians and the political process, and public administration generally. The Leader of the Opposition has already spoken on this, and I endorse his comments. I am very supportive of any legislation that will improve ethics in Government. My major concern with this Bill is that, although the Premier claims that it will achieve much, it is actually quite a weak piece of legislation.

Much is promised by this Bill, but if we are not careful very little will be delivered. The very fact that the Integrity Commissioner will be a part-time position, supported by fewer than two people, highlights the anticipated workload and importance of this office by the Government. I also have to say that the operation of the Public Sector Ethics Act in practice is still problematic. I will refer to the circumstances surrounding one apparent breach of a code of conduct under this Act and how it is being dealt with. I have to say that I am not very impressed.

Both the Premier and the Leader of the Opposition gave a very comprehensive outline of this Bill, and I will not repeat what has already been said. The object of this legislative exercise is well summed up in proposed section 25, which reads—

> "The purpose of this part is to help Ministers and others to avoid conflicts of interest and in so doing to encourage confidence in public institutions."

The Integrity Commissioner will only be giving advice. There is no investigative role. The commissioner will advise designated persons about conflicts of interest and has a special role with respect to standard setting and public education. The role of public education could be very important and, if

handled correctly, may go some way to addressing the serious alienation issues that others have referred to.

In many countries there is a belief that there needs to be on hand a person who can advise on conflict of interest and broader ethical issues. That is the case in various Canadian Provinces, at the Federal level in the United States and, since the release of the Nolan report, in the British House of Commons.

The fact that we in this House are debating an initiative of this kind is something I am pleased about but, as I said, there are problems with this model. The coalition will be proposing amendments, and I hope that the Premier gives them serious consideration. A reform such as this, if it is to succeed, must have public confidence and must have ongoing bipartisan support. If there is any suspicion about the model or how it is being run, then it becomes an expensive waste of time. On top of that, it may contribute to even greater public cynicism about the political process.

I was disappointed that when the Premier introduced the Bill he could not help himself and spoke in his carping tone about reforming Labor Governments and about how this Government was returning public faith to our political processes. That is exactly the sort of partisan approach to a Bill such as this which undermines its effectiveness. If the Premier genuinely wants to improve ethics in Government, he should start by approaching issues such as this with less partisan overtones.

I turn now to a few concerns I have with the Bill. The first concern the Opposition has is that the Integrity Commissioner has no power to proactively look into conflict situations. The commissioner will operate in a totally passive and reactive manner. When introducing the Bill the Premier said—

> "The Integrity Commissioner will not, in general, be a watchdog for conflicts of interest. The functions of the Integrity Commissioner do not empower the commissioner to conduct any independent investigation, decision making or enforcement, as this is currently the role of the Criminal Justice Commission and will remain so."

No-one wants a proliferation of investigative bodies that have overlapping responsibilities, but I would have thought that there are two distinctions to be drawn between the role of the Integrity Commissioner and the role of the Criminal Justice Commission. First, the concept of conflict of interest under this Bill is surely wider than official misconduct under the Criminal Justice Act. The Premier can correct me if I am wrong, but the potential scope of advice from the Integrity Commissioner would be wider than the current role of the Criminal Justice Commission. I have read section 32 of the Criminal Justice Act, and I think that a conflict of interest issue as defined in the Schedule is broader.

Second, even if there was no wider charter, the Premier knows only too well that the CJC has a discretion not to investigate and, based on the net bet affair, we all know just how difficult it can be these days for the CJC to launch a formal investigation. So in this context, and with the aim of actually proactively and positively allaying public concerns, the Bill should have provided greater scope for independent action.

We are not suggesting a carte blanch approach but, on the other hand, not giving the commissioner any scope for independent investigation seems overly restrictive. Not only is the commissioner reliant on persons seeking his or her advice, but the Bill places no positive obligation on persons to seek advice if there is an existing or potential conflict situation. Clearly, the Bill envisages that involuntary referrals will occur, because proposed section 30 allows the Premier, a Minister, a Parliamentary Secretary, the CEO of a department and the CEO of a Government entity to refer matters to the commissioner about third parties.

In these circumstances, I would like the Premier to respond and indicate why there is not a duty—even if it be a duty the breach of which does not result in any action—for designated persons to refer conflict situations to the commissioner. Obviously, whether it is a conflict or not is a matter that will not be resolved until the commissioner looks at it. Nevertheless, to ensure that this Bill is taken seriously and the services of the commissioner are used, it would have been preferable to have included some duty to seek advice. I will shortly be discussing section 84 of the Public Service Act, and I would like to know why that model was not adopted.

Another matter which weakens the effectiveness of this Bill is that it is limited to senior public servants. The definition of "designated person" in proposed section 27 prevents—from my reading of it—persons other than senior executive officers and CEOs being subject to a referral by the Premier or the head of the department. Conflicts of interest and significant ethical problems are

not limited to the top of the Public Service or politics. In fact, some of the most serious ethical and conflict issues arise with non-senior officers, especially those handling moneys or enforcing police powers.

As the Premier would know, section 84 of the Public Service Act already requires each and every Public Service employee who has an interest that conflicts with a discharge of that employee's duties to disclose that interest to the CEO. The CEO, in turn, has an obligation to disclose conflicts under section 56. Accordingly, the requirement for all public servants to disclose conflicts already applies, and I would have thought that it was sensible and prudent to dovetail the section 84 requirement into the ability of those Public Service employees to seek advice under this Bill.

Under proposed section 37, the Integrity Commissioner is appointed by the Governor in Council for a term up to five years in duration. Proposed section 41 outlines how the commissioner can be removed from office. Alert Digest No. 8 states—

> "Proposed section 41 stipulates grounds upon which the Governor in Council may terminate the appointment of the Integrity Commissioner. The first such ground is that the commissioner ... cannot satisfactorily perform the Integrity Commissioner's duties.
>
> In the committee's view this provision exhibits a degree of imprecision. Whilst it clearly encompasses matters such as physical and mental incapacity, the nature of the commissioner's functions and the qualifications stipulated in proposed section 37(2) are such that questions could arise as to what other situations it might extend to."

Proposed section 37(2) provides as follows—

> "A person is qualified for appointment as the Integrity Commissioner if the person has knowledge, experience, personal qualities and standing within the community suitable to the office."

For example, it might become widely known that the commissioner had, in respect of a private business dealing, conducted himself or herself in a manner which, though not illegal, might be considered quite unethical. Would this affect the commissioner's standing within the community to the extent that the commissioner would not be able to satisfactorily perform his or her duties? The committee recommended that the Premier consider amending the Bill to define at least some of the additional circumstances which would prevent the commissioner from satisfactorily performing his or her duties.

In his reply, the Premier said that the term "unsatisfactory performance" was broad enough to render any further definition problematic. I do not necessarily disagree with that, but it just highlights what a potentially unsatisfactory situation the Integrity Commissioner could be placed in. A person who will be looking at the Premier's request—for example, a Minister of the Crown or a Parliamentary Secretary—will be placed in a very difficult situation. If the commissioner is to give good advice, the commissioner's tenure should be as secure as possible. Being sacked by the Cabinet of the day for allegedly not satisfactorily performing his or her duties ensures that the commissioner could be rendered a "tame cat" on the one hand or a "sacrificial lamb" on the other. In either event, it is less than satisfactory. I would have thought that if the Government wanted to have the option to dispense with the services of the commissioner, a fairer and more objective basis should have been chosen.

Those are not all of my concerns about the Bill, but they highlight some of the issues which I believe need to be further explored. The Leader of the Opposition will be moving amendments which will significantly improve the operation of this flawed model. And as I said, I hope that the Premier takes them on board. One of the amendments is designed, for example, to ensure that a Minister of the Crown is able to seek advice about not just his or her CEO but also the senior executives in the department. This right exists for the Premier under proposed section 30, and it should extend to the Minister who is held accountable under the Westminster doctrine of ministerial responsibility for the actions of his or her department. As it stands, this Bill allows greater scope for the Premier to intervene in line departments than it gives to the Minister who is accountable for them—all in all, a strange and unsatisfactory situation.

I will conclude by highlighting an existing ethical problem involving the Public Sector Ethics Act and one which may or may not be dealt with by this Bill. During the Estimates hearings, I sought answers from the Attorney-General and Minister for Justice on the special terms and conditions awarded in the contract of employment to the Director-General of the Department of Justice, Ms Jane Macdonnell. They related to obtaining some $2,000 cash in hand from publicly funded private air fares and

more than $4,000 being expended on rental of furniture for her home.

I do not intend to discuss this aspect of the matter, as it is not relevant to this Bill. However, what was relevant was the fact that, that very week, the director-general used departmental email facilities to give her explanation of the events disclosed during the Estimates hearings. I will not quibble about her getting a message out to staff; and although I strongly contest some of the things she said, I am not suggesting that she should not have done so. However, the email went much further than that, and I now quote the beginning and the end of it—

> "Many of you will have seen, heard or been told of reports that wrongly impute that I made a personal profit on my publicly funded travel. I am taking legal steps in relation to those reports.
>
> ...
>
> One last thing, I am trying to assess the extent of the damage done to my reputation through the media reports. I would be grateful for any feedback as to the impact that the reports (or accounts of them) had on you personally or any of your acquaintances."

Here was the chief executive of a department using email facilities to solicit staff and their family and friends to assist her in proposed private litigation against media outlets. She was using departmental email facilities to tout for assistance.

In line with the requirements of the Public Sector Ethics Act, the Department of Justice has a comprehensive Code of Professional Conduct, which specifically deals with conflicts of duty and interest and prohibiting the non-official use of resources. Even more relevant is that it deals with electronic mail. This is what the Code of Professional Conduct requires—

> "While electronic mail (e-mail) is widely accepted by business and private users, its use by departmental officers carries particular responsibilities. Incorrect or inappropriate use can have serious consequences for the Department and officers.
>
> ...
>
> Officers must not incorrectly or inappropriately use e-mail. E-mail is not to be used for sending personal messages."

It is patently obvious, in my opinion, that Ms Macdonnell has breached her own department's code of conduct. And if she has not, then there is at least a prima facie case to investigate. One does not use departmental facilities in an endeavour to drum up a case to sue in one's private capacity. It is wrong for any public servant to do that, let alone the head of a department.

The Premier would also know that a breach of a code of conduct approved under the Public Sector Ethics Act constitutes a disciplinary breach which requires the institution of disciplinary action under the Public Service Act. I initially wrote to the Attorney-General, asking what he intended to do. I found out from reading the Courier-Mail that the Attorney-General saw nothing wrong with using email facilities for private purposes. He intends to do nothing to uphold his own department's code of ethics.

Debate, on motion of Mr Springborg, adjourned.

ST GEORGE IRRIGATION AREA

Dr PRENZLER (Lockyer—ONP) (6 p.m.): I move—

> "That this Parliament calls on the Beattie Labor Government to provide the infrastructure necessary to honour its commitment to the channel farmers of the St George Irrigation Area and to review immediately the current transfer system of water rights."

The St George irrigation scheme was developed to provide a boost to the regional economy by ensuring a water supply for farming country that had previously been limited by seasonal water availability. The Condamine and Maranoa River systems merge to form the Balonne River in the region of St George in the electorate of Warrego. The Beardmore Dam was built on the Balonne River for the purpose of establishing an irrigation area in the St George region in an effort to provide water resources all year round.

The dam was purpose-built and would have adequately provided enough water for approximately 40 farmers in the St George irrigation area—farmers who paid a high price per acre for their land due to the assured water allocation from the St George irrigation scheme as a result of the construction of the Beardmore Dam.

What has occurred at St George is far from what was intended. It is a disgraceful display of mismanagement, corruption and mateship by the coalition and the Labor Party and has threatened the destruction and closure of previously viable farms. The Beardmore Dam now supplies water to approximately 145 irrigators in the region—105

more than were supplied under the original St George irrigation scheme, with approximately half of those 105 being small farms and the remainder being large flood harvesters.

Those farmers within the St George irrigation scheme paid thousands of dollars per acre for their land in comparison with those outside the scheme area who paid nowhere near the same price per acre. Farmers within the official scheme area are at a direct disadvantage because of the actions of the Department of Natural Resources which has reneged on its obligations to ensure a water supply to these pioneer farmers. This fact alone deserves attention; hence our call for further infrastructure to be built to deal with the increased demand for water in this region.

The idea of a west Beardmore dam has been discussed for many years but has never been acted upon. The land where the dam is supposed to be constructed is currently being used as farming land by farmers in the area. These people are disadvantaged as their previously assured supply of water is not now forthcoming. In some instances, the problem has reached the point at which some farmers are on the brink of extinction due to the lack of water supply. This situation obtains even when sometimes the dam may be full.

The majority of the channel farmers are unable to store large amounts of water in times of flood due to the fact that they hold smaller, more expensive acreages; hence they are totally dependent upon water in public storage for their crops. They have made large scale investments and rely upon healthy and high-yielding crops to survive.

By contrast, flood harvesters who are not within the St George irrigation scheme have large water facilities on their farms and are able to store enough water to operate their farms for years into the future. Although their capital costs to establish on-farm water storage are relatively high, the water is extremely cheap at $3.70 per megalitre for the first 500 megalitres. Those farmers pay no more for water in excess of 500 megalitres. This compares with the channel farmers who pay $22 for every megalitre of water that they use on their properties.

When new water is trapped in the dam, the new water is not allocated to those who require it; instead it is allocated between the channel farmers and the flood harvesters. The end result of this exercise is that the channel farmers, who have been using their entitlements, receive a limited allocation of the new water but not enough to sustain their farms. At the same time, the flood harvesters merely boost their parked water holding.

To give a clearer indication of the results of this childishly ridiculous allocation system, normal water allocation systems would provide 65% of the water required. I might just add that when the dam was first built there was enough water to provide 125% of the allocated water requirements. Whilst many of the large scale flood harvesters could, in theory, receive up to 200% of what they require, the shortfall must be made up somewhere, and it is made up by restricting the channel farmers. Those farmers are currently receiving approximately only 15% of the water they require to irrigate in the dry months. This 15% equates to the equivalent of only one good watering on the farmers' properties and is completely inadequate to water the crops. It will not last the farmers until the beginning of the next wet season. These farmers have only been holding on by a thread and the time will certainly come when these properties will be destroyed because of the lack of water. That could happen this year.

I am sure that this comes as no surprise to either of the major parties in this House, as there is evidence of prior knowledge of this situation. There is also evidence of inaction by the previous Government and the current Labor Government. The way in which this system unfairly disadvantages farmers within the St George irrigation scheme is a disgrace.

I wish to specifically focus on the inequitable and immoral allocation and transfer of water rights. There is no doubt that the way in which this water is allocated is unfairly disadvantaging those whom the scheme was set up to service in the first place. These farmers have been exploited so that National Party mates, specifically, will be well looked after.

One of the great dangers facing our nation is our declining rural population—the population drift to the cities. This is also a symptom of an economy becoming increasingly fragile due to the ongoing drift away from primary production. Here we have a group of farmers who possess that much admired Australian pioneering spirit—farmers with big hearts who are prepared to take the risk of investing a considerable amount of money in the high risk venture of farming. They work hard and they deserve to earn a living from their work.

They were prepared to take those risks after careful consideration of the rules as they applied at the time. The farmers have been severely disadvantaged because Governments

from both sides of politics in this State have changed the rules. All Governments have a moral obligation to ensure fair play and to seize every opportunity to promote regional development. The former coalition Government failed on both counts. The present Labor Government is perpetuating the moral dereliction. This dereliction will certainly lead to the destruction of some of these hardworking farming families.

Mr BLACK (Whitsunday—ONP) (6.08 p.m.): I rise to second the motion moved by the member for Lockyer. In supporting the member for Lockyer, I would like to enlighten the House as to the background of the difficulties being experienced by farmers in the St George irrigation development scheme.

Beardmore Dam, and other public infrastructure in the St George irrigation undertaking, was designed principally to service the farms in the St George irrigation area. However, in spite of the fact that the Beardmore Dam only just coped in the 1970s and the 1980s, in 1989 the Ahern Government distributed entitlements to its cronies to extract more water from the dam. Since this distribution occurred, the Department of Natural Resources has surveyed the dam impoundment and has found that it is only 80% of the design capacity. The situation is that the Government has a dam that was grossly overcommitted as regards its design capacity; it is only holding some 80% of that capacity.

The owners of properties adjacent to the Balonne River were granted the right to take sufficient floodwater to provide for the construction of economic on-farm storages. As private storages were constructed on riparian properties in the early 1990s, farmers could not utilise water from public storage.

The Government's response to this has been to allow such property owners to accumulate and park entitlements to water in public storage, effectively taking the storage out of service. I am advised that the department's own modeller has shown that the effect of the Government's actions has been to reduce the area that can be safely watered on a farm reliant on public works from 75% on average to 25% on average. It is not economic to produce 50 hectares of cotton on a farm set up to produce 200 hectares of cotton. Consequently, the farmers are forced to gamble on the river running in the early summer months. I am advised that, following good flows in the river early in the year, there should be sufficient water in storage to sustain this year's crop until after Christmas, even with the increased demand.

However, on 1 October the department announced a water allocation of only 15% for the current crop. That means that property owners will progressively run out of water from late November. Despite the fact that there has been a good start to the summer season, the probability of the river running prior to the farms running out of water is not great. Consequently, the farmers stand a good chance of losing their crops.

The department has established a register of buyers and sellers in an endeavour to avert a catastrophe by redistributing the available supplies. However, the system does not work very well. Property owners tend to hold off on selling water until late in the season when they are able to realise much higher prices. That is considered to be an iniquitous approach to solving the problems in the development. As a consequence of the Government's failure to administer in a fit and proper manner, riparian property owners are able to effectively take water from the cotton industry pioneers in the St George irrigation area and then sell it back to them at extortionate prices. It must be remembered that the vast majority of riparian property owners receive their entitlements free of charge while the farmers in the St George irrigation area bought their farm entitlements at public auction or by private treaty.

The Government's policies are redistributing and concentrating wealth in the St George community. Furthermore, they are restructuring the industry and pushing out the smaller producers. Those effects are not due to market forces but are administrative decisions. I call upon the Government to clean up its act and get on with building the off-stream storage.

Hon. R. J. WELFORD (Everton—ALP) (Minister for Environment and Heritage and Minister for Natural Resources) (6.11 p.m.): I move the following amendment—

> "Delete all words after 'Parliament'—
>
> insert—
>
> 'congratulates the Beattie Labor Government on its genuine efforts to provide long-term certainty to landholders for access to water in the St George Irrigation Area to enable them to maintain their valuable contribution to the Queensland economy.' "

Yet again, we are debating in this House an important water resource issue that the previous Government failed to tackle. This

Government is going to take this issue head-on, deal with it and address the very concerns that the honourable member has raised. We are picking up the pieces of something that has been around for a long time, which the previous Government—and indeed Governments back in the 1980s—probably generated. I heard the honourable member talk about the Labor Party being involved in some sort of corruption of the system. Let me tell the member that there no votes for us out there. There is absolutely no stake for Labor out that way. The only corruption that occurred out there was the allocation over many years by previous National Party Ministers who tried to pork-barrel various constituencies throughout the west.

However, this Government is going to pick up those pieces. As I indicated partly in my answer to the honourable member this morning, I have genuinely tried to address this issue. We will get this issue solved one way or another. It may require some money, but we will address the issue genuinely, as I have made a commitment to do with the channel farmers when I met Ray Kidd and the other people out there earlier. Since Labor came to Government, I have given this matter a priority and a lot of work has been done. We have been tripped up and complicated in resolving it finally simply because of the National Competition Council interference in the proposal for the western cell, with which we had confirmed our intention to proceed. I did that because the cotton growers and the other land users in that area were given false hope by the coalition Government. They promised to solve their water problems, but never did—just like they promised to resolve the RFA, but never did; just like they promised to resolve the vegetation management issue, but never did; just like they promised to deliver a billion dollar water infrastructure package, but never did. The one decision that the coalition made on water infrastructure was to tell us that the Comet dam could not go ahead.

Despite all of that, we are going to turn the coalition's words into action. Last month, I issued a statement confirming that refurbishment and upgrade works could be carried out for the St George irrigation area. The upgrade of channel works is now almost complete. An upgrading of the pump stations will get under way in the new year. Over the past 14 months, we have undertaken two extensive consultation processes with the irrigators.

Members on both sides of the House would agree that this is a complex issue. If it was simple to solve, we all would have solved it long ago. As the honourable member knows, the issue dates back as far as 1972 when the Beardmore Dam was built. Changes in allocations in the 1980s and 1990s, several bad years of drought and the discovery that the capacity of Beardmore Dam was only 80% of its assumed storage volume have all added to these problems.

It is ironic that the member for Warrego, whose electorate encompasses the St George area, was not able to solve this issue when he was Natural Resources Minister. What did we end up with? A new storage was proposed and its capacity was picked by pinning a tail on a donkey somewhere on a wall. An advisory committee was then established to try to finalise water rights. Where did that committee go? It went nowhere! It was all just too hard for the coalition.

Useful discussions are being held on a range of options to deal with capacity sharing and the allocation of entitlements. I agree that there are some difficult issues, and I agree that the channel irrigators have suffered disadvantage, which I want to address. However, it is not going to be straightforward. As the honourable member mentioned, the transferable entitlements do not solve the problem. Through the WAMP process for the Condamine-Balonne and through the consultations with the people out there, we will get on and address those issues and find a solution that remedies the disadvantage from which they have suffered as a result of the additional allocations that were made over the years and also to give fairness to all water users in the catchment.

Time expired.

Hon. R. E. SCHWARTEN (Rockhampton—ALP) (Minister for Public Works and Minister for Housing) (6.16 p.m.): I rise to second the amendment moved by the Minister. In so doing, I want to acknowledge that this is a very complex issue. If we like, we can sit here and throw stones at it all night. However, it is good to see the Police Minister in the Chamber. I also notice Mr Ken Pearce in the gallery. He accompanied us on that airflight that day to try to resolve the issue. In fact, I think that it was Mr Pearce who said, "It ain't easy to resolve this. It is not that simple." As the day wore on, I am sure that the Honourable the Minister for Police will remember that it was like talking to a group of people who, in the first instance, spoke Vietnamese; when we moved on to the next group, they were speaking Italian; the third group we met was speaking Urdu; and the next group we met was speaking Chinese.

Right down the line, nobody had any agreement whatsoever.

It is very difficult to resolve such an issue. The Honourable the Minister who I then shadowed, Mr Springborg, had a go at the problem and so did his predecessor. As I said on that occasion, I have to acknowledge that it was much harder for them than it is for us to resolve the issue. Labor will never win that seat in a million years. There is no easy solution. If by some quirk of nature the member who moved this motion sits on this side, he would realise that he would not have the solution, either. The fact is that, somewhere in the system, there are winners and losers. We will never get a general agreement. That does not stop one trying, but when some people miss out on water and some people gain water, there will never be general agreement. That is what the dispute is all about: some people are seen to be better off, such as the channel farmers, or Cubbie Station.

An honourable member: Water harvesters.

Mr SCHWARTEN: Water harvesters—whoever it is. On that day, I learned that there will always be somebody who wants to point the finger at somebody else and say that they are better off. It did not matter who we spoke to, there was no general agreement between any of those people as to how to solve the problem.

However, I did say that if Labor won Government we should get Public Works Committee to look at the issue. That happened. As I said at the time, I had no power to direct that to occur, but I said that, if I became the Minister, I would refer the issue to that committee. Although I did not refer the issue to the committee, it happened, anyway. I see the Chairman of the Public Works Committee in the Chamber. I think that he can speak for himself in that regard.

It is a bit like being a bad driver. I have never met a bad driver yet. I have never met anybody who would put their hand up and say, "I'm a bad driver." I have met a lot of people who have said that others are bad drivers. People on that river system will say, "They are wrong and they are wrong and they are wrong, but I'm all right. I'm doing the right thing." I do not know how one ever resolves that issue.

This Minister is taking a fair shot at trying to resolve the issue. There is no lack of political will and there is no lack of reality. The Minister is sincere in his objective of trying to resolve this issue. It is all very well for the honourable member to sit back in the splendid isolation and irrelevancy of a minority and say that this should happen and that should happen. I can tell him that if he goes up there and resolves the issue tomorrow, he will be a very unique human being. Many people have put a lot of sincere effort into trying to resolve it.

One thing that a lot of the people who live in that part of the world do not want to consider is this: what is the health of the river worth? They do not want to ask who should get the environmental flow. Everybody wants to have a slice of the action of the river, and they are not too worried about what happens downstream. The Honourable Minister for Police and I visited the property at the end of the river system. The owner of that property said to us, "Don't take any notice of the people up there. We are at the other end of it here and look at the trickle of water that comes through here now. When it rushes through, it causes erosion."

Time expired.

Mr PAFF (Ipswich West—ONP) (6.21 p.m.): I rise to support the motion. I have listened to the Minister and he made some interesting points that I probably agree with. However, under the stewardship of the Beattie Labor Government, more great Aussie battlers will bite the dust. I refer to the case of Rose and John Hill of Mugangulla Station, near Dirranbandi. They have been fighting a David and Goliath battle with Cubbie Station and the Department of Natural Resources. I am advised that on Monday night this week, the Hills finally succumbed to the pressure and let go of the property that has been in their family for three generations.

The owner of Cubbie Station, Mr Des Stevenson, has coveted the Mugangulla property for the last decade because of its close proximity to the huge storage dam on Cubbie Station. As shown in a plan that I will table tonight, Mugangulla effectively cut Cubbie Station in two, which stopped Mr Stevenson from utilising the water that he was storing in his dam. What is interesting about this case is not so much the fact that Mr Stevenson coveted Mr Hill's property, but the role that the Department of Natural Resources appears to have played in putting pressure on the Hills.

The carrying capacity of Mugangulla has been going backward for the last decade as a consequence of the development of Cubbie Station and the subsequent loss of flood flows from the flood plain. Mr Hill has battled with the department since the late 1980s to acquire a licence to irrigate a small area of fodder to compensate for this. He has been unable to secure such a licence. On the other hand,

Cubbie Station has been able to acquire some 51 licences.

Additionally, due to the loss of water from the flood plain, Mr Hill found it necessary to construct a small dam to reticulate water to his cattle. However, the department told Mr Hill that he needed a licence for his small dam. Ultimately, the department gave Mr Hill a licence. However, conditions were placed on that licence which Mr Hill considered were unreasonable under the circumstances. After years of delay, the matter was ultimately resolved by the court in favour of Mr Hill. Clearly, the court also drew the conclusion that the department was being unreasonable.

These circumstances contrast with the treatment received by the owners of Cubbie Station. In spite of the fact that Mr Stevenson is constructing, in close proximity to Mugangulla homestead, storages with an aggregate capacity that will exceed the capacity of Sydney Harbour, he has not been required to obtain a licence for many of the structures. Under the provisions of the Water Resources Act, the department is required to gazette dams that are a risk to life and property and ensure that such structures are duly licensed. However, in this particular case, while deeming the structure to be a risk to life and property, no such action has been taken by the department. The circumstances beg the question: why was Mr Stevenson let off so lightly when Mr Hill was given such a hard time?

Additionally, on the eve of the last election the then shadow Minister for Natural Resources and now Minister for Public Works and Minister Housing sat in the shade of the veranda of the Mugangulla homestead enjoying the hospitality of the Hills and their friends. On hearing their grievances against the department, Mr Schwarten promised the people of the area a parliamentary inquiry into the department's administration of the water resources of the region.

The Government has not delivered on this commitment in nearly half a term in office. In the interim, Mr Hill has had virtually no income from his Mugangulla property and he has conceded that the property is worthless to anyone but Mr Stevenson. Ultimately, Mr Stevenson won because time and the Government were on his side. The Beattie Government should hang its head in shame. Had it kept Mr Schwarten's commitment, it may have allowed Mr Hill to get out with a little dignity rather than being virtually forced from his land.

Mr ROBERTS (Nudgee—ALP) (6.26 p.m.): Earlier this year I had the opportunity to visit St George as Chairman of the Public Works Committee to inspect the St George irrigation system and also to listen to the views of local irrigators. Tonight I want to make a few comments on some of the issues that arose during that visit and also highlight the obstructionist position that the Federal Government and the National Competition Council appear to be trying to take in scuttling the irrigation works that successive State Governments have proposed for the St George area.

One of the key reasons for proposing additional off-stream storage at St George was to augment the capacity of the Beardmore Dam. It has been widely acknowledged that the original capacity of the dam was underestimated and that this has reduced the reliability of water supply to local irrigators.

It is important to understand that there are generally two categories of farmers who rely, to varying degrees, on water from the St George irrigation area and the Balonne River: the channel farmers who are referred to in this motion and the water harvesters, many of whom are situated on farms downstream from the irrigation system. Of course, many other local grazing interests need an adequate flow of water past their properties. All depend to varying degrees on the reliability of water from this system. One of the more disappointing aspects of the motion of the member for Lockyer is that it appears to take the partisan view that the legitimate needs of the channel farmers predominate and override the legitimate needs of the water harvesters.

During the Public Works Committee inquiry and the public hearings held at St George, it was apparent that this issue has split the St George community. Both the channel farmers and the water harvesters took partisan views that made it extremely difficult to determine the best course of action. In fact, so strong were the differences that the committee stated in its report: "The Committee believes that there is little chance of arriving at a solution acceptable to all groups."

All parties involved in irrigation in the St George area need to understand that Governments are there for all the people. The only acceptable solution at St George, whether it be related to additional off-stream storage or the system of allocating water rights in the irrigation system or the Balonne River, is one that balances the needs of all users. During the Public Works Committee inquiry, there was little evidence of a willingness on either side of

this debate to give ground. I encourage them do so and to work with Government to reach an acceptable outcome for the irrigators in the St George district.

One issue that needs more recognition by the parties is the fact that the Government is currently funding the upgrade of the existing channel system. As has been pointed out by the Minister, $3.5m is being spent to conduct work such as upgrading pump stations, repairing leaks and increasing the capacity of some channels. These works are bringing enormous benefits to the channel irrigators by significantly improving the efficiency of the water distribution system, and they demonstrate that the Government has a commitment to the people in the St George district.

I wish to make a couple of comments about the National Competition Council. In its second progress report on the State's implementation of National Competition Policy reforms, the National Competition Council commented adversely on the proposed off-stream storage at St George and threatened to withhold millions of dollars in payments to the State Government. To the best of my recollection, this is the second time that the NCC has threatened a State Government on such grounds. That raises the question: who on earth is this body that routinely threatens State Governments and in this case, the irrigators at St George, with such penalties? Perhaps it is time that the role and powers of that organisation are re-examined, because in this instance I think it has got it wrong on all counts. The National Competition Council argues that the St George project is neither economically or ecologically sustainable and that it does not provide any credible or convincing benefits to the St George community. The position taken by the Public Works Committee, the community of irrigators at St George and successive Governments stands in stark contrast to the National Competition Council's position on that issue.

This motion calls on the Beattie Labor Government to provide the necessary infrastructure for the channel farmers at St George. The member for Lockyer should be focusing his attention on the Federal Government and the National Competition Council, because they are the ones who are now frustrating the delivery of better infrastructure for the St George irrigators.

Mr DALGLEISH (Hervey Bay—ONP) (6.31 p.m.): I rise to support the motion. The Beardmore Dam was built to provide a constant and adequate water supply for the farmers of the St George irrigation area. As has been said, the current dam is inadequate. I believe plans are afoot to progress the Beardmore West proposal. That will relieve some of the problems, but I do not believe that it will address all of them. I do not wish to sound negative, but there is obviously a major problem out there.

Interestingly, if a farmer 70 kilometres downstream—if it can be called a stream—needs 100 megalitres of water on a hot summer's day when the stream is nothing other than a dusty creek bed, 500 megalitres might have to be released before the creek bed is wet enough to permit a water flow. That is a massive waste of water. Instead of looking at a large capacity storage, perhaps we should be looking at providing more small-capacity storages. That would also assist in keeping the creeks and rivers in a better condition. Obviously, additional expenses would be associated with that.

There is no point in going back over everything that has been said and condemning members on either side of the House. Obviously, a lot of time and effort has gone into this issue. I know that the Minister is now looking at progressing this project. This is a must for these rural communities. Rural areas are the foundations of our society. The food chain starts at our farms. If our farms fall down, we will see a chain reaction. If the farmers leave the land, we would not get our produce and the whole system would be lost. We must provide additional water.

Numerous comments and accusations have been made. Honourable members have spoken about the flood harvesters being allowed to store water in the existing dam. It is difficult to get a grip on this issue without setting it out on a whiteboard. Alarmingly, every time it rains, one side seems to gain water and the other side seems to lose water. Rain is beneficial to those who are storing water. It takes only a small amount of rain to create a flood, and they then benefit from the running water in the creek.

Mr Fouras: It's like pennies from heaven for everybody when it rains.

Mr DALGLEISH: It is, but more so for some than others.

In the short term, we need to come up with a system whereby the allocation can be divided more equally between the groups. I know that they are not going to agree on any issue. We need to be addressing the problem on that basis. That would be a short-term measure that would assist them to keep going now. Sometimes only enough water is

allocated to water a crop once in a whole season.

Mr Feldman: Fifteen.

Mr DALGLEISH: Yes, 15%.

Mr Feldman: Those who create the capacity for the inflow should receive the benefit of it.

Mr DALGLEISH: That is a good point. Those who create the capacity for the inflow should reap the benefit from it, because they are obviously not using that facility just as a water bank. We have had a very interesting debate on this issue. I know the Minister is taking all of this in. I appreciate that he is taking the time to do so. I am sure the people involved in this issue appreciate the fact that the Minister is in the House listening to this debate.

Mr Welford: Their concern is that it's taking longer than it should, and I agree with them. But we'll get there.

Mr DALGLEISH: That is terrific. That is all they can ask for. At the moment, a speedy result is obviously the best result for them.

Hon. K. W. HAYWARD (Kallangur—ALP) (6.35 p.m.): This motion is a typical contribution from the One Nation members sitting at the back of the Chamber. As Mr Schwarten said, they are irrelevant to the process. They were big on rhetoric in speaking to their motion. However, after hearing them speak, we can tell that they have no understanding of the complexities of the issue. As honourable members have heard, the issue is very complicated. More importantly, they not only have no understanding of the complexity of the issue; they also have no solutions. The last speaker had absolutely no solutions to the problems.

If we look around Australia at present, we do not see too many agriculturally alive areas. However, Queensland is very lucky, because it does have some—for example, the Central Highlands around Emerald, the western downs out from Toowoomba, the Mackay area and, importantly, St George. At St George, the traditional commodities of wheat and wool have given way to crops that demand large quantities of water, such as cotton, grapes and other horticultural products. Those are very important products not just to Australia in terms of income but also to the rest of the world. The most recent edition of Queensland Country Life highlights the new agricultural product for St George, namely, potatoes. It appears that that commodity will be very successful.

Farmers in the St George irrigation area tell us that they have heard a lot of this before. People have come along, picked up on something and said, "We've got a solution and we're going to sort this out." Promises have been made about their future. That is what members at the back of the Chamber are doing. They are making promises without understanding the complexity of the issue. As the former Minister and the local member for the area knows, I have been to St George on a number of occasions, both as a Minister and in Opposition. On at least four occasions I have gone out there and listened to what these people have had to say about this issue. As the local member would be aware, I know a number of the people who live out there very well. As I have said before, the issue is complicated. Would any member think that, if the issue was not complicated, the former Minister and the local member for the area would not have found a solution? The reality is that this is extremely complicated.

If the people down the back here were genuine about a solution, they would actually get down and do some of the work involved in it; they would do some of the hard yards involved. I am prepared to bet that between the five of them, probably two of them might have been out there twice, but I am sure that all of them have never been there; some of them would not even know where the area is.

They think that they can just get up here and move the motion and then generally talk about it, but they have to understand that the farmers who live out there are not silly. They are a wake-up; they know what is going on. They know that, with all the hard issues—and this is an extremely difficult issue and it has been a difficult issue for the former National Party Government and it was terrible position for the local member himself to be in—in the end it is going to be up to a Labor Government to find solutions to these problems, and that is what we are doing. Solving the problems in St George is simply not about infrastructure; it is about ensuring fairness. It is about a fair and equitable access to water, and there is nothing simple in that.

Time expired.

Mr FELDMAN (Caboolture—ONP) (6.40 p.m.): It is true that the people out at St George do know what is going on. They know what is up. They do not have to taste clay to know that that is not what is being shovelled down their throats. Just as the member for Kallangur said, they know what is going on.

I have here a press release from the Honourable Minister, Mr Welford. It says that

he has given the immediate go-ahead for the new $15m water storage at St George in south-east Queensland. When was the immediate go-ahead given? 27 October 1998! That is the sort of respect that these people out there have been given. Over 12 months and nothing! That is what they received from both sides of this House: nothing.

The Minister should contemplate this: it is mid summer at St George, it is 40 degrees in the shade, the sun is blazing down, there is not a cloud in the sky and you have half a million dollars worth of cotton in the ground desperately requiring water. Beardmore Dam has plenty of water in it because the majority of that water is an unused allocation parked in the dam by water harvesters outside the irrigation area. No water is available to irrigate your cotton. This is despite the fact that you have paid big money for your farm because you could have reasonably expected to be guaranteed that water supply. A farmer outside the irrigation area is now offering to sell you some of his water that he has parked in the dam which he does not require.

I ask the Minister: what price would he pay to save half a million dollars worth of cotton? What price per megalitre would he pay for that water? What price would he pay to save his crop? He should just consider the plight and the incredible vulnerability of this farmer, who is wide open to exploitation by a water harvester whose on-farm storage is such that he does not require the water in the dam. Certainly this farmer has had the added expense of building his on-farm storage and buying his flood lifter pumps, but bear in mind he has only had to pay $3.70 per megalitre for the first 500 megalitres and all the rest is free.

Why should somebody outside the scheme be able to profit from the misfortune of a farmer who is prepared to take the risk to pioneer the scheme—a risk that should have been tempered by a guaranteed supply of water? This is the immoral aspect of this. It is obscene, and successive Governments have either instigated or condoned that massive injustice. Would it surprise anybody to know that a water extortionist received somewhere in the vicinity of $300,000 last year for his parked allocation from the dam? Bear in mind that the taxpayers who built this dam and the farmers who paid extra—and a good deal extra—for their land and water rights were helpless bystanders. None of them received any benefit from this sale. A water harvester from below the dam, granted an allocation out of the goodness of the previous Government's heart or in return for the favours, has profited massively from a dam built with the money paid for by you and me. This is obscene and amounts to sheer extortion.

The shadow Minister calls for an inquiry. I have a copy here of the Balonne Beacon. The report says that it was good pre-election propaganda, but what happened to the report of this inquiry? All we got was a Claytons report, obviously compiled at great expense but carefully avoiding all the important issues. But what of the real inquiry? What was promised? Has it been undertaken or will it be instigated? We should ask the previous shadow Minister, the "Minister for Backwash": has a full and proper report been compiled and will it be released? With this Government, probably not on your nelly—not with its track record! The report, if indeed it will be done, may even be shredded or may be in the bowels of the Premier. Either way, it will never see the light of day. Why? Because maybe it would be detrimental to the new-found Labor mate who may be profiteering from this very scheme.

If an accountant from Mars landed in St George and had to look over this incredible water system and have it explained to him, he would not be able to believe his antennae. There is no basis or logic in it at all, neither is there any integrity or justice in the allocation process. It had its genesis in the National Party cronyism—favours for their mates. I have yet to work out the motivation of the Labor Party for continuing this idiocy, but it can only be driven by corruption or gross incompetence; there is no other plausible explanation.

A fair and equitable allocation formula would be of great assistance to the embattled channel farmers, but it would not be sufficient. The Government must immediately commence work on Beardmore west. The funding has already been budgeted for several times. In fact, the member for Bundamba proudly proclaimed that it had already been built. Following my trip out to St George, I can tell him that it has not. Why will this Government not proceed? It cannot be the funding; that is already in place. It cannot be due to the unusual reason of pressure from the Minister's environmental activist mates; they are in favour of it because half the proposed capacity is allocated to maintenance of the environmental flows.

Mr MICKEL (Logan—ALP) (6.45 p.m.): After listening to that contribution, I say that, if honourable members did not believe the farmers had enough troubles, they have a few more with One Nation in their corner. The fact of the matter is that the Government recognises—and I know that the previous

Government did, too—the valuable contribution that the primary producers in the St George area make. They make a significant contribution, particularly the cotton farmers and with the wide range of other producers who were listed by the honourable gentleman from Kallangur.

The cotton farmers of St George are also joined by the cotton farmers in Goondiwindi. What have they done? They have achieved a world export market and created great numbers of jobs in those small towns for all the people who depend upon them. That is a significant contribution. However, it is being undermined at the moment by the US with its subsidy scheme for its own farmers. Our cotton farmers are the best in the world and there they are again being threatened by the US farmers.

We are not taking a bandaid approach to this, hoping it will all go away. It has been the priority of this Government since it came to office with a range of action to take and provide long-term economic security for the land-holders and their families. The Honourable the Minister went to St George within four months of the Government coming to office and gave the go-ahead for the Beardmore west storage cell. An independent consultant was set up to take a look at the filling rules for the water storage. We have undertaken two canvasses of irrigators over the past 14 months to develop a solution. The Honourable the Minister has fast-tracked the water allocation management plan—the WAMP—for the Condamine and Balonne. So we have a plan that helps maintain river health and, therefore, the availability of water for the long term. The Government is working with irrigators on future water sharing arrangements.

When one actually speaks to the land-holders themselves, as opposed to One Nation's approach of reading set prepared speeches to them, one discovers that they do not see infrastructure as the only solution.

Mr Hayward: One Nation focus on the hole and not the donut.

Mr MICKEL: They focus on the hole and not the donut.

Any suggestion that there is only one solution fails to understand the complexity of the problem. The fact of the matter is that there is a view widely and honestly held that more dams will simply add to economic growth in rural areas. We recognise that, but we need to be careful about the planning, and that is exactly what successive Governments have done. They have been very careful about the planning, because we know only too well that, if we do not plan it properly, we end up with a fiasco such as the Neil Turner Weir which, rather than being full of water, is I understand simply full of sand.

The degradation of rivers simply does not help rural communities. Degraded rivers deteriorate water quality. It will ultimately result in rising salinity in ground water and soils in farming areas and the continued depletion of fish stocks. Reform needs plenty of time in rural areas; we recognise that. It needs time for adjustment. But I believe over time benefits to the rural areas can be realised.

At present, 40% of irrigation water goes to low value pastoral activities. Work carried out by the Murray-Darling Basin Commission found that average gross margins per megalitre range from $100 to $120 for soy beans, from $180 to $200 for rice and wheat, are $550 for tomatoes and are $1,000 for grapes. In other words, proper reform can lead to the development of high profitability crops.

If honourable members need any other example of this, they should look to the wine industry. There has been a 25% increase in volume and exports, to a record $813m this year. I heard the honourable member for Barambah say today that the wine industry is one of the growth areas in her electorate. Why would it not be, when farmers are receiving those sorts of returns?

Let us look at the St George area, which used to be a sole grazing area. It now supports a proliferation of activities, from cotton, grapes and horticulture to potatoes, as we saw in this week's Queensland Country Life. It quite rightly states that potatoes are moving west. In other words, farmers are not mugs. They are able to assess the economic realities for themselves. They are taking advantage of high economic returns from those products. That is underpinning rural activity and underpinning jobs in rural areas.

Time expired.

Question—That Mr Welford's amendment be agreed to—put; and the House divided—

AYES, 40—Barton, Beattie, Bligh, Boyle, Briskey, Clark, J. Cunningham, D'Arcy, Edmond, Elder, Fenlon, Fouras, Gibbs, Hamill, Hayward, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Pitt, Reeves, Reynolds, Roberts, Robertson, Rose, Schwarten, Struthers, Welford, Wellington, Wells, Wilson. Tellers: Sullivan, Purcell

NOES, 38—Beanland, Black, Borbidge, Connor, Cooper, E. Cunningham, Dalgleish, Davidson, Elliott, Feldman, Gamin, Grice, Healy, Hobbs, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Malone,

Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Sheldon, Simpson, Slack, Springborg, Turner, Veivers, Watson. Tellers: Baumann, Hegarty

Resolved in the **affirmative**.

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

AYES, 40—Barton, Beattie, Bligh, Boyle, Briskey, Clark, J. Cunningham, D'Arcy, Edmond, Elder, Fenlon, Fouras, Gibbs, Hamill, Hayward, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Pitt, Reeves, Reynolds, Roberts, Robertson, Rose, Schwarten, Struthers, Welford, Wellington, Wells, Wilson. Tellers: Sullivan, Purcell

NOES, 38—Beanland, Black, Borbidge, Connor, Cooper, E. Cunningham, Dalgleish, Davidson, Elliott, Feldman, Gamin, Grice, Healy, Hobbs, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Malone, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Sheldon, Simpson, Slack, Springborg, Turner, Veivers, Watson. Tellers: Baumann, Hegarty

Resolved in the **affirmative**.

Sitting suspended from 7 p.m. to 8.30 p.m.

PUBLIC SECTOR ETHICS AMENDMENT BILL

Second Reading

Resumed from p. 4990.

Mr SPRINGBORG (Warwick—NPA) (Deputy Leader of the Opposition) (8.30 p.m.), continuing: Before the adjournment of this debate at 6 p.m., I was talking about my concerns about the use of departmental email facilities within the Department of Justice and Attorney-General by the director-general of that department. I was indicating my concern with regard to the enforcement of ethics and whether it was right that that email was being used. I was about to mention the Attorney-General and his lacklustre performance as the State's first law officer. He is probably a prime example of a person who pontificates about ethics in public life but, when given the responsibility of actually doing something to enforce ethics, not only remains inert but actually endorses patently unethical behaviour.

Mr Borbidge: A lack of organic ethics.

Mr SPRINGBORG: Yes, as the Opposition Leader says, a lack of organic ethics. Since then, I have written to the Public Service Commissioner about the matter, and the Premier should be hearing from him. The Premier is the employing authority under the Act and must comply with it. I await with interest his determination as to whether he intends to uphold the code of professional conduct of the Department of Justice made under the Public Sector Ethics Act or whether he will ignore this apparent blatant breach.

Really, this is a test case for the Premier. It underpins whether the Integrity Commissioner will be taken seriously and whether codes of conduct will be taken seriously—whether there is one rule for ordinary public servants and another for those in the top jobs earning six-figure sums. I would appreciate from the Premier, in his reply, advice as to whether abuse and misuse of public email for private purposes falls within the definition of "conflicts of interest" in this Bill.

I support the objective of this Bill, but my major concern is that it does not go far enough and could be perceived by many as a public relations gimmick. As I said at the outset today, I have very grave concerns about codes of ethics and codes of conduct to start with. I believe that, at the end of the day, we have to realise and acknowledge and, I believe, accept that a code of ethics or a code of conduct or a statement of ethical principles does very little to ensure that a person who is going to do the wrong thing is going to do the right thing. The only people who never get into trouble when dealing with codes of ethical conduct or an ethical statement are those people who are, by their very nature, going to be good anyway, that is, the majority of people in public life and the majority of people in Parliament, the Public Service or anywhere else within our community. I think that what happens is that we tend to lift the high bar to extraordinary levels when trying to address what is public concern or perceived public concern; but by doing that, some people still bump their heads, and what happens is that we further diminish people's respect for our institutions.

Time expired.

Mr SANTORO (Clayfield—LP) (8.33 p.m.): In rising to speak tonight, I find it somewhat ironic that a Government which holds itself out as being at the leading edge of public ethics and morality has, over the past 18 months, engaged in a campaign of rampant cronyism and misuse of official power. We are debating today a Bill which is full of good intentions. Any Bill that seeks—if one reads its purpose in proposed section 25—to avoid conflicts of interest and encourage confidence in public institutions is to be applauded. Yet what we see with this Bill is a paper tiger. It has no teeth, it has no compulsion, and it is literally full of holes. On top of that, the tenure of the Integrity Commissioner is tenuous, to say the least.

Over the past few years, in many jurisdictions there has been an increasing

trend towards establishing an office to give advice not just on conflict of interest issues but public ethics generally. As the Leader of the Opposition pointed out in his earlier contribution, there is a tremendous amount of community alienation with our political institutions and our political process. In that context, I recall reading Marian Wilkinson's book "The Fixer: the Untold Story of Graham Richardson" wherein she made this comment—

> "Throughout Graham Richardson's twenty-three years in political life, from his first days as a young party organiser in Sussex Street, right through to his last days in the cabinet room, he never learnt the finer points of ethical behaviour. He always traded in favours, mateship and deals. There was very little in his world that was black and white but there was a lot of grey. And it was in the grey areas, between the blurred lines of right and wrong, that Graham Richardson had always operated, both personally and politically."

I am not having a go at Graham Richardson, but it is that sort of politics—epitomised by the Labor Right in New South Wales and Queensland—which has gone a long way towards making people cynical about politics.

When introducing this Bill, the Premier, in his usual way, attempted to portray this third-rate, ham-acting Government as being somehow a paragon of virtue and defender of ethics and probity, and that this initiative was another glorious page in this lilywhite administration. In fact, as the Opposition has been pointing out continuously, this is a Government that is addicted to cronyism and nepotism and is riddled from top to bottom with conflicts of interest.

If a Bill like this is to work it needs to have teeth, and the Integrity Commissioner needs to be an independent, non-political individual who will have security of tenure. Unfortunately, none of these prerequisites for making this model work is present. It is a flawed model—one driven more by public relations than a genuine attempt to tackle the very serious and difficult ethical issues that always bedevil large public organisations. It was the coalition which introduced the Public Service Act, which specifically requires, in section 24, that Public Service employment must be directed towards "avoiding nepotism and patronage".

Section 25, which deals with work performance and personal conduct, requires that officers carry out their duties "impartially and with integrity". Then we have section 84, which deals specifically with conflicts of interest. This section requires that if a public servant has a conflict of interest situation, the public servant must disclose the interest to the relevant CEO and not take any further action in relation to the matter affected by the conflict unless the CEO authorises it. Finally, section 84 empowers a CEO to direct a public servant to resolve a conflict or possible conflict. Contravention of section 84 can result in disciplinary proceedings being instituted under Part 6 of the Public Service Act. So here, in black and white, are positive provisions designed to weed out conflict situations and which are aimed at the whole of the Public Service. Section 84 is clearly drafted, positive in its approach and has enforcement teeth. In comparison, this Bill offers very little.

The Integrity Commissioner is to be a part-time job, and one backed up by only one and a half full-time equivalent staff from the Office of the Public Service. The Integrity Commissioner cannot initiate any investigations or action other than public education. Instead, it is up to the designated persons outlined in proposed section 27 to contact the commissioner. I have to say that giving the Integrity Commissioner a part-time job, few staff and next to no incentive for anybody to approach him or her does not fill me with much confidence that this position will achieve very much.

On top of that, the scope of the legislation is unduly narrow. The list of persons who can either contact the commissioner or about whom a request to advise on can be made is set out in proposed section 27. They are called "designated persons". What strikes me about the list of designated persons is that it only includes, in the context of the Public Service, chief executives and senior executives. Conflict of interest situations can arise in any number of circumstances. As the Premier would know, there are many public servants who are required to handle large amounts of money or grant licences which could involve windfall profits or enforce laws which could result in a business failing or succeeding.

I will give one example. Let us say that we have an inspector who is required to test the accuracy of certain equipment. Let us also assume that the very same inspector's family has a business of keeping such equipment up to standard. Let us say that a member of that inspector's family has maintained the equipment that he has to check for accuracy. There may be nothing wrong with the work done by the other member of the family and the inspector may be a very honest person who would not be influenced one way or the

other. That inspector may want to seek advice as to whether there is a conflict situation, to make sure that he or she complies fully with the requirements of the Public Service Act. Yet under this Bill, because the inspector is not a senior executive, there is no ability for that officer to seek advice. As I said, conflict situations neither start nor finish when a public servant joins the SES, and I would have thought that this Bill should have catered for that situation.

The next problem I have with this Bill is the inability of a Minister of the Crown to refer a potential conflict situation concerning one of the SES officers of his or her department to the commissioner. The Minister can refer it to the CEO but has no ability to deal with a senior officer conflict situation. The other problem under this Bill is that, while the Minister cannot do this, the Premier can. For the life of me, I cannot see any logic or justice in stripping the responsible Minister of this power and yet handing it over to the Premier. It is clearly a situation which undermines the concept of ministerial accountability.

It is interesting to see in proposed section 32 that the Integrity Commissioner, in giving advice about a conflict of interest issue, has to have regard to codes of conduct approved under the Public Sector Ethics Act. I have listened with interest to the ongoing problems surrounding the Director-General of the Department of Justice and have observed a pattern of behaviour within this Government whereby her misuse of departmental email facilities to tout for witnesses in proposed defamation litigation has gone unchecked.

Let me use that outrageous situation as an example. If this Bill is enacted, the Bill makes it clear that there is no scope for the Opposition to refer to the Integrity Commissioner possible, or even blatant, conflicts of interest involving breaches of codes of conduct. Until now, despite my friend the member for Warwick referring the possible breach of the Justice Department's code of conduct to the Minister and then to the Public Service Commissioner, there has been no action—I repeat: absolutely no action.

The suggestion has been made by the Attorney-General that there is no conflict of interest—no breach of the code. If the Government was genuine about advancing ethics in a way that satisfies an increasingly disillusioned electorate, it should have provided that the Opposition is able to refer to the Integrity Commissioner some of the designated persons. Then we would have an independent person who could adjudicate on the matter and give advice which would be accepted. If there were no problems, it would put the matter to rest.

Instead, under this Bill, the Integrity Commissioner has no initiatory powers, and when we have a director-general as the focus of concern, unless the relevant Minister or the Premier agree to give the commissioner a referral, the matter just remains unresolved. So, if we have a blatant and totally and morally unjustified refusal by a Government to act to deal with a conflict situation, there is absolutely nothing in this Bill which is of assistance.

That is the situation at the moment with Jane Macdonnell, and there is not one thing in this Bill that I can see that ensures that the public interest is advanced—I repeat: absolutely nothing. It is no wonder that the public is cynical about politics. It is no wonder that 63% of Queenslanders knocked back the Sydney and Melbourne elite-driven republic model that was put on offer and so enthusiastically pushed by our Premier.

Mr Mickel: And your leader.

Mr SANTORO: I heard what the honourable member for Logan said. At least in the Liberal Party our leader, and our leaders, gave all members the freedom to be able to exercise their right of conscience, and the freedom to be able to speak out as free-thinking minds and souls, as opposed to what was not afforded to members of the Labor Party who were all herded—undoubtedly under threats regarding preselections and whatever else—to all vote and to all think the same way.

Mr Mackenroth: When was the last time you voted on the same side as Labor?

Mr SANTORO: I have just given you an example. The last time when I voted differently from some members of my party was last Saturday when I voted "No", "No". Some of them voted "Yes", "No". That interjection does not make sense. The Minister asked for an example, and he got it. Let us see if, on the issue of the Liquor Amendment Bill, which we will be debating in the near future, the Labor Party will give its members the chance—

Mr DEPUTY SPEAKER (Mr Reeves): Order! I remind the member of the Bill which is currently before the House. I would also remind the member to speak through the Chair.

Mr SANTORO: Just this week I was pointing out the misuse of public moneys by the Director-General of the Premier's Department and the highly questionable appointments of Jacki Byrne and Peter Bridgman. I raised the possible conflict

situation that existed between Glynn Davis as director-general and joint author of a book with Bridgman, and his subsequent appointment.

Instead, the Premier rose in this Chamber and accused me of making the public cynical about politics. What a joke! That was similar to the Premier's response about the questionable pay deal and the appointment of Helen Ringrose as Deputy Director-General of the Premier's Department. At that stage, we did not even mention her secretarial arrangements and the transmigration of her personal staff from the Brisbane City Council to the Executive Building. That can wait until another time. Instead, the Premier got up in this Chamber, and then went on ABC Radio and said that the Opposition did not like women. He even suggested that the Leader of the Opposition hated women. Perhaps the Premier did not even hear the loud background laughter in the ABC studios, so ridiculous and over the top was his performance that morning. I heard it myself. That is the sort of behaviour that makes the public cynical about politics. More than that, it is the sort of behaviour being practised in one department after another by various people appointed by this Government that puts the Premier's words and the Government's actions so far apart.

The best way of ensuring that there is an ethical administration, whether at the Government level or in terms of public administration, is ensuring that there are tough, effective accountability mechanisms. One of them is a Parliament where abuses are highlighted, and I can assure the Premier that, so far as cronyism is concerned, the coalition will continue to expose this Government for what it is. I would only suggest that, if he is going to make same or next day parliamentary responses, he actually deals with the issues raised.

The other means of ensuring ethics is having extra parliamentary bodies that will operate effectively, fairly and in a bipartisan manner— bodies which have the confidence and support of both sides of politics.

If the Integrity Commissioner is not going to become a very expensive waste of time, this Bill needs some radical surgery. I ask the Premier: what happens if, say, a senior departmental executive and the chief executive of the department ignore the finding of the commissioner? Is there any comeback, or does his advice simply get thrown in the wastepaper basket?

Mr Beattie: You do not understand this Bill, do you?

Mr SANTORO: The Premier says that I do not understand it. I look forward to the Premier telling me in his reply why I do not understand it. I appreciate that, if we are to encourage a compliance culture and get officers to actually refer matters to the commissioner, there needs to be confidentiality. For that reason, I have no problems with the amendment to the Freedom of Information Act set out in Part 3. I have read, and generally agree, with the concerns and comments made on this area by the Scrutiny of Legislation Committee.

However, there is also a wider issue that needs to be factored in, and that is the extent to which the Integrity Commissioner can be effective if he has no initiatory powers, his advice can be ignored, his activities cannot be accessed under FOI and his reports under proposed section 43 will be so vague.

I draw the attention of the House specifically to proposed section 43. Under that provision, the Integrity Commissioner is required to present to the Premier each year a report about the commissioner's functions. I presume that the report will have to be tabled in this House, but I seek some information from the Premier on that point in his summing-up. However, the part of the provision which concerns me is subclause (2). It provides that the report must—

> "be in general terms and must not contain information likely to identify individuals who sought the commissioner's advice about a conflict of interest issue."

I can understand why there is the requirement that persons not be identified, but to provide that the report be in "general terms" leads me to question whether the activities of the commissioner will be shrouded in mystery. How will the public and this Parliament know what is going on? How will we know if the commissioner is being effective or not? How can we properly hold both the commissioner and the Premier accountable when we will not get any information by which useful milestones can be gleaned?

So in the context of a Bill of this type, I fully support proper confidentiality. However, by the way in which this measure has been drafted, confidentiality has been elevated to such an extent that accountability is rendered next to non-existent.

The final matter that I want to raise is the security of tenure of the commissioner. This was a matter that was raised by the Scrutiny of Legislation Committee in Alert Digest No. 8. The committee pointed out that the commissioner can be dismissed by the

Governor in Council where it has formed the view that the commissioner—

> "cannot satisfactorily perform the Integrity Commissioner's duties."

The committee quite rightly pointed out how vague that is and how much scope it gives the Government of the day to step in at any time and sack an Integrity Commissioner for any reason.

In his response to the committee, which is set out in Alert Digest No. 9, the Premier stated—

> "Unsatisfactory performance is undefined, as the range of possibilities, though not limitless, is broad enough to render further definition problematic."

I agree total with the Premier that the range of possibilities for sacking is indeed almost limitless. Certainly, I would have thought it appropriate and prudent that the grounds for sacking the commissioner can be set out clearly. The reality is that the Premier of the day could ask the commissioner to investigate a conflict situation involving, say, a Parliamentary Secretary. It could be highly political. As I read this Bill, the Premier could even ask the commissioner to look into the activities of one of his Cabinet colleagues. A commissioner placed in that situation, and with the risk of being sacked ever present, would not approach the task in a position of either confidence or power. So I see the inherent insecurity of tenure of the commissioner as a significant drawback and an ongoing practical, albeit background, limitation on his or her independence.

In conclusion, I support the concept of a person giving advice on conflicts of interest. Other Parliaments have gone down this path. It is appropriate that we have an effective model as well. Unfortunately, we are debating a very weak model and one which, as I have just stated and other members on this side of the House have stated, has enormous drawbacks. The sum total of these drawbacks is such that it is problematic whether a Queensland Integrity Commissioner will achieve much at all and could, in fact, exacerbate a disillusioned electorate by promising much but delivering little. In these circumstances, I hope that the Premier considers favourably the amendments to be moved by the Opposition.

Mr FENLON (Greenslopes—ALP) (8.52 p.m.): It is a great pleasure to rise in support of the Public Sector Ethics Amendment Bill 1999, which relates to the establishment of the office of a Queensland Integrity Commissioner. In common with the previous two speakers, I also support the Bill and the establishment of the office of the Queensland Integrity Commissioner.

The Bill appropriately enhances the Public Sector Ethics Act 1994 by providing for an Integrity Commissioner who will give confidential advice on request to those persons who represent or who are connected with the Government of the day or who exercise significant powers on behalf of the Government. Those persons have an opportunity to proactively obtain advice about conflict of interest matters from an Integrity Commissioner and, in doing so, prevent conflicts from arising. The Integrity Commissioner's advice will be impartial and tough minded in an effort to avoid conflicts of interest and any allegations of conflicts of interest. As a result, public perceptions of integrity, standards and honesty in Government will be improved. The public's faith in Queensland's political processes will be returned.

The Integrity Commissioner will continue to provide good government in Queensland in a number of ways. The Integrity Commissioner is to be proactive, not reactive. The commissioner is not empowered to conduct any independent investigation, decision making or enforcement. As mentioned by previous speakers, the Bill has a number of features to encourage Ministers and other public officials to proactively seek advice from the Integrity Commissioner. On request, the Integrity Commissioner may also give advice about issues concerning ethics and integrity, including standards setting to the Premier.

Another proactive function of the Integrity Commissioner is that the commissioner may assist the public's understanding of public integrity standards by contributing to conferences, seminars and public discussion of policy and practice relevant to the commissioner's functions. So it is clearly a function that takes the issues into the Queensland community. To ensure that the commissioner can effectively fulfil the functions of the office, the Bill specifies that the commissioner must be qualified professionally and have suitable knowledge, experience, personal qualities and standing within the community. Such attributes will ensure that the commissioner will be capable of giving advice on a range of conflict of interest matters and other issues relating to ethics and integrity. When giving advice, the Integrity Commissioner must also have regard to the relevant established codes of conduct and ethical standards. Qualification specifications

of the position also ensure that the commissioner has the necessary credibility to assist the Premier, Ministers and others.

The Bill also provides appointment arrangements for the Integrity Commissioner, which give the commissioner independence in fulfilling the functions of the office. The commissioner is to be appointed by the Governor in Council under the Public Sector Ethics Act 1994 and the Public Service Act 1996. The legislation provides an onus for the position to be filled once it is established. Appropriate accountability measures for the Integrity Commissioner are also enshrined in the legislation in that the Integrity Commissioner must report in general terms annually to the Premier on the activities of the office.

It should also be pointed out that this legislation is being debated in this Parliament against the backdrop of other very important legislative reforms that are proceeding within this State. In fact, the legislative reforms to which I refer go beyond simple legislation that might be passed in this House and extend to reforms of the State's Constitution. As members would be aware, a draft Constitution, which has been considered by the Legal, Constitutional and Administrative Review Committee, is now in the community for public discussion. Integral to that discussion are matters of principle relating to the conduct of members and the status of members in this House.

It is very interesting to examine the background of that draft Constitution. That draft constitution that is currently going through that consultation process addresses some very fundamental anomalies and deficiencies in the provisions of the State's Constitution that relate to the conduct and ethics of members. Those provisions relate to matters as simple as the grounds by which a member may be discharged from this place. They also relate to issues such as a member's failure to attend Parliament. Clearly, over the effluxion of time and in terms of the way in which Parliament works currently, those provisions are very hard to read. For instance, the current Constitution makes reference to members failing to attend sessions of Parliament over a certain number of weeks. The draft Constitution attempts to address some of those issues and translate them to apply to the current conduct of this Parliament and current community expectations. That has been a very important exercise and I hope that members will continue to be cognisant of that as a backdrop to this legislation.

The establishment of these principles is also very important. If we look back over the history of the Parliament, we can see that people from both sides of the House have had strong economic interests in promoting the causes of, for example, either union-oriented or business-oriented people. Those members came into this place unashamedly advocating the cause of either of those camps. Maybe they were advocating the interests of people who had substantial ownership in a particular industry. There may indeed be a fine line there. Certainly in the grand scheme of things, it may have been seen as a desirable and well-accepted practice for people to be totally committed to advocating a cause by putting their feet in one camp or another. With the effluxion of time and through the operation of this legislation, I hope that we do not lose sight of some of those practices, which are well rooted in our history. I hope that we do not lose sight of the fact that people from both sides of this House can come into this Chamber and clearly advocate their causes. That is a fairly fundamental and longstanding practice that will continue.

Finally, I refer to a very important article by that very eminent citizen Michael Lavarch which was published in Reform, a journal of national and international law reform. Mr Lavarch raised a number of questions regarding this matter. He points to a significant dichotomy, and suggests that there could be a distinction between the politicisation of ethics as opposed to the ethicisation of politics, that is, ethics going into the political process could indeed take on a very different dynamic. Mr Lavarch states—

> "If ethics is to be viewed by politicians as something more than a problem to be avoided or a club to beat an opponent, then it must not be left to individual discretion. It must be given meaningful institutional support. This raises questions of who and how."

I hope that this legislation does go some way to attempting to satisfy, address and contemplate the very difficult dilemma that Mr Lavarch has referred to. I commend the Bill to the House.

Mr HOBBS (Warrego—NPA) (9.03 p.m.): I am pleased to speak to the Public Sector Ethics Amendment Bill 1999. The National Party's interest in this debate lies in achieving greater transparency in the public interest as regards the activities of the Integrity Commissioner. Transparency is as important in the pursuit of ethics as anything else. That is

the bottom line, as other speakers on this side of the House have already made clear.

According to the Government, the Bill ensures that Queensland's Integrity Commissioner will be able to give frank, impartial and fearless advice on request to a Minister, Parliamentary Secretaries, chief executives and other public officials. As is so often the case with the self-promotional collective opposite, the reality is just a little different. The reality is that, without a substantial beefing up of the powers given to the proposed Integrity Commissioner, the frank, impartial and fearless advice will be available only to approved applicants who will themselves have to decide to approach the Integrity Commissioner.

Every genuine person in public life obviously wants to avoid conflicts of interest and allegations of conflicts of interest that can be so damaging to political confidence in Government. This point is of particular interest to me as the shadow Minister for Local Government, which is a tier of Government that sometimes, like Tasmania, gets dropped off the plan. Ordinary Queenslanders might well say of this Bill, "What about local government?" They would have a point, although perhaps not one that could or should fall within the ambit of this legislation. However, it is certainly something to think about if the Government is fair dinkum on the issue of public sector accountability and ethics.

One cannot ever prepare oneself for what will happen. One good example in relation to local government is the issue of the southern Moreton Bay islands study. The people involved in that study started out will all the best intentions in the world. They said, "Let's do a study. Let's try to do the right thing and put some money into this." Indeed, half a million dollars was put into the original study to try to work out what would be best for the people who live in the areas concerned. However, at times people with a different agenda can take over. Some people are concerned that there are sinister activities at work. Some of them may have emanated from local government, some from the Minister and some from the department. It does not matter what one does; at the end of the day, there will still be those concerns. It is a very difficult situation to be in.

I am not sure that an Integrity Commissioner would have solved those problems, although it may have helped. If the Minister wishes to get involved—

Mr Borbidge: If the Minister is a dud, the Minister is a dud.

Mr HOBBS: The Leader of the Opposition has pretty well summed it up. As I said, at the end of the day it is about political judgment.

A Government member interjected.

Mr Borbidge: The cap fits, does it? Look who interjects.

Mr HOBBS: I have to look after my mate from the north.

Mr McGrady interjected.

Mr DEPUTY SPEAKER (Mr Mickel): Order! The member for Crows Nest is trying to entertain people who are in the gallery. I would ask the House to respect that.

Mr HOBBS: Sometimes we in the west have to stick together. At the end of day, it often comes down to a political judgment——

Mr Beattie interjected.

Mr Borbidge: It would be the first time he has ever been right.

Mr HOBBS: He would be very right on this occasion.

Mr Beattie: We liked you when you were on TV the other night.

Mr HOBBS: Insight was quite a good program. I was quite pleased with it; I received a couple of letters about it.

Mr McGrady interjected.

Mr HOBBS: I thought maybe the honourable member might like to go a bit further into the Insight debate, but he does not.

It is difficult in this age of litigation, because serious problems do arise. People will take advantage of a situation if they get the opportunity. When I was the Minister I was involved in a case relating to a probity officer. Such a thing would not have been thought of years ago. We already have in place checks and balances in an effort to ensure that the correct process is followed. I guess that some people will always try to take advantage of our position as politicians, as many people involved in politics have found out. Generally speaking, one has to work one's way through those situations. There is no other way to do it.

For example, tonight the House debated a motion moved by One Nation on the issue of the St George irrigation area. Members should be aware of a consultant who was employed by a particular group involved in the St George debate. That person is a disgruntled ex-DPI employee. He has been given the job of trying to push the case of the people concerned. That is fine. I have no problems with that at all. That is the way it is. However, it is a worry when we get to the stage at which suspect or

inaccurate information is given out. It is a worry when people write insulting and virtually libellous letters to try to intimidate members. It is a worry when they threaten members that there will be adverse consequences if they do not come up with the goods. That happens to all Governments at some time. I believe that is going over the top. I suppose that in that situation an Integrity Commissioner may be useful.

This person even ran a campaign against me. He rang around the whole electorate to try to find people to stand against me. He rang radio stations and the newspapers. He was even involved in a CJC inquiry. He was trying to intimidate a Minister to try to gain advantage for himself and the group for which he was working. I cannot understand why that group would even employ him. From what I can understand, he is not a very good engineer, anyway. He is the sort of person who would walk into a DNR office, sit down among the staff and pick up pieces of paper off their desks and read them. Those are the sorts of people we have to put up with. We have to understand that these things happen and we just have to put up with it. I do not know whether an Integrity Commissioner would make any difference in that situation. I do not know whether I would have seen an Integrity Commissioner under those circumstances. Perhaps I would have done so just to cover myself. At the end of the day, it is us against them. These people are out there. They resort to some pretty low tactics in trying to look out for themselves.

As my colleagues on this side of the House have noted, at a time when the rate of change is increasing and many Australians, especially those in the bush and in the outer working class suburbs and also the elderly, feel overwhelmed by it and left behind, there is an ongoing need not only for ethical standards to remain high but also for all levels of Government to be more inclusive. We do not have to be Einstein to work out that people are angry and mistrustful. For example, we always knew when Paul Keating was fibbing.

Mr McGrady: That is unkind.

Mr HOBBS: I do not know that that is unkind. He would say, "What a lovely set of figures", but we knew that they were the worst figures we had ever had.

Mr Borbidge: Now we have "trend unemployment" in Queensland—just like "a lovely set of figures".

Mr HOBBS: We now have "trend unemployment". That is the problem we have. If politicians spin a story, look people in the eye and say, "This is the way it is" and the public know that that is not the way it is, that is not doing anybody any good.

Mr McGrady interjected.

Mr HOBBS: We have to try to be better. Those sorts of things happen.

The republic referendum vote showed that the majority of the voting public is angry and very distrustful of perceived elites, whether they be political, economic or social. One of the ways to effectively, proactively and positively deal with feelings of distrust and alienation is to have in place proper legislation and administration to oversee and encourage ethics in Government. As has also been noted tonight, it is for this reason that we are prepared to support this Bill, subject to amendment. It is only a very small step. Nonetheless, it is a positive one. We all accept that. We have to move on. Time will tell whether it is right or wrong.

Under this Bill, Queensland will have a part-time Integrity Commissioner who will be provided, according to the Explanatory Notes, with an administrative support staff of 1.5 full-time equivalents from the resources of the Office of the Public Service Commissioner. The Explanatory Notes state—

> "In recognition of the determinative character of the Commissioner's considered advice in relation to a conflict of interests matter, an official who substantially complies with the Commissioner's advice is to be accorded conditional protection against liability in a civil action or administrative process. In relation to the giving of that advice, the Integrity Commissioner is to receive comparable protection against liability."

That sums it up reasonably well.

In his second-reading speech, the Premier told the House that, in drafting the Bill, efforts were made to encourage Ministers and others to seek advice in relation to conflict of interest matters where they may be in doubt. That is fairly obvious. As I was saying before, those sorts of things are straightforward. We should never be in a position where that occurs. However, if somebody puts a spin on a story and we have negative press against us, that makes it very difficult. That has happened to all honourable members. We have to be aware of that.

The seeking of such advice will be voluntary. The Integrity Commissioner will not be a watchdog with bite—or indeed a tiger with teeth. In fact, given the inability of the commissioner to work proactively, the job may

be one that would suit a somnolent as well as a toothless tiger. The amendments foreshadowed by the Leader of the Opposition are designed to give more teeth to this tiger and also to administer a pep pill. This has to have a little more to make it really effective. If we are going to go down the road of prescriptive ethical guidance—the road the Labor Party apparently prefers to travel—it needs to be energetic about it as well as sensible.

Mrs LIZ CUNNINGHAM (Gladstone—IND) (9.16 p.m.): In speaking to the Public Sector Ethics Bill, I will probably be reiterating the comments of members on both sides of the House. The community expects politicians, be they from State, Federal or local Government, to deal honestly and appropriately with the matters before them. In part, this Bill is intended to give assistance to Government members in particular to enable them to deal with matters involving an ethical test. I noticed that the commissioner will also have a role in contributing to public understanding of public ethics policy and practice. That may be a worthwhile part of the role of the commissioner. However, in my experience, the general public understands ethics, honesty and what constitutes appropriate behaviour by elected people. It is our reaction to their expectation that has caused them the greatest deal of anxiety and scepticism. I am not convinced that the public needs a lot of help in understanding what our ethical behaviour ought to constitute. They just expect honesty and openness on the part of elected people. When that does not occur, people's appreciation of those in elected roles deteriorates.

I seek a comment from the Premier in relation to a number of issues. The Bill states that the Integrity Commissioner will be appointed by the Governor in Council. I take that to mean that the person chosen to be the Integrity Commissioner will be chosen by the Premier of the day and subsequently the detail of the appointment will be handled by the Governor in Council. Given the objectivity that the Integrity Commissioner is expected to display, I ask: is it intended that that appointment will be bipartisan? Other appointments have been made on a bipartisan basis in this Chamber to ensure that all honourable members are confident that the actions of the person in that role are beyond suspicion. What consideration was given by the Premier to appointing that person on a bipartisan basis so that we can have a similar level of confidence in the Integrity Commissioner?

Another issue that I wish to canvass with the Premier was commented on by the previous speaker, the member for Warrego. The Bill states that the Integrity Commissioner will give a copy of relevant documents relating to a particular designated person other than a senior executive officer, senior officer or a senior executive equivalent to the Premier, and there are also some qualifications to the Premier's request. Subclause (2) states that the Integrity Commissioner must reasonably believe that the person about whom the documents relate has an actual and significant conflict of interest.

I have said this before in relation to other Bills, but I notice that "significant" is not qualified, quantified or defined in any dictionary so it will be a value judgment on the part of the Integrity Commissioner. I wonder how that test is going to be applied, how the significance of the conflict of interest is going to be tested. As I said, the community has a very clear understanding of what they expect from members in whom they confer a lot of trust, and a significant conflict of interest to one person may not be a significant conflict of interest to another. However, that is the way the Bill is constructed: the commissioner must report back to the Premier if he believes the person about whom the inquiry or the report is made has an actual and significant conflict of interest. It worries me that that is a value judgment being required of the Integrity Commissioner.

The second-reading speech states that, to enable the Integrity Commissioner's advice to be regarded as determinative, the commissioner's advice will be conditionally indemnified such that a designated person following the advice will be immune from further action. I presume then that, if a person approaches the Integrity Commissioner and gets a report on the existence or non-existence of a conflict of interest and if the Integrity Commissioner says there is no conflict of interest and the person proceeds with their intended action, whether it is a decision-making role or a lobbying role—whatever that role is—and it later is determined that there was not just a conflict of interest, but there was a significant and effective conflict of interest, under this Bill that person will subsequently be immune from any action. I wondered why there was not some limit put on that immunity. It appears to be a blanket immunity. If the commissioner has made a decision on the basis of perhaps incomplete information—he or she has not got all the information but does not realise that and makes a recommendation to this person—what repercussions are there,

particularly if the person either by accident or by intention omits to pass on full information?

The only other issue that I wish to ask the Premier about is in regard to the authorised disclosures. I ask this question in the context of a non-party political situation. The Premier—and that could be the current Premier or a subsequent Premier—may request and receive a copy of the documents comprising the request for advice and the advice given by the Integrity Commissioner about a conflict of interest issue. I take that to mean that, if a Minister, a Parliamentary Secretary or another qualified person goes to the Integrity Commissioner and asks for information, asks for advice, at any point the Premier may approach the Integrity Commissioner and seek information regarding that request. That is how I have read that provision.

My observation in this Parliament—and I think it is consistent across Parliaments—is that, even within party affiliations, there are agreements and disagreements between people. What protection is there for the party who has sought advice from the Integrity Commissioner that an approach by the Premier is not intended as a mischievous or a vexatious type of an approach, that the approach from the Premier is for other than holistic purposes? What protection is there for the person who has made the approach to the Integrity Commissioner to ensure that their trust in the commissioner, their trust in the confidentiality of their request, is not compromised by the Premier of the day—whomever that might be—for purposes other than just ensuring the integrity of the Parliament? I would be interested in what protection there is.

As I said, this will apply not only to this Parliament but to subsequent Parliaments unless the legislation is amended. Designated persons—the persons who are approved by this Bill to approach the Integrity Commissioner or who are required by the Premier or somebody else in departments to get advice from the Integrity Commissioner—really are vulnerable to their position being exploited for the wrong reasons, rather than the reasons that the Bill's purpose has defined.

Again, I think any legislation that will practically improve the confidence of our community in their elected members to act appropriately and correctly—and I am not talking about perfect human beings; we all make mistakes, and I think people accept that—will enhance the community's trust in their elected parliamentarians, local government representatives or whomever, has to be beneficial. However, the community must see that this new piece of legislation will actually achieve that. I believe that the community has a very clear concept of what is ethical. The fact that there are many times when they do not see members of Parliament act in an open and fair-handed manner does more to undermine their confidence in those elected members than mistakes that are made or oversights that occur. Again, I commend the Bill. I commend any action that will improve the public's confidence in their elected members.

Mr JOHNSON (Gregory—NPA) (9.26 p.m.): I rise this evening to support the comments made by the Leader of the Opposition. I also recognise that the Government is taking a step forward in making the decision-making processes of government more open and more accountable. I think the important fact to remember here is that this initiative, as the Leader of the Opposition says, is in reality only a small but, nevertheless, important part of a better process of government.

The truth is that, in many ways, the provision of the Integrity Commissioner is as much a protection for the Government as it is for the public good. That may account for the priority that has been afforded this legislation by the Government. Given the Government's record of legislative achievement, its passage has been very speedy, although it was introduced in May, some time ago. I agree that this legislation is important in trying to help address the low esteem of politicians in the eyes of the general public. Again, the danger is that, unless we handle this issue appropriately, it may well cause even further cynicism about the political process itself.

My first concern is that the benefits of having an Integrity Commissioner may well be offset by the delays in decision making because of references to that commissioner. I fully appreciate that the number of references is likely to be quite low but, by definition, references are more than likely to relate to major decisions. The electorate is already frustrated by the perceived inaction of the bureaucracy and Government administration generally. I touched on that in this House last evening in reference to the motion moved by the honourable member for Maroochydore in relation to the failure of the Health Minister to address hospital waiting lists. I will put on the record here again this evening the responsible role that the former Premier, the Honourable Rob Borbidge, and the Borbidge/Sheldon Government played. We did have a Government where the Ministers made the decisions. I believe that, at the end of the day,

that is what the people of this State and this country want.

Mr McGrady: Hear, hear!

Mr JOHNSON: If the honourable member for Mount Isa could lead that back into his own Cabinet room where some of his own Ministers might take up the thrust of the issue and make some of those decisions instead of the bureaucracy making the decisions for him, he certainly would not be putting some of these templates in place to address the issue. I will say to him that one of the important facts here this evening is to recognise who implements the policy, who formulates the policy and who puts the policy in place. Policy is developed by people at the grassroots. It is a bit different from what happens on the other side of the House, where policy is developed by the union movement. It is not done by business. There is no input from anyone else.

Those opposite can put in place an Integrity Commissioner and every other type of shadow to deal with these issues, but this Bill does not go far enough. For example, under this legislation if a designated person is suspected by someone of having a conflict of interest in a particular matter, can that designated person claim that they have followed the advice of the Integrity Commissioner? I do not see in the legislation how that can be the case. If a person makes such a claim, what mechanism exists for such a claim to be checked? How would anyone even know that such advice was sought in the first place? It is for that reason that I believe any advice tendered should be tabled in this House within an appropriate period. I would like the Premier to respond to that point when he replies to the second-reading debate.

My next concern relates to the people who are eligible to utilise the services of the Integrity Commissioner. I think it is absolutely paramount that we spell that out in this legislation. The Premier does not go far enough with this provision. The most notable exception appears to be members of this House who are not on the Government front bench or a member of a parliamentary committee. There is mention of Ministers and others in the legislation. Is this legislation framed to keep inside mail guarded?

What are we protecting when we do not apply this to all facets of Government? The legislation refers to Minister, Parliamentary Secretaries, directors-general and a Government member of a parliamentary committee. We are talking here about accountability. I say to those in the Government that it does not go far enough. I appreciate that the Integrity Commissioner is destined to become the custodian by default of the long-awaited report of the Members' Ethics and Parliamentary Privileges Committee in relation to the code of ethical conduct for members of this House.

It seems to me that there is provision for the Integrity Commissioner to contribute to public understanding of integrity standards by participating in conferences, seminars and public discussions of policy and practice relevant to the commissioner's functions. It seems strange, then, to see that the commissioner can only give general advice on ethics and integrity matters on request to the Premier.

I addressed this issue a moment ago with the Leader of the Opposition in relation to some Government policy and its implementation. We talked about legal advice to Government departments from Crown Law. On most occasions, we take that advice as gospel for the protection of the Premier, Ministers, Parliamentary Secretaries, directors-general or whomever. But how good is that advice? Will an Integrity Commissioner cover the issue again? I say that they will not.

Why is it that this same general advice cannot be given to, say, any member of this House? Why can this general advice not be given to the Opposition? What is the Government afraid of? There is no need for this general advice to be binding, of course. What I am suggesting is an informed educational process which could assist political and public administrative processes generally. I trust that the Premier is listening. I trust that he will respond to my concerns.

I reiterate a point made by the Leader of the Opposition in relation to the independence of this office. I believe that the staff appointed to this office should not be attached to the Office of the Public Service, under the Premier's control. This Integrity Commissioner has to be independent. If the commissioner is not independent, this legislation will be a total and absolute failure.

Those opposite brought back the PSMC. The PSMC has been reborn. We saw what happened in the Goss years. Those opposite dismembered the Public Service. It put fear right through the Public Service. That is creeping back in again now. The Government has lost control of the issue.

My colleague the member for Warrego touched on some issues relating to local government. I refer to the Treasurer and his action on rail cuts when he was Minister for Transport in the Goss Government. Also, the

Government erred in relation to the south-east tollway. They are certainly issues that could be explored further.

The situation here is that there is too much bureaucratic interference. If those opposite had taken the hard decisions, they would not have to be putting some of these measures in place. It is not Government by the people; it is Government by the bureaucracy. We have to make absolutely certain that the Government gets its hands back on the controls. The Premier should be listening. I hope that he listened to some of the things the Leader of the Opposition said during this debate.

Mr Fouras: We are all listening. We are very happy to listen to you. You are all right. You are okay. We listen to you. We do.

Mr JOHNSON: I will not take the interjection of the honourable member for Ashgrove. We saw his performance in this place when he was the Speaker.

Mr Santoro: We could have referred him to the Integrity Commissioner.

Mr JOHNSON: As my friend the honourable member for Clayfield said, we could have made mention of him to the Integrity Commissioner. We will not go into that this evening.

Mr Fouras: I just said that you are a nice guy.

Mr JOHNSON: I know that the member for Ashgrove said that I am a good bloke. I certainly take that comment on board. I remember some of the times that the member for Ashgrove as Speaker had me marched out of this place because he would not let me have my say on an issue. One of those issues related to the Treasurer. I give credit where credit is due. The Premier was one of the few blokes in the Goss Government who had the guts to stand up and be counted when it came to trying to close down those railway lines. I know that the former member for Archerfield, Len Ardill—

Mr Borbidge: That is why he was kept out of Cabinet.

Mr JOHNSON: As my friend the Leader of the Opposition said, for six years they kept him back, in the seat in the Chamber which the member for Gladstone now occupies, because he had the guts to stand up and be counted. The problem with some of the people on the other side of the House is that they do not have the guts to say what they really want to say. The Premier is leading a one-man band. He is on his own. If the Premier is fair dinkum about—

Mr Mickel: I remember the leadership challenge that you organised.

Mr JOHNSON: I want the member for Logan to hear this bit. He will be on the backbench for a while, I would say.

Mr Borbidge: He was chief adviser to Wayne Goss.

Mr JOHNSON: That is right. He was chief adviser. He is one of the blokes that got us some of those economic rationalists in Treasury.

Mr DEPUTY SPEAKER (Dr Clark): Order! Will the member for Gregory return to the Bill?

Mr JOHNSON: I will, but I am getting interjections from all over the place and I cannot refuse to take them. I remember when my colleague the Honourable Leader of the Opposition and I went to Winton. The people in the bush spoke about what they wanted. Some 600 people turned up at a rally there. I can tell members of the Government that if they do not take notice of some of those people, they will certainly marshal further rallies.

I cannot let this opportunity pass without saying that if the Premier is fair dinkum about the public perception of conflicts of interest and the politicisation of the bureaucracy, there should also be another criteria that applies to the qualifications for appointment of the Integrity Commissioner. I suggest that anyone whose only experience has been at a university should be excluded. More importantly, anyone who has a graduation certificate from Griffith University most definitely should be excluded. I recognise that many members on both sides of the House do not have university degrees. I can assure the House that they have been very successful people.

Mr Hamill: The only school you went to was two-up school.

Mr JOHNSON: I am pleased that the Treasurer made a comment.

Mr Hamill: I thought I would just help you along. You were stuck for words.

Mr JOHNSON: I am not stuck for words when it comes to the Treasurer. I could talk about railway lines and net bet, but I do not want to embarrass the Treasurer.

Mr Borbidge: The teddy bear tunnel.

Mr JOHNSON: The teddy bear tunnel— the $77m he paid for the south-east corridor that has blown away to heaven. We do not know where that chaff is.

Although this piece of legislation has a lot of merit, it has not gone far enough. I know that Opposition members will be moving some amendments here this evening. I say to the Premier: nobody in this House, I believe, supports accountability more than I do. I know that the Premier does, and I think that every member of this House would. But although the Integrity Commissioner legislation has merits, it does not go far enough across all facets of Government. I urge the Premier to address that factor in his reply. I also urge him to listen to some of the amendments that the Opposition will be moving to make sure that we get the best out of this deal.

As the Leader of the Opposition said last night in this House in relation to a piece of legislation that was put forward by the member for Toowoomba North in relation to Anzac Day, if we could just forget about our ideologies sometimes and put the best practice into place, we would come up with a lot of better ideas in this place. Tonight is one of those occasions when we should practise that.

Mrs PRATT (Barambah—ONP) (9.41 p.m.): I rise to support any Bill that endeavours to bring some integrity to the position of politicians and the Public Service. The member for Surfers Paradise said that those who hold the occupation of a member of Parliament are second only to a car salesman in the least trusted stakes. I believe that the statistics he quoted were from a newspaper. Well, I hate to have to contradict anything that other members of this House say, but west of the ranges car salesmen are actually held in a lot higher esteem than are members of this House. The level of distrust is such that there is a saying that goes similar to this: if a politician asks you to do something, do the opposite.

The referendum was a prime example of the result of that saying. There are many people who now question the integrity of members of this House because of their endorsement of the republican referendum after having sworn an oath of allegiance to Her Majesty the Queen. I was asked several times during the week preceding the referendum the following question: "If members took so lightly the oath of allegiance they swore in Parliament, if they did not believe in the words they spoke, how can we the people believe anything they say in the future?"

I, for one, did not swear the oath of allegiance to our constitutional monarchy lightly, and I reaffirm that oath here tonight. Perhaps other members should settle the question in the minds of the people in their electorates. The referendum was one the people wanted the politicians to stay out of, and it was one that we should have stayed out of. Every day we have a chance to set the example and be statesmen or stateswomen. Every day we let that opportunity go by. How many times have schools from all of our electorates visited Parliament and we have later heard of the disgust of the teachers and students?

All the Bills in the world to address the issues of ethics and conduct will do little to rectify the cynicism of the general public if the behaviour splashed across the media goes unaltered. Where I come from, a lie is a lie. It may very well be misleading, it may very well be an untruth or any other name that members want to give it; but no matter how one terms it, a lie is a lie, and the people judge it as such.

I hope that the Community Cabinet meeting and the responses to the people's concerns prove that this Government has integrity and does not just mouth platitudes. Let us hope that it does not push the people's opinion of politicians even lower. The people do not want false hope, they do not want empty platitudes, they only want the truth so that they can get on with their lives. They want politicians whom they can respect and trust. They may not like it, they may not agree with it, but they will at least respect the truth. They want politicians who are prepared to fight for them—to fight for the area they live in and the country we love. They do not want politicians putting foreign interests before theirs. They want to know if we put their interests far above those of a party.

The reason why both the coalition and Labor lost seats in the last State election is that there is so little respect for party politicians. That is why One Nation members are here in this corner of the Chamber—not because the people liked us any better but because they had lost faith in the people who were here. If this Bill can start to bring back to the people confidence in those who lead us into the new century and that confidence can be proven to be justified, maybe we can go forward with the blessing of the people, and then their belief that "if a politician wants it, it cannot be good for us" will remain here in this century as we go into the next.

Mr GRICE (Broadwater—NPA) (9.45 p.m.): I find it richly ironic that tonight we are debating a small Bill which has next to no powers, aimed at promoting ethics in the public sector and in the Government, when we have an administration that has done more to

advance cronyism and nepotism than all recent administrations of all political persuasions combined. Only this Government would have the cheek to bring to this Parliament a Bill which will achieve next to nothing and claim that it is advancing morality in Government—a Government which has appointed 11 chief executives without even a merit and equity selection process, a Government which has awarded special pay deals to selected people and then had the gall to claim that anyone highlighting this malpractice is sexist, and a Government which sneaks through amendments to the Freedom of Information Act in a Schedule to a coalmining safety Bill, and—we now see—with possibly corrupt motives.

Mr Johnson: It awards contracts without going to tender for rail carriages.

Mr GRICE: As the member said, on many occasions this Government has awarded rail contracts without going to tender.

This is a grubby Government, an incompetent Government, a Government that has viewed with sheer and utter contempt the very principles that underline the cornerstone of a modern Public Service. Under the coalition, the much-maligned—and now the much-used—Public Service Act was put in place with the clear aim of ensuring that there was a stable career path for career public servants. One of the cornerstones of that Act was the principles enshrined in it to underpin a modern and well-respected Public Service.

The Act makes it totally clear, in section 24, that one of the guiding principles in Public Service employment is avoiding nepotism and patronage. Another principle is basing selection decisions on merit, and another is treating Public Service employees fairly and reasonably. Then, when we move to section 25, we see that there is a section enshrining the principles of work performance and personal conduct. There we see that the Act requires that public servants carry out their duties impartially and with integrity. Then, when we turn to sections 56 and 84, we see that the coalition put in place a comprehensive legislative scheme for dealing with conflicts of interest in the Public Service.

All public servants—and that includes everyone from a temporary employee to a chief executive—are required to disclose conflicts of interest. So we already have in place a comprehensive regime, so far as the Public Service is concerned, for dealing with conflict of interest situations. Now, if this Bill was aimed at adding to this and improving it, I would be rising in this debate to give it my wholehearted support. But in all fairness, I rise without much enthusiasm at all for this Bill. I do so because there is not much to it. To a large extent, it is all rhetoric and not much substance.

Under this measure, we will be getting a part-time Integrity Commissioner supported by 1.5 full-time staff seconded, I presume, from the quaintly named Office of the Public Service Commissioner—1.5 full-time staff. At least under the coalition it was named after a commission rather than an obviously egotistical commissioner—and one, I might add, who is achieving next to nothing. This will be a commissioner with no power to activate any inquiries. The commissioner will have to sit on his or her hands until somebody actually sends anything to him or her. The commissioner cannot even make any suggestions to the Premier about a matter which may have come to his or her attention. The commissioner must just sit mute and await a referral from either the Premier, a Minister, a chief executive or a Parliamentary Secretary.

When the commissioner gives the advice, it is just that—advice. It has no effect, no compulsion, no nothing. It can be worthless. I would accept that the commissioner is not supposed to be an enforcement agent, but I would have thought that at least there would have been something in this Bill that would indicate that advice from the commissioner could not be ignored with absolute impunity.

When I read further, I discovered that the pool of persons about whom the commissioner can give advice is quite limited. In the Public Service arena it is limited to CEOs and senior executives. I must admit that I fail to see why the bulk of the Public Service, where the bulk of the conflict issues arise, are left out. Perhaps there is a good reason for this, but I cannot think of any.

When we read the Bill we see that the Integrity Commissioner really does not have much power or authority and, possibly worse than that, he is placed in a very precarious position. One of the most important factors in determining how independent and effective a statutory officer will be is to see what security of tenure that officer has. In this case, we see that the commissioner is both appointed and dismissed by the Governor in Council and can have a term of up to five years. But the important provision is proposed section 41, which sets out the grounds for termination.

The commissioner can be sacked if the Governor in Council—and read here the Cabinet—is satisfied that the commissioner cannot "satisfactorily perform the Integrity

Commissioner's duties". The Scrutiny of Legislation Committee quite rightly highlighted this open-ended and vague clause as a point of concern—and it really is of concern. This gives the Government of the day the power to sack the commissioner whenever and for whatever reason it sees fit.

The Integrity Commissioner has no security of tenure. The holder of this office stays there as long as he or she has the favour of the administration in control. I am not against the Government having the power to dismiss a statutory office holder, but a person in this critical position should be given far greater security of tenure than this Bill provides.

The other matter that surprised me when I read this Bill is the extent to which members of the public and the Parliament will be excluded from forming an opinion on the effectiveness of the legislation. It is clear that if people are to have the confidence to approach the Integrity Commissioner they need to be satisfied that there are appropriate confidentiality provisions in place.

Proposed section 33, which deals with secrecy matters, and the amendments to the Freedom of Information Act, can be justified on this basis. However, at the end of the day, there must be some accountability. The taxpayers need to be assured that they are getting value for money and that the commissioner is actually doing the job that is mandated. What concerns me is that the only means of knowing what is going on is by virtue of a report to the Premier which the Integrity Commissioner is required to provide under proposed section 43.

The issue that needs to be closely examined is that subsection (2) provides that the report need only be in general terms and not contain any information likely to identify individuals who sought the commissioner's advice. I can think of instances when individuals should be identified. What happens if a person has sought the commissioner's advice when activated by bad motives? Has the Premier actually considered that the referral power outlined in proposed section 30 could be used in other than a proper sense? What happens if a person misuses the Act to embarrass a colleague—and God knows, we have all seen that—and the commissioner determines that this is the case. I would hope that this would be a very rare occurrence, but, if it occurs, I would have thought that the commissioner should be in a position to name that person in the report to the Premier.

However, the greater problem lies with the fact that the report must be in general terms—whatever that means. When we look at the scheme of the Bill, we see that there is next to no way that anyone will know exactly what is going on other than by virtue of the section 43 report. If that report is to be couched in potentially vague and meaningless language, I fail to see how this Parliament, or anybody else, would have a clue whether the Integrity Commissioner is a raging success or an absolute failure.

So, on the whole, I see a Bill which is motivated by the best of intentions. Any Bill which aims at curbing conflict situations in Government and in public administration is a worthy Bill. However, the problem I see is that the worthy intentions are not backed up with a piece of legislation that gives adequate powers to the Integrity Commissioner, that gives adequate security of tenure to the Integrity Commissioner, that allows adequate scrutiny of the operations of the Integrity Commissioner and which excludes almost all of the Public Service.

There is no doubt that in Parliaments around the English-speaking world there is a trend for establishing an office designed to advise and advance integrity in Parliament and in the Public Service. Anyone who has read the Nolan report from the United Kingdom would appreciate that. The debate tonight is not about that issue—we all accept that. It is something that is quickly coming in in most jurisdictions.

Since 1994, we have had a Public Sector Ethics Act. In the intervening period, the Legislative Assembly has been advancing far better codes of conduct for this House. The matter that we are debating tonight is not the merits of an Integrity Commissioner, but the model advanced by the Government and whether it will achieve the results that the Premier has claimed.

Having closely read the Bill, I have come to the conclusion that this Bill will advance ethics only slightly, and because it may raise expectations unduly it could well, unfortunately, have a net negative effect. I hope that the Australian Labor Party considers very carefully the amendments foreshadowed by the Opposition because they will help to improve what is, unfortunately, a very flawed model.

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (9.57 p.m.), in reply: I would like to respond in some detail to the various points that were raised because there were some serious issues. I want to make the point right

at the beginning that this is the first Integrity Commissioner, obviously, in Queensland or anywhere else in Australia.

I do have to raise some concerns about a number of comments that the Leader of the Opposition made. I will start a little bit light-heartedly. At one stage he was making references to "gelding" as opposed to "gilding". I want to inform the Leader of the Opposition that "gilding" refers to layers of gold that lie around in various places; "gelding" has a totally different meaning and is somewhat painful, I am led to understand. For the benefit of the record, we will make clear the difference between "gilding" and "gelding".

The Leader of the Opposition spoke about the house of Ephesus. I think he was meaning to talk about Delphi because the Oracle was at Delphi, not at Ephesus. I thought we needed to clear up that bit of ancient Greek history because I do not want the Greeks being upset about any discussions in this House which could have been a little off-key.

Mr Johnson: He left the Chamber.

Mr BEATTIE: I will get to the member for Gregory. I will now move on to the substance of what the member for Surfers Paradise had to say. I will deal with this quite seriously because some important points were raised. The member asked: who would not know what is a conflict of interest? The response to that is very simply this: conflicts of interest can be complex matters involving perceptions as much as facts.

I invite honourable members to look at some recent history. Seven of John Howard's Ministers had problems dealing with conflicts of interest—real as well as alleged—in 1997 and 1998. Senator Parer, one of our Queensland senators, was one of that number. The Leader of the Opposition went on to say that there is a need for the Integrity Commissioner to be able to undertake external scrutiny of a conflict of interest matter at the commissioner's initiative, and not merely to passively respond to requests. It would be inappropriate for us to provide for external scrutiny of the regulation of personal interests without the consent or involvement of the person whose interests are at issue.

There is no need for the sort of approach that the Leader of the Opposition took because the Integrity Commissioner is to assist members of the Legislative Assembly to scrutinise their own interests and standards objectively and confidentially. Therefore, it can be said that the Integrity Commissioner is inherently proactive and not reactive as claimed. That is what is important. The proactive nature of the position of commissioner is designed to prevent conflicts of interest.

I think something has been a little misunderstood and I want to clarify it so that everyone can understand it. The whole point of the scheme proposed in the Bill is that public confidence in the integrity and ethics of members will be more enhanced by seeing members of Parliament take responsibility for their ethical standards themselves rather than having them imposed by some external regulatory body.

The community expects high standards from politicians. The Leader of the Opposition and, I think, the Leader of One Nation made the point that politicians are held in low esteem by the community. We have to—and this is the design of the legislation—establish a mechanism that assists members of Parliament to rebuild their reputation in the community. That is why the legislation has to be, as I indicated before, proactive and not reactive. I believe that we have to give members of Parliament the opportunity to lift their own standards. That is what this legislation is about.

The Leader of the Opposition went on to say that people are angry about politicians' standards. Basically, my response to that is that conflicts of interest can be complex and difficult matters. As I said before, everybody's understanding of conflicts of interest stands to be enhanced by the commissioner's ability to provide expert and objective advice and to provide reasons for that advice. There are many grey areas. This legislation is designed to assist members to determine, with independent advice, those grey areas and how to deal with them.

The Government's commitment to the Integrity Commissioner process aims to encourage public confidence in the integrity of public institutions, such as the Parliament and the Public Service, by providing confidential and expert advice to assist senior public officials to stay out of ethical trouble. That is what it is all about. Any expectations that the Integrity Commissioner is an investigative or regulatory body misses the central point of the scheme. I will return to the amendments proposed by the Leader of the Opposition later, because we will be accepting some and rejecting others.

The member for Warwick said that the independent commissioner has no teeth. Again, I have covered this issue. It is inappropriate for us to go down the road

suggested by the member for Warwick, because the Integrity Commissioner is to provide advice only; he or she is not a conflict of interest inspector. This issue is not about providing advice on which members will act to ensure that they do not get into trouble but to give them guidance about appropriate standards. As I said, it is inappropriate to go down the road suggested by the member for Warwick, because if the independent commissioner had a more draconian power, there would be potential for conflict with the CJC. That in itself is self-evident.

The allegation made by the member for Warwick is that the Director-General of the Department of Justice and the Attorney-General—and frankly, I do not know why we got into this, because I do not think that it is all that relevant, but I will respond to it—breached the departmental code of conduct by using the department's email service "inappropriately to advance a private legal agenda". In my view, the matter of the director-general's remuneration arrangements in relation to her employment in Queensland cannot reasonably be regarded as a personal matter. The fact that the director-general's remuneration and vocational package was open to scrutiny by a parliamentary Estimates committee puts beyond doubt the fact that the director-general's employment contract is an official matter and, as such, is inherently connected with the director-general's official capacity, her professional reputation as a senior public official and the reputation of her department. In these circumstances, the use of the departmental message system for the director-general's message to staff of her department cannot in any reasonable view of the matter be regarded as incorrect or inappropriate. Frankly, having read the email I think that the connotation and interpretation put on it by the member for Warwick is mischievous and clearly wrong. That is the same for those in the Opposition who have taken a similar view.

The Deputy Leader of the National Party also says that conflict of interest is wider in scope than official misconduct under the Criminal Justice Act; therefore, the Integrity Commissioner should have scope to investigate conflicts of interest or allegations at its own initiative. Again, I say that the whole point of the scheme proposed in the Bill is that public confidence in the integrity and ethics of members will be enhanced more by seeing MPs take responsibility for their own ethical standards than by having them imposed by some external regulatory body.

A number of issues have been raised by members. I stress that this answer pertains to many of the issues raised and is the central focus of the Bill which, unfortunately, has been little understood. I will say it again, because this will cover many of the issues that will be raised in the Committee stage and it will cover many of the points that have been raised in this debate. The whole point of the scheme proposed in the Bill is that public confidence in the integrity and ethics of members will be enhanced more by seeing members take responsibility for their ethical standards than by having them imposed by some external regulatory body.

This legislation is about giving members of Parliament the assistance to help them, in a sense, grow up and behave appropriately and properly at all times. Over the years, members of this House have repeatedly raised the issue of taking control of these ethical standards themselves and behaving appropriately. For example, a number of members opposite said, "We have a very good idea of what is right and wrong." This legislation assists that argument, but it gives some independent advice to assist in the making of those decisions.

The Deputy Leader of the National Party also asked why there is no duty provided in the Bill to seek advice on a conflict of interest. It is unnecessary and even inappropriate to provide such a duty in the Bill, because the members and public servants who will be subject to this scheme already have various duties to avoid conflicts of interest. The Standing Orders prohibit conflicts of interest of MLAs. The Public Service Act provides guidelines on conflict of interests for public servants and chief executives of departments. The Criminal Justice Act prohibits conflicts of interest where they amount to official misconduct. Company law prohibits conflict of interest by directors of companies. It is pretty clear. I would have thought that, among all of those Acts, we have enough regulation already. Commonsense also dictates that anyone in a position of trust should avoid conflicts of interest that will be seen to bring their personal integrity into question. If someone is uncertain about whether they have a conflict of interest or how to resolve it if they do, under the Bill it is open to them to seek expert advice. Nothing in the Bill amounts to a disincentive to do so.

I might digress and say that I note that reference was made to some advice that I received from Noel Preston, who I asked to give me some advice on my personal financial circumstances—as to what I should hold, what I should not hold and what he thought was possible conflict of interest. He provided advice and, by and large, I accepted that advice—not

all of it but most of it. It required me to dispose of shares that I had in Telstra, which I ended up paying a reasonable capital gains tax on this year, contributing to the Federal Treasury as I did.

Mr Borbidge: The burden of office.

Mr BEATTIE: Yes, the burden of office. I realise all of that. Frankly, I am not complaining about it. When one is in high office, one makes financial sacrifices, and I did. The money was invested for my children's education; it was not for me personally. However, the advice that I received was that I should sell the shares and so should my wife. Really, she held most of them on behalf of our children. I held only a small percentage of them. However, we sold them and paid the penalty of the capital gains tax that went with it. As I said, I am not complaining.

However, I was uncertain about some grey areas. Technically, under the rules, I could have excused myself from any Cabinet decision that dealt with Telstra issues. Of course, the problem with that is that when we have a booming IT industry in this State that, as we all know, over the years has been growing and growing and growing, where does one draw the line between what is Telstra's and what is not? There is Optus, there is AAPT—it is everywhere. One could not get out of it. I accepted that advice.

There were other grey areas and I certainly appreciated having that opportunity to receive independent advice. Let me tell members that I did not necessarily like the pain that came with that advice. Nevertheless, I thought that it was useful. Therefore, I know from my own personal experience that this system works.

The allegation was made—if I recall correctly, by Lawrence Springborg, the Deputy Leader of the National Party—that the Bill is a weak piece of legislation in that the office of the Integrity Commissioner is a part-time position only. The relevant point to concentrate on is the powers of the commissioner, not whether the office is staffed on a full-time basis. The Government expects that calls on the commissioner's time will be met adequately from a part-time function, especially at the senior level at which the office is to be created. The part-time function represents both the Government's estimate of the likely workload and a response to the fact that the commissioner may be called upon to provide advice outside usual office hours. Obviously, a part-time appointment can be expanded if that becomes necessary although, as I say, I do not believe that it will be.

Over time it would be our expectation that it should not be necessary to expand the office as members become more effective at avoiding conflicts of interest and the need for advice. Once one has the advice, clearly one will not need to go back to get similar advice, because we are all intelligent people in this institution—I think. Aren't we?

Mr Santoro, the member for Clayfield, raised a number of issues. He said that nothing in the Bill enables the Opposition to refer alleged breaches of the code of conduct or a blatant conflict of interest to the Integrity Commissioner. Breaches of a code of conduct are outside the scope of the Integrity Commissioner and may already be dealt with by the relevant chief executive, the CJC or the Minister where a Minister is in breach of the ministerial code of conduct. That is not what this legislation is all about. Other pieces of legislation already deal with what the honourable member raised.

The member for Clayfield went on to say that the Integrity Commissioner scheme is contrary to ministerial accountability. The response to that is very simple. The honourable member has misunderstood proposed new section 30(3), which specifically enables the Minister to seek advice in relation to a concern about a conflict of interest involving a CEO of his or her department where the CEO concerned has not done so. This is intended to complement ministerial accountability by assisting agencies to avoid conflicts proactively. I have already talked at some length about the proactive nature of this legislation.

Proposed section 35 provides that a chief executive of a department may seek advice about a conflict of interest involving a senior public servant if the public servant concerned has not done so. This reflects the fact that the Public Service Act already requires public servants to declare their interests to their CEO.

The honourable member went on to make some political comments, as he always does. I do not want to get into a protracted argument with him tonight. However, I remind the honourable member that when he was a Minister there were contracts that went to Kelly Gee, Bob Carroll and so on. While we may have made suggestions about conflicts of interest, this commissioner may have given him some guidance in relation to those matters.

In relation to the matter of the hit list, from some of the things that I have heard in the last

few days it seems that some people are wanting to formulate another hit list. I would be very disappointed if people decided to go down that road. In the spirit of commonsense, I do not intend to pursue that matter any further.

Vaughan Johnson, the member for Gregory, asked me to explain why only Government members can be given advice by the Integrity Commissioner. If we included the Opposition, the Premier would have access to Opposition conflicts of interest. That is one good reason why we should not do it. It would affect the Opposition's ability. As well, the conflicts of interest of the Opposition are unlikely to bring the Government into disrepute, because Opposition members are not in power. The only time when members of the Opposition are in a position that could bring the Parliament into disrepute are when they are members of parliamentary committees, and they are covered by the Bill. I think that covers the point that the honourable member for Gregory raised.

The honourable member for Gladstone raised the issue of protections available to those seeking the Integrity Commissioner's advice from a non-bona fide misuse of access to the Integrity Commissioner by some future Premier. Of course, that would never happen under this Premier. Under proposed section 30, the Integrity Commissioner may provide advice only about a conflict of interest matter and not about whether a designated person has or has not sought advice. That is important. That partly answers the Independent member's question. The following points answer it fully.

Proposed section 34(2) provides that only the designated person concerned may disclose the Integrity Commissioner's advice. That is important. Proposed section 34(5) allows the Integrity Commissioner to advise the Premier about another designated person's conflict of interest only where the Integrity Commissioner is satisfied that a significant conflict exists already and the designated person concerned has failed to resolve the conflict to the satisfaction of the Integrity Commissioner. I think that covers those points.

The Independent member for Gladstone asked how a significant conflict of interest is defined. "Significant" is not defined and cannot be defined, really. The ordinary sense of the term will be applied here, which requires that "significant" reflects the official responsibilities of the designated person concerned. For example, Senator Parer's coalmine shares were significant given the ministerial role that he had. That is the best way to define that.

In terms of Opposition members sitting on parliamentary committees, amendment No. 3 extends the Integrity Commissioner's scope to non-Government members of a parliamentary committee when nominated by the Government. This provision is intended particularly to enable Independent members to obtain advice. I think that that point is covered.

The honourable member for Broadwater raised the issue of the potential for abuse of the Integrity Commissioner's advice. It is not possible to abuse that advice because it may be published only by the person holding the conflict. Not even the Premier may disclose the Integrity Commissioner's advice about a third party. I say to the member for Broadwater: for heaven's sake, read the Bill. It is helpful if one does that, because then one has some understanding of what it says. What the member suggested was in the Bill is not in the Bill. I do not mind if members have some difficulty understanding a Bill, but that was pretty black and white.

Generally, I thought that the contribution made by members on both sides of the House was positive and constructive. In his contribution the Leader of the Opposition issued a number of challenges to me. I think I have responded to the challenges that he put to me.

I will now deal with the Opposition's proposed amendments. Inherent in what I have said is an indication of my responses to those amendments. I turn to page 2 of the Opposition's circulated amendments. Clearly we are not going to agree to the Opposition's fifth amendment, which is to clause 7 and relates to proposed section 34. It is not acceptable because it destroys the internal confidentiality arrangement and basically goes against the core of the whole scheme. While I respect the Leader of the Opposition's view, as I have explained this amendment actually goes against the whole core of the Bill, which is aimed at getting members to listen to the advice that they are given and to improve their behaviour. I cannot agree to that amendment.

The Opposition's first proposed amendment extends the whole purview to the senior Public Service. I will accept that amendment; I do not have a problem with it. The second and third amendments do the same thing and the fourth amendment is consequential. Therefore, I am happy to accept the first four amendments proposed by the Opposition.

I cannot accept the fifth amendment proposed by the Opposition because it goes to the heart of the legislation. Proposed amendment No. 6 is consequential so I do not have a problem with it. The Opposition's seventh proposed amendment is not acceptable because it attacks the confidentiality issue that I raised before. Of the seven amendments proposed by the Opposition, I am prepared to accept five and reject two. I think that the Leader of the Opposition would agree that I have tried to do that in the spirit of working this through with the Opposition. I thought that the Leader of the Opposition's contribution was positive and I am trying to respond in the same way.

Opposition members should have a copy of the three amendments that I will move. The first amendment has the effect of extending the Integrity Commissioner's scope to all Government backbench members. That is all that it does, nothing more and nothing less. I have covered that issue already in my address. The second amendment, which amends clause 7, is a matter of clarification. It makes it explicit that the Integrity Commissioner is to act without negligence when providing advice. The third amendment has the effect of enabling Independent members to seek advice where they are nominated to a parliamentary committee. Those amendments are all pretty straightforward.

In conclusion, I thank all members for their contributions. When we talk about these issues there will always be a debate in here and out in the community. This is a very genuine attempt by my Government and in particular by me—this is something that I promised during the election campaign; I am delivering on it—to give people some independent advice so that they can ensure that their behaviour is appropriate and they can take the appropriate action. I know there have been some suggestions about different models. However, I have faith in the members of this Parliament. I think it is fair to say that that has not always been the case in terms of the behaviour of members of the House. However, I think I have faith in members on both sides of the House, because I know that, given an opportunity, they would act properly. We can argue about policies and political positions, but I think I have come to know the members of this House pretty well in the 10 years that I have been here. I believe that, if they are given the right advice, members will of their own accord act appropriately and honestly. Although the Leader of the Opposition and I disagree, I have faith that, in those circumstances and with the same advice, he would act the same way I would, and that would be honestly and appropriately. I know we have said some different things about one another over time, and we will again in the future. But I happen to think that that is how the Leader of the Opposition would behave. It is certainly how I would behave.

This person will be there to give advice. I hope members are supportive of the legislation and I hope this represents the start of a new era in which we see a significant improvement in the behaviour of all members. This is about lifting the standards of behaviour and sending a clear signal to the community that the members of this House are serious about lifting their behaviour and improving the standards of ethics in Government not just now but well into the future. I hope this Bill receives the unanimous support of honourable members.

Motion agreed to.

Committee

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) in charge of the Bill.

Clause 1—

Mr BORBIDGE (10.22 p.m.): I wish to respond briefly, and in good nature, to a couple of the points raised by the Premier. I think we have seen some good Parliament tonight. The Premier said some things in jest before. I think he either misheard me or was being mischievous. I was referring to ethicists, as in practitioners of ethics. That has nothing to do with Ephesus—

Mr Beattie: Or Delphi.

Mr BORBIDGE: I can assure the Premier that I was nowhere near Delphi. I must make another point particularly for the benefit of the honourable member who interjects. When it comes to "gilding" versus "gelding", I am sure that everyone—even the honourable member—knows that one is about glitter and the other is about an unkind cut. I just wanted to place that on the record, because either the Premier misheard me or the note takers made a slight error.

Clause 1, as read, agreed to.

Clauses 2 to 6, as read, agreed to.

Clause 7—

Mr BEATTIE (10.23 p.m.): I move the following amendment—

> "At page 6, line 7, 'of a parliamentary committee'—
>
> omit."

Mr BORBIDGE: The Premier's amendment will ensure that all Government members will be covered by section 27. This amendment was highlighted by the Premier to the Scrutiny of Legislation Committee in his letter of 5 August, which was set out in Alert Digest No. 9. As currently drafted, the Bill is limited to Government members on committees. It is clear that this amendment has been brought about by the net bet issue and the complications that arose as a result of that. From the viewpoint of accountability, spreading the scope of the legislation wider to ensure that all Government members are subject to advice from the Integrity Commissioner has its attractions. However, I offer the comment that this has the hallmarks of being a rushed decision. We need to ensure that there is some consistency in the treatment of members of Parliament and that codes of conduct can be applied in a fair and uniform manner.

There is no doubt that Government members have contact with Ministers on a regular basis and are in a position where they could advance their own interests or that of others in whom they stand to make a profit to a far greater degree than the Opposition of the day. Likewise, Government members are often privy to key information that, if misused, could have serious consequences. Again, it is unlikely that an Opposition member or a private member would have the same opportunities. Nevertheless, I am concerned about what implication including every single Government backbencher, including each and every one of those not on a parliamentary committee, will have on future ethics reform for the Parliament. I seek some comment from the Premier and some assurances that this amendment will not result in overlapping duties and confusion; that this matter is kept under review if and when there are future parliamentary ethics reforms.

Mr BEATTIE: I will respond to the last point first. Clearly, if there are future reviews of ethical issues, I would have no objection to those matters being reviewed. English is a living language; it keeps changing. I think these issues do, too. Therefore, I have no problems with these matters being considered as part of a review in the future.

The first part of the Leader of the Opposition's comment in terms of the role of Government members as opposed to Opposition members is exactly right. That is why they are being included. I will ignore his remark about the net bet issue. The rest of it is a summary of the position. I have no problem with that. I am happy to give the indication that I just did.

Amendment agreed to.

Mr BORBIDGE: I move the following amendment—

"At page 8, line 7, after 'Minister'—

insert—

'or a senior executive officer or senior officer employed in the department'."

I understand that the Premier has indicated that the Government will be accepting this amendment. By way of explanation to the Committee, the amendment to proposed section 30 that we have circulated will expand the operation of subsection (3)(b) by ensuring that only a Minister will be empowered to seek advice about a conflict issue involving not just the chief executive of a department but also an SES or senior officer employed in the department. It is our contention that, if SES and senior officers fall within the definition of "designated persons" in section 27 and if the Premier of the day can seek advice about them, it is sensible that the Minister responsible for the department they work in also has this power. As it stands under the Bill, a Minister who wants to have a conflict situation concerning, for example, a deputy director-general investigated would first have to approach the Premier and get him to write to the Integrity Commissioner. However, if it involved his or her chief executive, the Minister can bypass the Premier and write directly to the Integrity Commissioner. This would be even more curious, because a CEO has a contract of employment with the Premier and the Premier is the employing authority for a CEO under the provisions of the Public Service Act. Conversely, a senior officer has no such relationship with the Premier. We contend—and I thank the Premier for accepting this argument—that the principle of ministerial responsibility and plain commonsense dictate that a Minister of the Crown should have the ability to approach the commissioner about senior officers who may have a conflict situation. I thank the Premier for the cooperation of the Government in accepting this amendment.

Amendment agreed to.

Mr BORBIDGE: Seeing that the Government has indicated acceptance of a number of the amendments that I have circulated, rather than unduly occupying the time of the Committee, with the permission of the Chair I shall move amendments Nos 2, 3 and 4 that have been circulated in my name.

Mr BEATTIE: In the haste of going through the amendments of the Leader of the Opposition—amendment No. 4 carries over to No. 5. Amendment No. 5 is consequential on No. 4. We are accepting amendments Nos 1, 2, 3 and 6. So we will be opposing No. 4. If we accept Nos 2 and 3 now, we can deal with those together.

Mr BORBIDGE: Following that advice from the Premier, I move the following amendments—

"At page 8, line 9, after 'entity'—

insert—

'or a senior executive equivalent employed in the entity'.

At page 9, after line 9—

insert—

' '(5) If the integrity commissioner refuses to give advice under subsection (3), the integrity commissioner must record in writing the integrity commissioner's reasons for refusing to give the advice.'."

Amendment No. 2 widens the catchment area by adding a senior executive equivalent employed in the entity, and amendment No. 3 inserts a new subsection (5). The purpose is to achieve transparency and public accountability in the operations of the Integrity Commission.

Amendments agreed to.

Mr BORBIDGE: I shall move amendment No. 4 circulated in my name.

Mr BEATTIE: It is a matter for the Leader of the Opposition, but the reason why there was a bit of confusion before is that amendment No. 5 is consequential on amendment No. 4. It is up to the Leader of the Opposition, but they really go together. I suggest that they be dealt with together because, for the reasons I outlined before, we cannot support amendment No. 5 and it is consequential on amendment No. 4. I suggest that 4 and 5 be dealt with together as one. It is the same thing really; they relate to one another.

Mr BORBIDGE: Given the suggestion of the Premier, I move the following amendments—

"At page 10, line 11, '(7)'—

omit, insert—

'(5)'.

At page 10, lines 17 to 32 and at page 11, lines 1 to 20—

omit, insert—

' '(4) The integrity commissioner must give a copy of a relevant document relating to a particular designated person to the Premier and—

(a) if the person is a designated person about whom a Minister may seek advice under section 30(3)—to the Minister who may seek the advice; and

(b) if the person is a designated person about whom a Parliamentary Secretary may seek advice under section 30(4)—to the Parliamentary Secretary who may seek the advice; and

(c) if the person is a designated person about whom a chief executive officer of a department or public service office may seek advice under section 30(5)—to the chief executive officer who may seek the advice; and

(d) if the person is a designated person about whom a chief executive officer of a government entity who is nominated by the Minister under section 27(1)(h) may seek advice under section 30(6)—to the chief executive officer who may seek the advice.

'(5) The Premier must table in the Legislative Assembly a copy of a relevant document within 14 days after receiving it under subsection (4).'."

The intent of amendment No. 4 is to broaden the conditions under which a relevant document about a conflict of interest issue may be disclosed. It obviously changes the terms of the disclosure provisions. Amendment No. 5 inserts new conditions for disclosure and, in subsection (5), mandates tabling by the Premier in Parliament. That broadens disclosure and brings in Parliament through the tabling mechanism and, I believe, adequately widens the transparency of operations.

Mr BEATTIE: Just briefly, I do not intend to go through this at any length because I dealt with these matters at great length in my reply. The reason that these amendments are not acceptable is that they destroy the internal confidentiality arrangement, which is the core of the scheme. That is why I cannot accept these amendments.

Question—That Mr Borbidge's amendments be agreed to—put; and the Committee divided—

AYES, 35—Beanland, Black, Borbidge, Connor, Cooper, Dalgleish, Davidson, Elliott, Feldman, Gamin, Grice, Healy, Hobbs, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Malone, Paff, Prenzler,

Quinn, Rowell, Santoro, Seeney, Sheldon, Simpson, Slack, Springborg, Turner, Veivers, Watson. Tellers: Baumann, Hegarty

NOES, 42—Barton, Beattie, Bligh, Boyle, Briskey, Clark, E. Cunningham, J. Cunningham, D'Arcy, Edmond, Elder, Fenlon, Fouras, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nuttall, Palaszczuk, Pearce, Pitt, Pratt, Reeves, Reynolds, Roberts, Robertson, Rose, Schwarten, Struthers, Welford, Wellington, Wells, Wilson. Tellers: Sullivan, Purcell

Resolved in the **negative**.

Mr BORBIDGE: I move the following amendment—

"At page 11, after line 33—

insert—

'(d) the record, under section 31(5), of the integrity commissioner's refusal to give the advice.'."

I understand that the Premier is prepared to accept this amendment. This insertion of proposed subsection (d) will make the record of the Integrity Commissioner's refusal to give advice sought a relevant document under the Act. I thank the Premier for his cooperation in accepting this amendment.

Amendment agreed to.

Mr BEATTIE: I move the following amendment—

"At page 12, line 18—

omit, insert—

'integrity commissioner acting in good faith, and without negligence, for the purposes of this part.

'(2) If subsection (1) prevents a civil liability attaching to the integrity commissioner, the liability attaches instead to the State.'."

As I indicated before, this is a clarification. It makes it explicit that the Integrity Commissioner is to act without negligence in providing advice.

Amendment agreed to.

Mr BORBIDGE: I move the following amendment—

"At page 14, lines 12 to 14—

omit."

I understand that the Government will not be accepting this amendment. I guess that we have a difference of opinion. I think during the course of the debate both sides of the argument have been more than adequately canvassed, so I will not be labouring the point now. I advise the Premier that we will be dividing the Committee in relation to this amendment.

Mr BEATTIE: The Government opposes this amendment. We have accepted four of the seven amendments proposed by the Leader of the Opposition, so we have been quite reasonable and cooperative. This clause cannot be deleted. It preserves confidentiality, which is one of the planks of the scheme. Under those circumstances I cannot accept the amendment. As the Leader of the Opposition said, we have had a detailed response. I have gone through in some detail responding to each one of the points raised, so there is no point going on any further about it. We differ about how it should be handled. We cannot accept this because it would strike at the very heart of what we are trying to do.

Mr BORBIDGE: I will not delay the Committee. I just say once again that I think the effectiveness of the good intent of this legislation is weakened somewhat if the cone of silence is applied over the various participants. If we have a system that is designed to make sure that the objectives and the aim of the Bill are honoured, then it also has to be seen to be honoured. I think there will be a degree of suspicion in the community if the process can effectively be carried out in secret. I accept that the Premier and I have a difference of opinion on this particular issue. Certainly the Opposition does not accept the Premier's proposition on this occasion.

Mr BEATTIE: I just want to ensure that the record is clear. Our concern is that members will not seek advice if they do not trust the confidentiality. That is why this amendment strikes at the heart of the scheme. As I said before, this is not a regulatory scheme. It is designed to get members of Parliament to improve their behaviour by getting independent advice and using that advice to build their own character, to influence how they behave. It is important that they be given that advice.

If members feel that they can go to the Integrity Commissioner confidentially, they will be more likely to go there and it will become a system whereby people will improve their behaviour. This is about lifting standards by getting people to behave better. That is why, as I explained, it is important that members will enthusiastically go there and seek advice when they are in doubt. That is what we want them to do. We want them to seek that advice when there is some doubt in their minds so that they will behave properly. If we do not have this provision, people will not go there and it will fail. That is the heart of the issue.

This is a genuine attempt to get people to improve their behaviour. I accept that we have a difference of opinion about it, but that is why this provision is included. It is not meant to try to hide this from the community. The community will be the beneficiaries if and when we get all our members of Parliament to behave with integrity at all times. That is where the community is the winner. I believe we have to have faith that members of Parliament have enough goodwill and enough standards of their own to want to improve their own behaviour. This is a mechanism to help them do it. They have to feel confident that they can go there to get the advice without it affecting them in some other way. We have had our debate. I just make that point again.

Question—That Mr Borbidge's amendment be agreed to—put; and the Committee divided—

AYES, 35—Beanland, Black, Borbidge, Connor, Cooper, Dalgleish, Davidson, Elliott, Feldman, Gamin, Grice, Healy, Hobbs, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Malone, Paff, Prenzler, Quinn, Rowell, Santoro, Seeney, Sheldon, Simpson, Slack, Springborg, Turner, Veivers, Watson. Tellers: Baumann, Hegarty

NOES, 42—Barton, Beattie, Bligh, Boyle, Briskey, Clark, E. Cunningham, J. Cunningham, D'Arcy, Edmond, Elder, Fenlon, Fouras, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, Mackenroth, McGrady, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Pitt, Pratt, Reeves, Reynolds, Roberts, Robertson, Rose, Schwarten, Struthers, Welford, Wellington, Wells, Wilson. Tellers: Sullivan, Purcell

Resolved in the **negative**.

Clause 7, as amended, agreed to.

Clause 8—

Mr BEATTIE (10.53 p.m.): I move the following amendment—

"At page 15, lines 4 to 10—

omit, insert—

' "government member" means—

(a) a member of the Legislative Assembly who is a member of a political party recognised in the Legislative Assembly as being in government; or

(b) a member of the Legislative Assembly, other than a member mentioned in paragraph (a), who—

(i) is a member of a parliamentary committee; and

(ii) was appointed to the committee on the nomination of a member of a political party recognised in the Legislative Assembly as being in government.'."

This has the effect of enabling Independents to seek advice.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clauses 9 and 10, as read, agreed to.

Bill reported, with amendments.

Third Reading

Bill, on motion of Mr Beattie, by leave, read a third time.

DOMESTIC VIOLENCE (FAMILY PROTECTION) AMENDMENT BILL

Second Reading

Resumed from 8 June (see p. 2187).

Mr BEANLAND (Indooroopilly—LP) (10.56 p.m.): Two points need to be made at the outset of the Opposition's response to the Minister's second-reading speech and to the Bill under debate. The first point is that I believe that no member of this Parliament or, indeed, any decent member of the community condones domestic violence. On behalf of all members on this side of the House, I make no secret of our abhorrence of behaviours that involve one person intimidating, threatening, hurting or in any way degrading another, especially within the context of a spousal or family relationship. The second point is the despicable and provocative reference by the Minister to needed legislation collecting dust under what the Minister described as the "stewardship of members opposite".

As members on both sides of the House would know, the member for Beaudesert, when Minister, received many complaints about the shortcomings of the legislation and the ways in which it was administered. It was with the genuine desire to provide adequate and equitable protection for the elderly, for spouses of both genders and for children involved in incidents of domestic violence that my colleague had amended legislation drafted and consulted upon very widely. His proposed amendments were of major consequence and sought to put an end to some of the problem issues that had been evident for years when the coalition came to office in 1996. The previous Labor administration had been aware of these concerns in the community for years and had done absolutely nothing to correct the mischief that was generating hostility rather than dealing with it. As usual, this mean-spirited and Government-of-blame Minister

simply cannot help herself and seems programmed to attack, belittle and denigrate the work of others in some pathetic and unprincipled effort to boost her own personal ego and her sagging image and reputation.

Ms Bligh interjected.

Mr BEANLAND: You made the attack, Minister. It was a disgraceful performance by you.

Mr DEPUTY SPEAKER (Mr Reeves): Order! I remind the member for Indooroopilly to speak through the Chair.

Mr BEANLAND: Certainly, Mr Deputy Speaker.

Mr Sullivan interjected.

Mr DEPUTY SPEAKER: Order! The member for Chermside will cease interjecting.

Mr BEANLAND: The Minister made a disgraceful attack on the coalition in her second-reading speech, and on behalf of members on this side of the Parliament I am going to correct that, because it is this side of the House that has led the charge against domestic violence, and the Minister knows it.

Mr Sullivan interjected.

Mr DEPUTY SPEAKER: Order! The member for Chermside!

Mr BEANLAND: In this instance, the facts should not be allowed to stand in the way of a cheap and untrue attack, with nothing but the barest and meanest of political motives—an insinuation that the Minister cares about the issue of domestic violence but others do not and that she is active in legislative reform while others were not.

Let us have a look at a few of these matters. The Domestic Violence (Family Protection) Act 1989 was proclaimed on 22 August 1989, as recommended by the Queensland Domestic Violence Task Force in its 1988 report Beyond These Walls, and it is that Act which this Government is now proposing to amend. The legislation was introduced into this Parliament by the then Minister, the Honourable Craig Sherrin, the then member for Mansfield and Minister for Family Services in the then National Party Government. I shall quote from his second-reading speech, as it is appropriate in view of the Minister's comments. He stated—

> "This Bill is but one of a range of initiatives being taken by the Queensland Government to support the family unit and, more particularly, to assist in alleviating and curtailing the problem of domestic violence in Queensland.
>
> No one should doubt that the family is the natural and fundamental unit in our society. No other group is more important or more resilient. I hold the firm view that our society's strength is dependent on the successful functioning of the family unit which, when placed under stress, must be able to fulfil its unique and basic role. The widest possible protection and assistance needs to be given to the family unit and the institution of marriage.
>
> The Queensland Government is committed to doing all in its power to promote the family unit and strengthen and support its role. Recently the Government has announced its intention to prepare a family policy that will include current and proposed initiatives designed to benefit families and promote positive family life.
>
> Many victims of domestic violence have indicated that they do not wish to end their marriages. They just want the violence to stop. The proposed legislation may allow this to occur in those cases without the disintegration of the family unit.
>
> The Government will be pushing ahead to implement the recommendations of the Task Force which it established to examine the issue of domestic violence between spouses. A number of initiatives, including a Domestic Violence Awareness Program, have already been implemented and more will occur in the coming months. These will include the formation of a Domestic Violence Council comprising community representatives and officers of relevant Departments, the functions of which will include monitoring the implementation of the legislation.
>
> As with anything that is new and innovative, it should be expected that this legislation, once operationalised, may need fine-tuning."

That is exactly what this legislation is doing. It is making technical amendments in some cases, and amendments of some significance in other cases. These amendments will fine-tune this piece of legislation. The task force also recommended the establishment of the Queensland Domestic Violence Council and suggested that the council undertake research into legislative options for non-spousal domestic violence. Non-spousal domestic violence had been outside the terms of reference of the task force

but had been raised in community consultation.

In 1994, Ms Susan Currie was engaged by the department to examine the options for legislating against non-spousal domestic violence. She presented her report entitled Legislative Options for Non-spousal Domestic Violence in June 1996. The report recommended significant broadening of the Domestic Violence (Family Protection) Act 1989 to cover people in such circumstances as dating abuse, elder abuse and offences against people with disabilities. The report also recommended an overhaul of the Peace and Good Behaviour Act 1982 to provide adequate legislative protection for other people affected by domestic violence.

The Queensland Domestic Violence Council, together with a significant proportion of community organisations—particularly those in the domestic violence sector—did not support the extent of broadening recommended by Ms Currie. However, the Queensland Domestic Violence Council had previously forwarded to the former Minister recommendations for urgent amendments to the Domestic Violence (Family Protection) Act 1989 aimed at improving the efficiency and effectiveness of the Act.

During 1995 and 1996, the former Minister, Mr Lingard, the honourable member for Beaudesert, undertook to review the Domestic Violence (Family Protection) Act, broadening its coverage and making some technical amendments to address perceived problems in the legislation. Moreover, it was decided that the department should conduct a comprehensive review of legislation to ascertain any other aspects of the legislation requiring amendment before proceeding.

This departmental review had commenced in July 1995 when Mrs Margaret Woodgate was the Minister for Families. The review included policy and legislative issues. An information paper for community consultation on the proposed amendments was distributed on 12 January 1998. Community comments on the information paper closed on 27 February last year.

Of course, in the first half of 1998 there was a change of Minister and the member for Mulgrave, Mrs Naomi Wilson, became the Minister for Families, Youth and Community Care. She therefore took on responsibility for this legislation.

I want to acknowledge the contributions that those former Ministers made to this Bill. As I have indicated, some work was undertaken in the first instance under Mrs Margaret Woodgate as Minister for Families from July 1995 to February 1996. This was followed up by my colleague, the then Minister for Families, Youth and Community Care, Kevin Lingard, the member for Beaudesert. As I have outlined, he made a major contribution to this legislation. He was followed for several months by the former member for Mulgrave, Mrs Naomi Wilson, who also made a significant contribution.

When the current Minister became Minister in June 1998 all that remained for her to do was to fine-tune the Bill as the real work had already been undertaken. The truth is that this Minister does not pay attention to what is included in her legislation, as has been evidenced in her earlier meagre offerings in this place. Sometimes it seems as if the Minister does not understand the meaning and the seriousness of the legislative proposals that are promoted.

Before I comment on the substance of the Bill, I want to draw attention to the lack of rigour and the lack of meaning in some of the comments which the Minister inflicted on the House in her second-reading speech. The Minister told us that, in the 10 years since the Act came into effect, 95 people in Queensland had been victims of spousal homicide. This tragic statistic, relating as it mostly does to periods of Labor administration, if one wants to get down to that kind of detail, is followed by a claim that the Act can provide early intervention and protection from further abuse. This type of ministerial comment is an insult to the intelligence of members of this House.

The Minister does not indicate anything about the comparative incidence of that type of homicide before and after the commencement of the Act. She does not offer the Parliament trend figures or any other supporting material. This is just a number which she has plucked out of the crimes statistics for the State. She expects us to be satisfied with such an inept choice of factual material to support her ministerial assertions.

It is not only a matter of what we get for our money from this Government; there is also the issue of what we do not get. The Minister offers us no analysis of the hundreds of complaints that would have been received in electoral offices across the State by members of all parties about the mischiefs that have resulted from the misuse of the Act—and there are some; it happens, unfortunately—nor do we hear any ministerial strategy to deal with or rectify these shortcomings.

I can tell the Minister that there will be a great many people who have looked for objective and well-intentioned assessments of

domestic violence legislation and who will say that this offering is but a flop and that the Minister has let the side down.

The next point concerns the inconsistencies in the Minister's introductory speech. Having made a snide suggestion that members on this side of the House allowed dust to collect on the material being proposed for amendment to the Act, the Minister claimed that it was all to her credit that the comprehensive review of the Act was undertaken by the Minister's department over the last four years. It may have eluded the Minister that the major portion of the last four years was occupied by a coalition Government. Neither the Minister, nor any of her colleagues, has responsibility for most of the review process. The Minister's attempt to take credit for what others have done is a telling reflection of the type of person that she is and the type of character that she brings to this job.

One of the traditional courtesies in this place is giving decent acknowledgment to what others have done. There has been no respect paid to the concept of standing on the shoulders of those who have gone before. Instead, from the Minister we have yet again a cheap grasp for personal aggrandisement by making claims for oneself without the recognition of others. In the past few moments, I trust that I have suitably outlined the contribution of others.

That brings me to the next significant point that has been ignored by the Minister in her speech for obvious reasons—for not wanting to share the spotlight with anyone else or give credit to the Liberal or National Parties. In April of this year, the model domestic violence laws report was released and model legislation was produced. This model legislation included a report, which was commenced in September 1996 when the Liberal/National Federal Government convened the domestic violence forum in Canberra. This forum included representatives from each Australian State and Territory and Government departments, academics and non-Government organisations with an interest in addressing all issues relating to domestic violence. A number of recommendations came out of the forum, some of which related to reforms to laws dealing with domestic violence and the need for greater consistency. Although the need for consistency had been recognised previously by the Standing Committee of Attorneys-General, there have been specific initiatives dealing with the portability of orders, the relationship of orders with Family Law Court orders and the portability of New Zealand orders, which was raised at the forum.

After reviewing the existing laws, a working group of officials from the States and Territories and the Commonwealth prepared a discussion paper and prepared a revised model in the context of initiatives flowing from the forum for the national domestic violence summit. In November 1997, a discussion paper released by the Prime Minister, Premiers and Chief Ministers at the domestic violence summit requested interested persons and agencies to comment upon the paper's proposals. More than 120 detailed and thoughtful submissions were received as well as oral feedback from meetings organised throughout Australia by the Office of the Status of Women and State and Territory Governments.

Most submissions commented upon the 14 key issues identified in the discussion paper as being of particular significance. This working group included Dawn Ray from the Office of the Queensland Parliamentary Counsel and the Parliamentary Counsel's Committee, Kathy Daley and Heather Nancarrow of the Domestic Violence Prevention Unit of the Department of Families, Youth and Community Care. The Minister had, in fact, on the working group producing this report, including the model legislation, people from her own department. So much for the Minister's cheap political shots, which have highlighted the Minister's own lack of genuine concern and feeling for those who have suffered from domestic violence.

As members can see, this side of the Chamber, the Liberal and National Parties, have been far from sitting on their hands; in fact, they have played the lead role in introducing legislation not only in this State but also in preparing model legislation for this nation. I ask the Minister: are these amendments that we have before us today in line with this model legislation? If not, what are the differences? I have not attempted to go through the legislation to find the differences. I appreciate that there would be significant differences. However, I ask the Minister whether those changes are in line with the model legislation.

While I am referring to the role of the Federal Government, I want to take a moment to refer to another program that it has undertaken in the fight against domestic violence. In November 1997, Partnerships Against Domestic Violence was announced by the Prime Minister at the Heads of Government National Domestic Violence

Summit. That program is underpinned by funding of $25.3m from the Government from January 1998 to June 2001. One of the key themes of Partnerships Against Domestic Violence is helping people in rural and remote communities. A number of current projects under the Partnerships Against Domestic Violence program are being implemented in regional areas, including projects to expand information and referral services to women and children escaping domestic violence and addressing family violence in indigenous communities. The Government has committed a further $25m to June 2003 to renew the Partnerships Against Domestic Violence program and to build on its success to achieve more effective prevention of domestic violence across Australia. It will contribute to strengthening families and communities with a focus on key areas such as community education, children affected by domestic violence, perpetrators of domestic violence and family violence in indigenous communities. Through that further allocation of funding, helping those people who are affected by domestic violence in rural and remote areas will continue to be a theme of the projects undertaken.

Not only does the Prime Minister, John Howard, deserve our congratulations but also Senator Jocelyn Newman, the Minister for Families and Community Services and Minister Assisting the Prime Minister for the Status of Women for the leading role that they are playing in achieving a better community understanding in the prevention of domestic violence across this nation. In addition, another $45m has been allocated by the Commonwealth Government to renew its commitment to supported accommodation assistance programs for another five years, subject to the negotiation of new agreements with the States. As well, in recent weeks the Commonwealth Government has allocated a further $45m as part of the goods and services tax arrangements, making a total of $90m of additional Commonwealth moneys for the SAAP program over five years. These support programs are for the homeless, which include, of course, women, men and children escaping domestic violence, which accounts for over half the total expenditure in this program and which, all up, will total well over $1,000m. So it is going to be quite a significant contribution.

This is an issue that not only do parliamentary members on both sides of the House take seriously but also our respective party organisations take very seriously indeed. I just want to make a few observations in relation to the Bill itself. As the Minister indicates, it has five major objectives: first, to improve the enforcement of the Act; secondly, to clarify existing provisions; thirdly, to eliminate unnecessary burdens on police and the courts; fourthly, to improve the security and protection of those escaping domestic violence; and, fifthly, to reflect amendments to the Family Law Act. In relation to the first of these, the Minister indicated that the word "knowingly" was to be removed from the legislation because a respondent successfully appealed against a breached conviction by arguing a lack of knowledge of the order despite having been served with it. Unfortunately, the Minister did not give us any details as to how that decision came about, or in which court it occurred, except to say that the change was based on that one successful appeal.

I appreciate that that in itself is of concern. However, I would appreciate some more details as to exactly the way in which that appeal occurred. Presumably, the court had some good reason for making the decision in that case. I particularly want to know whether the court made some observations about the need for legislative change or whether this change was decided by the department on recommendation from the Minister. "Knowingly" seems a clear enough term and a fair expectation in relation to breached matters. I am not aware of what the Law Society and other people who, no doubt, were consulted in relation to the matter have said, including the Domestic Violence Council or the Bar Association.

It should be clear to the Minister that, in our multicultural society, it is not safe to assume that every person understands fully the meaning of a document or the outcome of a court hearing, or a police officer's advice or that of a court official. I simply ask the Minister: has she considered all sides of this issue and heard all the arguments? In the Minister's second-reading speech, we did not hear that. As for the removal of this requirement from this very sensitive piece of legislation, I also want to ensure that the matter has been covered fully and be convinced that we are not removing some safety feature from the Act. This is a very sensitive piece of legislation and, unfortunately, from time to time some mischief does occur under it—sometimes by accident; sometimes on purpose, I am sure. I think that it is imperative that the changes that are made are made with a great deal of care.

Another seemingly insignificant change that the Minister passes over in one brief sentence alters the definition of "spouse". The change involves replacing the words "man" and "woman" with "male" and "female". This is

a much-needed change to ensure the protection of people under the age of 18 years and is fully supported by the Opposition. It was proposed by former Minister Lingard in his draft legislation.

I wish to move sequentially through some of the provisions of the Bill. In relation to the definition of "effective individual" within the employing agency, the Bill provides a less than adequate statement about the person and organisation upon whom heavy responsibility rests in relation to orders concerning respondents who have access to weapons through their employment. In any organisation this person should be rigorously defined in a way that indicates someone with a significant and relevant level of responsibility in the organisation, and someone with an appropriate knowledge of the requirements of the respondent's employment. It could be that a human resources unit within the firm that is comprised of relatively junior officers employs the staff.

On another issue, I notice that the Minister is no longer to approve forms for the purpose of the Act and that this duty now falls to the director-general of the Minister's department, as is the current practice across the Public Service. However, it seems a strange arrangement that the Director-General of the Department of Families, Youth and Community Care should be responsible for the design of forms to be used by the police and the courts, and that there is no requirement for the director-general to get the agreement of either the police or the courts on this matter. I presume that, whilst it is not mentioned, consultation will occur. However, that is not spelt out or indicated in the Bill. As far as I can see, no other officer in the Minister's department has any duty under the Act in relation to this matter. Its implementation involves the police and court staff, yet neither of those departments has any input into the process for the approval of related forms. Perhaps there is some sort of logic to that. It is important that a good working relationship is maintained.

In relation to access to weapons for employment, certainly over a long period I have received complaints about this issue, and I am sure that most other members have also. This is not an issue that has been raised only recently. The question of weapons for employment purposes is a major issue, but the legislation makes no reference to it. For example, I have heard of a situation where a police officer who was the subject of a domestic violence order was unable to use a weapon whilst on duty, which caused some concern. I have also heard of similar cases involving security guards, kangaroo shooters and others. I am sure that other members have come across similar cases. This matter does not appear to have been addressed in any way. I would have liked to have seen some reference to it in the legislation. I would like to know whether or not some consideration had been given to the matter and, if so, what the outcome of that consideration has been.

As I say, this is a very difficult area but, nevertheless, some people need access to weapons for employment and so on. This is an area that generates many complaints and much anguish. Of course, the legislation deals with subjects that cause much anguish to one party or the other. It is a very sensitive piece of legislation. Therefore, we must ensure that any changes are made in the appropriate way. We must ensure that as much goodwill as possible—if that is at all possible—is generated. Unfortunately, such anguish can lead to more violence and we must take all steps possible to avoid that.

The important addition of steps to be taken by the court when a respondent has access to weapons through employment is marred by the inadequacy already referred to in the definition of "effective individual". There is a further and greater concern regarding such persons. They are placed at significant risk by being served with an order under clause 9, which inserts a new section 23A. That clause raises the possibility of a year in prison for an error in the disclosure of relevant information. The Bill should place upon the court a responsibility to at least ensure that this person is adequately informed and warned of the seriousness of these possible consequences. The legislation should make this a clear duty of the clerk of the court, just as it is in relation to informing respondent spouses of the effect of orders that affect them.

I believe that the whole matter of dealing with the issues associated with weapons has been handled in an inappropriate way. For example, clause 10 of the Bill, which amends section 24 and provides for arrangements for the surrender of revoked or suspended licences, is also inadequate.

The release of a licence or a weapon to a police officer should be acknowledged by that officer by the giving of a receipt to the person surrendering the licence or weapon. I went through the legislation but I could see no such provision. What brought the matter to my attention was that such an acknowledgment is provided for, and properly so, in relation to a consignment to a dealer. Where that occurs, a

receipt is given. People can get very angry about these matters and quite often that can lead to more violence. I think it is important that we ensure that a receipt is given, and then that person has one less matter to complain about. In that case, the person concerned is less likely to use violence against their partner. For the protection of both parties, the provision of receipts should be a statutory requirement. I believe that all members will quickly comprehend the problems that could arise if a receipt is not issued. This is an evident omission that needs to be corrected. It could be easily corrected by the police giving receipts, if not immediately then certainly within a 24-hour period. That would not be onerous.

I turn to the matter of working from premises and the need to collect tools of trade from premises. Complaints have been made to me on this matter over a long period. This issue is much like the need for access to weapons for employment. People have to go about their business, even with domestic violence orders against them and these matters have to be considered in detail.

Whilst I notice that the legislation covers part of this issue, I raise it here because I notice that only 44 written submissions were received on the issue and some 100 people attended regional forums in relation to it. I accept that the Minister met with peak domestic violence organisations. That is all contained within the Explanatory Notes to the Bill. However, there does not appear to have been a large attendance at the public forums that were held on this very sensitive and emotional issue. It is important that these matters are properly canvassed and that all the issues are looked at closely. Certainly there are no easy answers, but I believe that by taking a rigorous approach many of these matters can be appropriately addressed.

Clause 12 of the Bill inserts new section 25A, which relates to the ouster provisions. I think that all members understand the circumstances in which those provisions may need to be applied. However, I ask the Minister to outline the steps that she plans to take to allow for the equitable sale and distribution of the proceeds from the sale of a family home. For example, an issue arises if one spouse is prohibited from approaching or even phoning the other to discuss such matters, especially in circumstances where one party has a vested interest in keeping the other at bay. The parties would be unable to separate amicably and split the proceeds from the home and other assets held in joint tenancy. I notice that the Bill refers to the involvement of legal practitioners, but I ask for an assurance that this matter has been properly considered in all aspects. The last thing that we need are more problems in relation to the legislation.

I turn now to Division 2 of the Act and in particular the powers of the courts and magistrates to make temporary protection orders. There is an omission in relation to this very important power, which is that there is no prescribed time limit. No indication is given of how long a temporary order can last for. For example, in the legislation relating to child protection orders, this Parliament has rightly enacted provisions that place specific time limits on comparable orders relating to children. However, in this Bill, which affects whole families and has the very serious outcome of separating parents from children as well as separating spouses, there is no time limit on temporary protection orders. Therefore, I ask the Minister: what period is proposed under these temporary protection orders? Many people might take "temporary" to mean hours, others might take it to mean days and to others it might mean weeks. I presume it means days, but I await clarification of this.

One of the stated objectives of the Bill, as set out in the Minister's second-reading speech, was the improvement of the security and protection of women escaping domestic violence. I was a little shocked to see this gender specific statement of intent. We all know how important it is for women and children to be protected from domestic violence and we all abhor this and other forms of violence. However, the Minister also needs to send a statement to the significant minority of men who are victims of domestic violence. No mention has been made of this. There is no recognition of the fact that their plight is real or even exists, although I understand some 13% of the orders that have been made by the court have been made in favour of men. I do not think that in itself sends a particularly good message to the males out there who are also subjected to domestic violence. That is a significant percentage. All of us have real concerns for victims, irrespective of their gender.

There are some positives in the Bill. We are eager to see them implemented. However, until the shortcomings in the Bill and some of the issues that I have mentioned are addressed I cannot help feel that this is a bandaid treatment for what are some very deficient aspects of the legislation. Clause 19 of the Bill places responsibility on the court to ensure that certain spouses understand such matters as the purpose and effect of a proposed order, the consequences of non-

compliance with the order and the right to apply for the revocation or variation of that order. The provision even refers to the process that the court may use and helpfully provides some examples of the means by which this important function can be carried out. Presumably this has been included as a matter of fairness to compensate for the removal of the term "knowingly" referred to earlier.

In other words, the Bill sets out ways to ensure that people really understand what such an order is about and how it affects them personally. That all sounds reasonable. However, what it does not say—and we need not get too carried away with it or assume that it represents a significant advance in the area—is that the courts will now have to take this matter on board as an essential part of the order. Proposed section 50(4) spells out in words of few syllables that failure to comply with this section does not affect the validity of a domestic violence order. I accept that the previous provision was placed in the amendment to overcome the removal of the word "knowingly". But at the end of the day it does not mean much, because the next clause simply states that failure to comply with this section does not affect the validity of a domestic violence order. On the other hand, the Minister is acknowledging the importance of conveying to the parties a full appreciation of what an order means and is then saying in effect that it does not really make any difference if the court does not bother to explain the meaning of the order to the parties or to indicate their rights and responsibilities.

This Bill is supposed to address some of the most difficult and volatile situations in our society. What this Bill will do, in some instances, is create new uncertainties and new grievances. We can certainly do without new grievances. It certainly fails to address the broad spectrum of issues in respect of which there are concerns, and the Minister failed to make any reference to them in her second-reading speech. Likewise, I have indicated that no reference is made to the new Model Domestic Violence Laws Report. I again ask: are these amendments in line with that model and is the Minister planning to introduce legislation along the lines of the Model Domestic Violence Laws Report and, if so, when can we expect to receive it? This legislation was introduced some five months ago and has been left to gather dust. As I indicated previously, it is up to the Government to decide its legislative priorities. It has been no problem to introduce legislation on net bet and on a range of other matters and put it speedily through the Parliament, yet this legislation has not received the same treatment.

I wish to touch on one other matter, and I will not take up a great deal of time because the issue gets a lot of press coverage already. This is a significant issue in the community. I refer to the issue of indigenous domestic violence. Unfortunately, as I said, there is far too much of it and it gets far too much coverage in the media. The legislation is not specifically designed to relate to this area. However, it is acknowledged that in many cases—not only in indigenous communities but across-the-board—alcohol plays a major role in domestic violence. I would be pleased to hear from the Minister what additional programs she might be looking at to educate people who have problems with alcohol-induced violence. As I said, this does not relate simply to indigenous communities; a large degree of the domestic violence that we see across the whole nation is caused through excess alcohol consumption.

I thank the Minister's staff and departmental officers for the briefings in relation to the legislation. I look forward to the passing of this Bill, because even though it has some shortcomings, I know that it will contribute to making our domestic violence laws more effective. It certainly has the Opposition's support.

Ms STRUTHERS (Archerfield—ALP) (11.36 p.m.): One of the most significant human rights achievements of the past decade in this State is the public recognition and protection that is now given to domestic violence survivors by the police and criminal justice system. Therefore, I am ever ready, willing and able to support the Minister in introducing this Bill, which will keep improving on the achievements of the past decade.

Firstly, I wish to correct the record, though. The member for Indooroopilly stated this his Government led the charge against domestic violence. I need to set the record straight. It was a number of key refuge women in the early eighties who really led the charge and in fact had to drag some members of the coalition Government of the day kicking and screaming to the table to talk about this issue. I admit that Minister Sherrin was probably the most sympathetic of the lot, but it was very difficult to get Ministers Chapman, Nelson and others to actually see that what people were trying to achieve was not to break up families but to make them much safer. It is unfair to say this his Government led the charge, because his Government was a significant

problem in the eighties. Queensland was 10 years behind the other States in introducing domestic violence legislation. I admit that, once the gate was opened and things occurred, good programs were put in place in Queensland, but it was the Labor Government that has given rise to Queensland now being one of the leaders in the nation in terms of Statewide coordinated networks of service responses and effective legal responses.

The amendments in this Bill are essential tools in improving the enforcement of domestic violence orders. They will help the police to do their job effectively and they will enhance the safety of women, children and some men who are subjected to intolerable verbal, sexual and physical abuse. Early in my working life I had the pleasure of working with many committed women in Government and non-Government organisations, survivors of abuse, sympathetic police, lawyers, health practitioners and others who were also keen to break the silence on domestic violence. I had the displeasure of meeting many unsympathetic community members, police, offenders and others who wanted to keep domestic violence as a private matter between intimate partners and family members. Times have changed. The majority of sensible, fair-minded Queenslanders will not tolerate any form of violence against family members and welcome strong legal remedies to the problem.

The Domestic Violence (Family Protection) Act of 1989 was a great milestone, but as can be expected a number of weaknesses in the legislation emerged. Many police and domestic violence workers have been particularly keen to sort out shortcomings in the Act. One of these related to the interpretation of the word "knowingly" in section 81 of the Act. The police have been reluctant to issue prosecutions for breaches of protection orders because of the difficulty in proving that the respondent was aware of the contents of the protection order. This was clearly unsatisfactory.

The definition of "spouse" has also needed clarification and broadening. As the Minister and the member for Indooroopilly have stated, one young woman was refused a protection order because she was under 18 years of age. The magistrate appeared to believe that she did not fit the definition of a "woman". In my humble opinion, the decision of the magistrate to deny a protection order on these grounds not only displayed poor judgment in relation to female physical and emotional development but, importantly, was an act of inhumanity.

Mr Lucas: Also ridiculous in law.

Ms STRUTHERS: I take that interjection from the member for Lytton.

Many other improvements have emerged through the community consultations that the Minister has instigated. The amendments that the Minister has introduced will go a long way to remedying the procedural problems with the initial Act. I will not detail these as the Minister has covered them well.

We have lots of important legislation on the Notice Paper, so I will cut my contribution but end with some acknowledgments. I want to pay tribute to the committed staff of the Domestic Violence Policy Unit within the Department of Families, Youth and Community Care. The manager, Heather Nancarrow, has devoted around 20 years of her life to combating domestic violence. It is probably about time she got a life, but she has certainly worked hard with a wonderful team. Raelene Di Re, Sue Coxon, lawyers and others who have been part of that team have worked hard to make the legislation workable and to ensure that Queensland has a Statewide coordinated service network to tackle domestic violence. There are also numerous police, legal practitioners and non-Government workers who have played a big role in the success of the domestic violence laws in Queensland and in making sure that victims of abuse are safe and supported. The efforts of these people are often undervalued and rarely publicly acknowledged. So I am pleased to seek the indulgence of the House to give them a much deserved public rap.

I applaud the provisions of this Bill. I trust that police and criminal justice agents will now have clearer powers to ensure the safety of domestic violence survivors now and into the future.

Mrs SHELDON (Caloundra—LP) (11.41 p.m.): I would like to make a contribution to an issue that is very important to our community and to the women, families and men in it, and that is domestic violence. I have spoken on this issue before in this House. Undoubtedly, the greater percentage of victims of domestic violence are women and, as a spin-off, the families and the children of those relationships. It is disappointing to see that over the years this problem has been increasing. I think it has increased due to a range of things. I think it has increased due to breakdown in families and difficulties with jobs, with the economic instability in the community and with people's unreal expectations of each other. There is a growing situation in which people who have been a product of families in

which domestic violence has occurred seem to perpetuate it. Indeed, one would wonder why, but it does seem to happen when they get into relationships and feel that this is a socially acceptable or, indeed, the only known way they have of acting. It is a terrible situation for many families to be in.

Domestic violence has wide-ranging effects as well on the community. One has only to look at the amount of time that police officers spend in attending domestic violence problems. This time could well be spent on major crime, but they are called to situations that are often acutely aggressive—a lot of danger involved. Indeed, we see a lot of police who are injured—even fatally—when attending these sorts of calls. Anything that could be put in place to reduce that burden on the police, to reduce the spin-off into the community, has to be applauded. I would like to put on record my appreciation of the work that a lot of police do in this regard and the help they do give to victims of domestic violence.

Violence does grow over a period and seems to develop more and more in a relationship as it goes on. It often appears very early. I think a lot of women think that it will abate as the relationship grows or they feel that they are to blame. Possibly in a minority of cases they do contribute, but by and large they do not. They are, indeed, victims. It is often said, "Why can't women in these situations walk away?" That is easier said than done because they are often guardians of their own families; they have the children to protect; they have a situation often where economically it is not viable for them to walk out the door; and they tend to continue in relationships which are detrimental to themselves and to their families. As a community, we have a responsibility to make sure we put in place as much help in these situations—guidance, counselling and help—as we possibly can.

There is no doubt that the whole family is affected by this and, as I mentioned earlier, people who have been in families where there has been a lot of domestic violence tend to perpetrate it themselves when they have a family themselves, when they have the responsibility of children, a husband or a wife. So this whole terrible cycle continues. Very obviously prevention in this situation is a heck of a lot better than cure, and education is a fundamental part of this.

I would have liked to have seen a bit more emphasis on education in this Bill. I know that the Bill is about the nuts and bolts of domestic violence, but we need to educate our young boys and girls in our schools about what domestic violence is all about. Okay, it has to be related to the educational situation, and they are young, growing and, sometimes, semi-adults. However, I think that we should try to educate them as to what can occur, as to accepted modes of behaviour, as to help that is available in the community. I think that we should educate boys that it is not wussy, if you like, to be compassionate and kind, that they do not have to resort to violence and brute force in order to get their point across and that it is totally acceptable not to have, what have been in many situations described as, manly attributes. These sorts of things—breaking down stereotypes—are very important in helping when this occurs and will help in prevention.

There is no doubt that early intervention of this sort pays off because domestic violence costs our community a great deal of money in the spin-off in terms of the welfare that has to be paid, the protection that has to be paid and the crisis centres that we have to fund. And, of course, there is the whole spin-off of how that affects children, how it detrimentally affects their educational ability, and that does cost the community a lot of money. So money spent in prevention is money well spent as, indeed, it always is.

A lot of talk does go on about women in domestic violence situations and, indeed, in the high percentage of cases in which they are the victims. However, I think just treating the woman in her situation and the situation that her children are in often does not get to the root cause, which in many cases is the man. All too often, yes, we get an order which is breached—and I hope that this Act will make it as difficult for men to breach domestic violence orders as it says it will.

Quite often there is no real help given to the man. He may be held in detention for four hours—and I was hoping to see that detention period increased, frankly, because four hours is not sufficient. If a drunk man who has abused his wife—belted her up—is put in the lock-up at 11 o'clock at night and is let out again at 2 or 3 in the morning, he has nowhere else to go and he will go straight back to the home he has vacated and continue on in the same mode because he has been aggrieved; he has been in jail and his manly pride, if you like, has been hurt.

We need crisis accommodation to which men in these situations can be taken if they are not going to be kept in jail, not just crisis accommodation for women. Some of the funding I allocated as Treasurer was just for

that—for help, for education and for crisis accommodation for men so that they would not go back and perpetrate exactly the same thing that happened before. This money was allocated in the budget of Women's Affairs. It was something that I put in place to have done and, indeed, it was being done. In Women's Affairs, we worked very strongly in the domestic violence field. I had a number of meetings and conferences about this. We made it a high priority of what we needed to focus on if we were going to be efficient in the Office of Women's Affairs.

Previous speakers have spoken about the term "knowingly". I think it is wise to clarify any distortion or claim of not knowing that the order had been put in place. I think it has been cleared up pretty well now that the person to whom the order has been taken out against will have the opportunity of having it made quite clear that there is an order out and what the consequences are if that person breaches the order.

Mention is made also of the effect of domestic violence in indigenous communities. I have travelled to all of the indigenous communities in Queensland and I have met with a number of the women in those communities. Domestic violence is undoubtedly a major problem. So is alcoholism. They do, unfortunately, go hand in hand. I was most impressed that it was the women in those communities who were contributing greatly, often against their own culture, to try to get something done. They were forming groups. They were trying to educate their men. They were trying to put practices in place that would help their children. I think that any help that can be given in that regard should be given.

I would like to see more funding channelled directly to women in Aboriginal and Islander communities, because I believe that they are the key to sorting out a lot of the problems. So far there has not been enough emphasis on the role that women in those communities can play. It has improved. There is no doubt about that. We in the Office of Women's Affairs did fund a program for the women of Palm Island so that they could put in place their own agendas and programs and monitor them themselves—I think that is the only way these things are going to work—and be free and encouraged to use the abilities and knowledge that they have in this field. They do have considerable knowledge in this field, as do all women who find themselves in these family breakdown situations.

I think it is very important that the perpetrators of domestic violence are hindered in every possible way from locating or attempting to locate their victims. All too often, domestic orders have been broken. Frankly, very little follow-up occurs. If a domestic violence order is to mean anything, it is essential that it be followed up if it is breached. A number of the women who have spoken to me over the years have said, "What is the point of getting a domestic violence order? It is not worth the paper it is written on." If that is what they really feel, then the law is failing dramatically in that regard. Any beefing up of those protection orders is important. It is most important that the people who have carriage of this issue see that these orders are put in place and that breaches are penalised. I think that needs to be given a very strong emphasis.

One concern I have relates to perpetrators who have access to weapons by virtue of their employment. It is only in relation to their field of employment that I have this concern, because if they have weapons otherwise, then if they are confiscated that is fair enough. But it is important that this amendment is looked at if it will adversely affect a man—it usually will be a man—in his ability to gain employment and often pay the maintenance or whatever is required to maintain his family. I am a little concerned that the legislation states that where the employer discloses the information more widely than is necessary they are liable for a penalty of up to $3,000. While that reads well, I ask the Minister to clarify who is going to determine what is "more widely than is necessary" and make sure that men in these situations are not victimised and do not lose their jobs as a result, because that would just have a negative spin-off anyhow. What may be put in place there in anticipation of an important situation may not eventuate.

I feel that the issue of the woman possibly not having to leave her rented home is important. I just wonder how that will be adequately policed, particularly if she is not the one who is paying the rent. I know that the Bill states that an aggrieved spouse will be stopped from returning to that domestic dwelling. I think that will be very difficult to police. Certainly I agree with the concept. Why should the woman always have to leave and find crisis accommodation? Why should not she, who has the children, remain in the home and the perpetrator have to leave? I am not against the thought process behind this, but I do have some concerns about how it is going to be carried out.

Only a couple of weeks ago I spoke in this House about a very obvious effect of domestic violence, a situation about which I will not go into any details. At the time I spoke about battered woman syndrome and how it is not an allowable defence in the courts of Australia. I again urge the Attorney-General to amend the Criminal Code to make it so. As I said in the House on that day, there is a High Court decision which says that it cannot be used as a defence. I think that is a great pity and I am surprised that the High Court came down with that decision.

Nevertheless, as we all know, statute overrides case law. If our Code is changed, then in Queensland at least women will be able to use battered woman syndrome as a defence. I do not know why we are dragging the anchor on this. There only needs to be an amendment to the Criminal Code. I am sure that if the Attorney-General brought such a proposition before the House he would get the support of the Opposition for it. I certainly would support the concept.

In this day and age, when we have rights of all kinds, it is quite amazing that battered woman syndrome cannot be used as an adequate and a reasonable defence. It would have to stand up to all of the scrutiny of examination of any defence. The High Court said that it can be referred to. That is not good enough. It does not have the legal rights, the legal ramifications or the legal clout of a proper defence.

When I was speaking on this matter on another occasion I said that there was minority judgment of the High Court in the case of Osland v. The Queen. It was a 3-2 decision. In that case, which was not all that long ago, the High Court held that in Australia there was no separate defence of battered woman syndrome which would exonerate an accused for the murder of a spouse, even if that person had been subjected to years of physical and psychological abuse. If there is not any case law on it, let us put some statute law in place. I encourage the Minister to speak to the Attorney-General about this to see whether we can get the Code changed.

The minority judgment in that case was made by Justices Gaudron and Gummow. That is interesting, with Justice Gaudron being a woman. They found that, at the very least, battered woman syndrome should be accepted by the courts as a condition that is best explained to a jury by expert evidence and that with that evidence the jury would be able to understand the mental state of the accused. That is true, but it still is not given the status of a defence. I think it is very important that we do that.

While researching the speech I made a couple of weeks ago I found out that, apart from the broad and sweeping International Convention on Civil and Political Rights, which Australia has ratified, there appeared to be only one other international instrument—if we look at what is happening in the broader sense—that could potentially affect the area of violence against women. In 1993 the United Nations established the Convention on the Elimination of Violence against Women. Australia did play a very important role in that convention, but it did not adopt that resolution until 25 April 1996 and it is yet to be ratified. We really do need to make sure that we do that.

I have written to the Prime Minister and asked him to ratify the convention. If indeed it is ratified, the convention articles need to be binding on domestic law. We have to have domestic law that fits into that. I think we will need modification of our Commonwealth law. I have asked the Prime Minister to do that. I have also said to him that I would be quite happy to work with him to get a good result in that regard.

I think what we are really talking about here is equality before the law for men and women. I am not asking for the law to be lax or for there to be a bias towards women; I am asking for equality. At the moment we do not have it, particularly in not being able to use something like battered woman syndrome as a defence. Certainly it has been argued successfully by men that they have killed their spouses in a fit of jealous rage after provocation. That may be fair enough, but a woman should be similarly able to argue years of physical and mental abuse as provocation, and currently she cannot use that as a defence.

I believe that we need sexual equality. We need to make sure that the obligations under the convention on the elimination of all forms of discrimination against women are ratified. We need to make sure that adequate defences like this would counter power imbalances—whether those imbalances be psychological, physical, financial or legal. I believe that anything that we can do to help women and families and, indeed, men in domestic violence situations should be done. I say to the Minister that I believe that this legislation is certainly a step in the right direction. I hope that, on the matters I have raised, we may be able to move further in that regard.

Mr FELDMAN (Caboolture—ONP) (12.01 a.m.): In rising to make my contribution to this debate tonight, I firstly wish to pay tribute to the men and women of the Queensland Police Service for the magnificent job that they perform—at most times under pressure and in adversity—in dealing with domestic violence. I especially pay tribute to those police officers who have paid the ultimate price of their lives for attending domestic violence situations. There is no such thing as a simple domestic situation. Coming from 25 years in the Queensland Police Service, I have been through the whole ambit of what used to happen. Police used to have to go to these situations and wind up either cajoling or soliciting a complaint in respect to assault, aggravated assault or assault occasioning bodily harm, or somehow making some sort of an arrest under the Vagrants, Gaming and Other Offences Act for some offences committed within or close to a public place.

The Domestic Violence (Family Protection) Act was probably one of the better pieces of legislation to come out of this Parliament in a long time. It actually took a lot of the pressure off police attending those domestic situations. Police were able to utilise the provisions of the Act to actually take someone away when there was the risk of further domestic violence happening or when gross domestic violence had occurred. In my time in the Police Service, I attended incidents when there had been single homicides. I attended three double homicides and two multiple homicides in relation to domestic violence, and none of them are pretty. Both parties tend to treat a lot of things, especially children, like their property—like they have no soul, they have no feeling. I attended one incident in Deception Bay where the child was stabbed simply because one party did not wish the other party to have that particular piece of property—and that is all that small 8-month-old child meant to that couple. It is sad. It is quite horrific. And it does leave scars on one's memory. As I said, domestic violence is not an easy issue. It is not an issue that is easily solved with pieces of legislation, but it is legislation that gives police the ability to be able to control a situation.

I heard the member for Caloundra talk about men's rights and accommodation for men. That, too, might be an aspect that needs to be addressed, because I have seen situations in which men have been taken away by the police and locked up for four hours. Unfortunately, in the whole process, the whole truth of the situation involving that family has not really been elicited from either party; and unfortunately, the man goes back to get his tools of trade or to get a vehicle that he needs for his own work and winds up being locked up again.

At Redcliffe, certain days are set aside for the hearing of domestic violence matters. I remember that, in my time, it was Thursdays. If a person was pinched on a Friday, sometimes he could not go anywhere near his place of residence again until the following Thursday. That was part of his conditions of bail and part of the conditions set down on the domestic violence order or temporary order. In those circumstances, I believe that there needs to be provision for either party to go back home to actually retrieve whatever property or tools of trade are necessary to allow them to continue with their particular business of the day. I actually thought that issue may have been addressed within this legislation, but unfortunately those sorts of things have not been addressed and perhaps they need to be.

Domestic violence describes a situation in which one partner in a relationship uses violent and abusive behaviour in order to control and dominate the other partner, usually via physical, sexual or psychological abuse, forced social isolation or economic deprivation. Domestic violence is a continuing problem in our community. Unfortunately, our community is turning out to be a more violent place. It affects between one in three and one in five Australian families. Domestic violence sometimes remains largely a hidden crime. In my time in the Queensland Police Service, I served in West End, Woodridge, Caboolture and Deception Bay, and it tended to be one of the high priorities in all those areas, and it was given a high priority, as well. While the statistics themselves are staggering, they can never really portray the reality of domestic violence in our communities.

Unfortunately, women are the most common victims of domestic violence, mainly because of their limited ability to injure a man physically, and in most cases their social and financial dependence makes them a little more vulnerable. However, over the last five years, the trend of domestic violence against men has increased significantly. The stereotype of men always being the perpetrators and women always being the victims is becoming a controversial issue—considering that the number of domestic violence applications by men in Queensland has risen from 12% in 1994 to 17% in 1998. Perhaps there needs to be a little redress towards considering all aspects of domestic violence.

People of all ages, from all racial, cultural, religious, socioeconomic, educational and professional backgrounds are subjected to domestic violence. Abusive partners also come from these diverse backgrounds. Many people are unaware of, or underestimate, the extent of domestic violence in our society and the impact that that domestic violence has on their partners. Many abused partners suffer extreme psychological trauma, and the effects on the victims are devastating. These include physical effects, ranging from bruising—and as I said before—to murder; psychological effects, such as constantly living in fear and uncertainty; nervous disorders and anxiety; and dislocation from family and friends and their broader social environment.

In homes where domestic violence occurs, children are also at high risk of suffering physical and emotional abuse, whether or not they are directly abused. By witnessing or experiencing domestic violence, children suffer significant emotional and psychological trauma said to be similar to that experienced by victims of child abuse. Between 50% and 70% of men who abuse their female partners also physically abuse their children, and there is a high correlation between the number of men who abuse their partners and those who also sexually abuse female children in family situations.

With parents as role models, children learn significant messages about behaviour, relationships and sex roles. When living in a home where domestic violence occurs, the children come to believe that—and this is taken from the report of the Queensland Domestic Violence Task Force—

it is acceptable for men to abuse women, and vice versa;

violence is an effective way to relieve stress, solve problems and to win arguments;

it is possible to love and inflict pain all at the same time;

inequality in relationships is normal; and

there are few, if any, consequences for violent acts.

This inappropriate role modelling passed onto the next generation creates a vicious cycle. Boys who witness violence perpetrated against their mothers are more likely to abuse their female partners as adults than are boys raised in non-violent homes. Children exposed to domestic violence experience emotional and behavioural problems—and these, too, were contained in the report of the Domestic Violence Task Force—for instance—

low self-esteem;

repressed feelings of fear, anger, guilt, and confusion;

increased levels of anxiety;

stress-related physical ailments;

increased internalised problems, such as depression;

poor school performance;

poor attendance at school;

running away from home;

aggressive language and behaviour;

adolescent boys abusing their girlfriends; and

higher risks of alcohol and drug abuse and juvenile delinquency.

I recall reading an article in relation to domestic violence which involved drug and alcohol abuse. This article appeared in a medical journal in England. It stated that domestic violence also increased the rate of suicide in that age group.

When we look at the alarming occurrences of domestic violence within the home—in particular the effect it has on children—it is no wonder that many of our youth today feel helpless and lost. Many people view domestic violence as a private problem in which others should not interfere. 18% of Australians consider domestic violence to be a private matter, deeming that what happens behind closed doors is none of their business. 83% agree that most people turn a blind eye to its occurrence. As a police officer, I know that that is the reality because very few neighbours used to ring up. However, with increased interest in this matter, a lot of neighbours—especially close neighbours—ring up to report violence. Quite often the person who rang was not someone from the household or someone who was closely associated with the household.

Because of that view, domestic violence continues, with many Australians unwittingly accepting it as a "normal" occurrence within the home. As a result, our homes and families continue to be the setting for some of the most dangerous and life-threatening violence ever experienced. One cannot forget that domestic violence affects between one in three and one in five Australian families. Therefore, it is imperative that prevention be just as important as attending to the dilemma.

A range of individual and community responses is required to bring an end to domestic violence. Being aware of the issue and how we can respond sensitively to people

directly affected by violence is one strategy. Being prepared to challenge inappropriate comments and the myths around domestic violence, which we often hear, is another.

Access to accurate and up-to-date information is essential to help address the issue, as well as changing the attitudes and beliefs about how men and women should relate in intimate relationships. Largely, batterers believe that they have a right to enforce their will on their partners, and it is this perception that definitely needs to be changed.

In addition, school curricula specifically addressing the issue may help to identify some children who are suffering in silence, giving them the chance to help themselves via services such as counselling and cognitive behaviour therapy. By educating the next generation about positive attitudes and values that foster equal and non-abusive relationships, the domestic violence cycle may be broken.

As the Minister advised, this Bill is the result of a comprehensive review of the Domestic Violence (Family Protection) Act over the last four years. Key organisations involved in the area of domestic violence have, over the years, called for urgent amendments to be made to this Act. These organisations thus contributed to the review process. I commend the Minister on the extensive consultation process carried out in the drafting of the Bill. The amendments will certainly strengthen and improve the operational efficiency of the Domestic Violence (Family Protection) Act.

I agree with what has already been said about the term "knowingly" and trying to prove it within the context of the court situation. We must remember the avenues that offenders use to cajole others. It is a question of whether they actually knew that they had been served and whether they knew or did not know what was contained in the domestic violence application. It is a question of whether they knew, or do not know, what is contained in the orders. They get out of the matter by saying that it was not sufficiently explained by the clerk of the court, the magistrate or the police officer serving the orders. The police had to organise themselves in an effort to overcome that situation. The police found that they had to get the person involved to sign the order to say that he understood it and that he actually read it. Police officers had to hope that the documents were safeguarded when they were returned to the court.

Many of the new provisions provide additional safeguards and protection to persons escaping domestic violence, such as the ability of courts to notify employers of the existence of domestic violence orders where their employees have access to weapons through their employment. I know a few police officers who had orders served on them. Those serving officers had to be placed in different operational positions so that they did not need access to their own firearms.

Leaving a violent partner does not necessarily mean an end to violence. In some cases, violence and harassment escalates during separation and can result in serious injury—sometimes death—and therefore these provisions are credible. It is a happy situation that we have other legislation in relation to perpetrators following people.

One Nation supports these legislative changes as a positive step towards addressing domestic violence as a major community concern. Any hope for change in the future depends on perpetrators taking responsibility for their actions, victims receiving the protection they require, and the community at large taking the responsibility for condemning acts of domestic violence.

One Nation thanks the Minister for bringing these provisions to the floor of the Parliament. In closing, I commend the Bill to the House.

Mrs LIZ CUNNINGHAM (Gladstone—IND) (12.06 a.m.): I rise to speak on the Domestic Violence (Family Protection) Amendment Bill. The importance of the family unit has already been stated in this Chamber tonight. I do not believe there is a better structure for society than a healthy family. This requires a secure relationship between husband and wife. This, in turn, creates a safe and secure environment in which children can grow to maturity. Domestic violence shatters the probability of that maturity being reached without very severe scars.

The triggers for domestic violence vary; they can be alcohol, unemployment, financial stress or tension as a result of many causes. Nothing, however, excuses physical violence in a relationship. Domestic violence is not isolated to the physical act of violence, but includes the atmosphere created in the home and the culture of fear in which the victims—most commonly women and children—must survive. That fear evidences itself in many ways. It can, of itself, allow continued violence.

In August this year an article appeared in the newspaper where it was reported that a woman, who was murdered by her husband while he was on parole for killing his first wife,

had told Corrective Services staff several times that she feared for her life. However, the woman did not make a formal complaint in case her husband found out.

The violence that some spouses use is, I believe in some cases, at best justified and, at worst, encouraged by judicial comments. I refer to such comments as "rougher than usual handling" in relation to the rough treatment meted out by a husband to his wife who, in the circumstances, refused consensual intercourse. Another matter involved a judge saying that a wife murdered her husband "during a period of tranquillity". It was tranquil at the time when she actually murdered the man. He had beaten her earlier that day. She was emotionally destroyed after a lot of years of abuse. Her husband was on the verandah, enjoying a drink. He was tranquil; she was absolutely devastated. At that point in time, something made her crack and she committed the act of murder. However, the judge commented that she committed the murder during a period of tranquillity.

Such attitudes expressed by the judiciary allow the perpetrators to enjoy a sense of appropriateness or justification, and that should not occur. Once domestic violence has been identified, I believe that the proposal in the Bill that weapons must be surrendered would receive 100% support from the community. It has been suggested that consideration should be given to the circumstances in which the respondent requires a weapon in order to continue with his employment.

In a debate in this Parliament several years ago with respect to an injury to an unborn child as a result of assault, some members argued that only a child of viable age should be protected. Viability was regarded as being 26 weeks. Others in this Chamber, including myself, agreed that, irrespective of the age of the baby, the loss of a child is great to any parent. I remember saying during that debate that before a person assaults a woman he must count the cost. She may not be apparently pregnant. I reiterate those words. It may be a short-sighted comment on my part but, "Before you belt your spouse, count the cost."

I commend the recognition that, in some circumstances, there is difficulty in having charges laid by the aggrieved spouse. As the member for Caboolture said, so many times police officers do everything in their power to get the spouse to lay charges for their own protection, yet still the aggrieved spouse refuses. In some cases, I believe the spouse refuses out of fear of reprisals. This Bill gives the police power to hold the respondent's spouse for a period of time while provision is made for safe accommodation for that aggrieved spouse and any family affected. Those provisions are welcome. However, I hope that the Minister will review the four-hour limit. I am sure that, in Brisbane, four hours would not allow a lot of time for accommodation and transportation to be provided.

I also know that, in country areas, especially in small country towns where the injured spouse may have to travel some distance to get safe accommodation, four hours may not be long, because the provision is four hours from the point of the incarceration of the respondent. If that four-hour time limit proves to be not long enough—and I recognise the civil liberty issues involved in saying this—then some flexibility should be given to the police for them to recognise the situation the persons involved are in, either geographically or because the nearest accommodation is full, so that they can extend that time, albeit with justification. The recording requirements on the watch-house keeper give balance to the accountability for the respondent spouse as does the four-hour time limit. However, I ask the Minister whether she would be prepared to review that time limit, if it is possible, if it shows over time to be not long enough.

I also commend the entry powers afforded to police as they are very much necessary. Although I am not a police officer, I know from talking to police officers and being aware of the conscientiousness, sympathy and compassion that they show in so many instances that, for an officer who genuinely holds a fear of injury to a spouse in a home when they have been called to a domestic violence situation and to have to stand by while the violence actually occurs is not only a tragedy in the sense that the violence occurs but also double jeopardy in that the officer was helpless to intervene. I believe that those entry powers will be used responsibly and I believe that a degree of domestic violence will be removed because police have been able to enter premises just as a presence to deter any action being taken by the respondent spouse.

Police face great risk when attending scenes of domestic violence. That issue has already been referred to. Domestic violence is increasing in our community and, I guess, that is because unemployment is increasing and financial stress is increasing. The number of people who receive below average earnings or who live below the poverty line is increasing.

So the stress on a family and the stress on a relationship is increasing. I commend the police for the work that they do. It is a most difficult situation. Only recently, officers have been killed when responding to domestic violence reports. Any assistance that can be given to police to be able to adequately and appropriately respond to domestic violence incidents, particularly where the victim is unwilling or unable for whatever reason to take action themselves to defend themselves against their partner, or any powers given to police to be able to assist in that situation is welcome.

In closing, I would like to commend the refuge workers—the men, but particularly women, who staff the refuges throughout Queensland. They do a brilliant job. Their ability to keep confidential the whereabouts of people who are seeking accommodation from them, their compassion in dealing with people and the care with which they deal with issues relating to specific people under their care is to be commended. They have a very special gift. Some tremendous people in the community look after the victims of domestic violence and all the attending trauma that goes with it.

I commend the Minister for this Bill. I know that there has been concern in the Parliament by people of all persuasions that domestic violence be addressed. Tonight, it is a pleasure to be able to rise in this Chamber to commend a Bill that goes a great way towards addressing those problems.

Mr MICKEL (Logan—ALP) (12.24 a.m.): I think that it is a measure of the maturity of our change in attitude to this horrible occurrence that tonight's debate has been conducted by all sides with a great deal of maturity and understanding without lapsing into relating myths that so often used to surround domestic violence. The most difficult myth to overcome is that domestic violence is a private matter and is no-one else's business. That kind of violence impacts upon society in ways that reach well beyond the home. All too frequently we have seen and been left with those horrible images of total relationship breakdown, that numbing impact when domestic violence explodes into homicide of not just a partner but also the children. No electorate is immune from that.

I hope that we will be spared that ultimate violence. Some years ago, that ultimate violence was inflicted upon my electorate in the suburb of Hillcrest. Today, people in that suburb still speak about what a dreadful experience it was. It is why I have opposed any relaxation of gun laws, particularly when domestic violence can become murderous reality in a blinding flash.

In 1988 in Queensland, 14% of victims who contacted a phone-in said that domestic violence had been threatened upon them or that they had been injured by a gun. Domestic violence can also result in breakdown for youth. Tonight, we have already heard about child abuse. However, domestic violence also impacts upon the youth, who either suffer from it or who personally experience it. The result is youth wandering the streets at night, sometimes as a direct result of domestic violence, because by staying at home they are no longer safe. It becomes safe to get out of the house. We should never lose sight of that.

In my electorate, there is a constant search for safe houses for women particularly suffering domestic violence. I recognise the fact that domestic violence is suffered by something like 13 or 14% of men. However, tonight I want to focus on the women who suffer from domestic violence. As I said, there is a constant search for safe houses to which women can be evacuated. I do not want to pretend that that is easy. I make this appeal: once a safe house is established in an area, it should be only temporary, it should not be regarded as a long-term activity for that street. I say that for this reason: inevitably, that particular house becomes well known for being a safe house not just by the other residents in the street but also because in these situations inevitably some women are forgiving and try for some reconciliation. I have been told that incidents occur in the street and the neighbours are impacted by it. Once the secrecy of that house gets out, it is no longer a safe place for the women who are trying to escape from a domestic violence situation. My appeal is for safety houses to be updated and, where possible, constantly relocated so that the incidence of trouble within the house and trouble within the street is overcome.

There are many reasons why women try for reconciliation. It can be frustrating for the authorities, and I have had regard to what the previous two speakers have said. I know that it is particularly hard for the police. Women try and do return to desperately violent situations. However, they deserve our understanding and our empathy, not our condemnation. Despite what is written from time to time about it, it is not easy to walk away from a marriage. In these situations, women may face financial difficulties, they may face accommodation problems, they may simply face the nightmare of a family breaking up. In some instances, they also face threats by husbands. In some instances, they may also face lack of

confidence in wanting to move out of the house. They also—and this has not been mentioned tonight—face influence from parents, from parents-in-law, culture and even religion. The plain simple fact is that, in some instances, too, women simply love their husbands. As the Minister said in her second-reading speech, in some instances people simply do not want the relationship to end; they just want the violence to stop.

What are the causes of domestic violence? Mythology suggests that domestic violence occurs simply among poor families and minority groups, but the reality is that the whole spectrum of society is involved. The causes and contributing factors are varied and complex, ranging from unemployment and poverty, excessive drinking, job pressures, marriage expectations, violence as a learned behaviour and a belief by some men in their power or ownership over women. It is a combination of these factors, of which alcohol abuse is a trigger and not a cause.

The impacts upon society as a whole have been discussed. However, as the member for Caboolture reminded us, reports indicate that after fatalities police are told variously by friends and neighbours that a household may have had problems for years but nobody contacted the police. As the member for Caboolture so rightly pointed out, the police are in a very difficult situation.

There is another myth that spouse abuse cases should be handled by social workers or civil courts. There is a role for those people, but initially it is a police role and it is never an easy role. The Queensland Police Service put the annual cost of domestic violence to the Police Service at between $2.5m and $4m a year.

The Browns Plains and Logan Central police services have been working with the local community group WAVSS, a group dedicated to assisting people in domestic violence situations. In a community partnership, WAVSS brings together the major domestic violence stakeholders in the Logan district, including the police, Legal Aid, the courts, counselling organisations, community corrections and non-Government and Government organisations to improve and coordinate the local response to domestic violence.

The Logan River Valley Integrated Community Response to Domestic Violence group has received funding via the Community Renewal Funding Program to implement the Fax-Back project. This is the culmination of years of work. Fax-Back forms the first phase of a four-phase model of an integrated community response to domestic violence in Logan. I look forward to the launch of this program in Browns Plains. Above all, I thank the Minister for funding the WAVSS group to enable it to carry out the very important work that it undertakes in the Logan district.

Recently I launched the Sexual Violence Awareness Week in Logan City. It was moving to hear of the valiant struggles of women to put their horrendous experiences behind them after years of trauma and counselling. This gave domestic violence and sexual abuse a very human dimension for me. Many of those women have experience of violence problems from childhood and are now putting those problems behind them. I thank those tremendous community organisations in Logan for the work that they do.

I know that this topic is one that the general public does not want to hear about and sometimes does not want to speak about. Anything that we as a society can do to reduce this trauma for couples helps us all as citizens. I thank all the people in Logan who daily work to assist women and men in times of enormous difficulties. This Bill goes a long way to addressing what has been a very human problem. It is a very real and an emotional problem. The Bill deserves the support of the House.

Debate, on motion of Ms Bligh, adjourned.

The House adjourned at 12.33 a.m. (Friday).