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WEEKLY HANSARD

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51ST PARLIAMENT

Subject **CONTENTS** Page

Thursday, 7 October 2004

BY AUTHORITY
L.J. OSMOND, CHIEF HANSARD REPORTER—2004

Table of Contents — Thursday, 7 October 2004

THURSDAY, 7 OCTOBER 2004

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

PRIVILEGE

Queensland Audit Office

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.30 a.m.): I rise on a matter of privilege. There is a report in the press this morning in relation to the government's attitude to media coverage from the Audit Office. I table that for the information of the House. I have written to the Auditor-General this morning in the following terms—

As you know, I yesterday tabled in State Parliament the report of the review into the Queensland Audit Office.

I felt I should write to you this morning in the light of a very inaccurate media report which is not based on fact.

I can confirm that the Government has not yet made a decision on the recommendations in the report, including those which were covered in the media report concerned. Clearly a report of this magnitude requires some careful study by the Government and should not be rushed. Naturally I will be discussing the Government's views with you in due course once we have had an opportunity to study the report fully.

The tabling of the report however does give me an opportunity to publicly thank you for your contribution to Queensland public life and to the fostering of good government and sound public practices.

You have been a fiercely independent Auditor-General, who has not been averse to criticising government or specific public instrumentalities when you believe it is deserved but, as you have always said, your main aim has been to ensure that we learn from mistakes of administration and do better in the future.

Your role in the whole process of government has been a crucial one and, as your term of Office comes to an end, I think you can be well pleased by the personal contribution you have made and by the role the Queensland Audit Office continues to discharge in the service of honest and accountable government.

I table the letter for the information of the House.

PRIVILEGE

Energex; Treasurer

Mr SPEAKER: I refer to an alleged matter of privilege raised by the Deputy Leader of the Opposition in the House yesterday. I also refer to a letter from the Deputy Leader of the Opposition to myself regarding this matter. As the Deputy Premier and Treasurer in a ministerial statement yesterday afternoon took the appropriate course of action and corrected the record, I do not intend to refer the matter to the Members' Ethics and Parliamentary Privileges Committee.

PETITIONS

The following honourable members have lodged paper petitions for presentation—

Fire Trails, Mapleton Forest Reserve

Mr Wellington from 51 petitioners requesting the House to make provision in the proposed new tenure for Mapleton Forest Reserve to have some of the already existing fire trails (approximately 2% of the forest) set aside as Conservation Park Corridors. By doing so, 98% of Mapleton Forest would become National Park and horse riders will be able to ensure that fire tracks remain open and preserve the safety and livelihood of the surrounding community.

Liquor Licence, Howard Street, Nambour

Mr Wellington from 9 petitioners requesting the House to call upon the Minister for Tourism, Fair Trading and Wine Industry Development to instruct the department to reject the application for a liquor licence at tenancy 2, 102 Howard Street, Nambour.

PAPERS

MINISTERIAL PAPERS

The following ministerial papers were tabled—

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

WorkCover Queensland—

The Successful Balance—Annual Report 2003-2004

Statement of Corporate Intent 2003-2004

The Successful Balance—A Status Review—October 2004

MINISTERIAL STATEMENT

Byfield Conservation Park

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.34 a.m.): My government is strongly committed to protecting and preserving Queensland's unique natural assets. Ours is a record of which we are very proud. Today we are building on that record, with the confirmation of a further 67,000-hectare addition to the area that will be preserved in its natural state in perpetuity.

I am happy to inform the parliament today of a 5,900 hectare addition to central Queensland's Byfield National Park, with 89 hectares being protected as the Byfield Conservation Park. For many years this area was subject to the threat of sandmining. Now it is to be a national park. The new parks will help protect vital habitat on the Capricorn Coast as development accelerates. They will protect 18 different types of regional ecosystems, 14 of which are considered 'of concern' under the Nature Conservation Act. Byfield has extensive dune systems, rocky headlands and coastal beaches and estuaries.

My government's commitment to protecting Queensland's unique environment continues; so does the community's. Today we also have 11 new nature refuges and two additions, bringing the total area under conservation agreements in Queensland to 190,000 hectares. This land remains in private ownership and is protected voluntarily by its owners. I am sure all in this House will join me in commending the commitment demonstrated by these private landowners in entering into conservation agreements. In doing so, they are ensuring the long-term protection of our precious places.

From Springbrook to Curtis Island, land-holders across Queensland are joining the Queensland government in stewardship of our natural assets. There is a long list of these new nature refuges. Therefore I seek leave to include the details and the rest of my ministerial statement in *Hansard*.

Leave granted.

These new nature refuges include—

- 60,000 hectares near Paluma Range National Park (Mount Zero—Taravale Nature Refuge)
- 202 hectares in the Gold Coast Hinterland—near Springbrook (the AN. KI. DA Nature Refuge)
- 20 hectares on the Burrum River—north of Howard (the Ballantyne Nature Refuge)
- 2.5 hectares near Finch Hatton Gorge and Eungella National Park (the Creek Retreat Nature Refuge)
- 517 hectares on Curtis Island—north of Gladstone (the Curtis Island Nature Refuge)
- 35 hectares on land 10m south-west of Port Douglas (the Edward Said Nature Refuge)
- 22 hectares East of Malanda—adjacent to Wooroonooran National Park and Topaz Rainforest Nature Reserve (the Galaji Nature Refuge)
- 47 hectares east of Tarzali—also adjacent to Wooroonooran National Park (the Hypsi Forest Nature Refuge)
- 5 hectares—10 kilometres north-West of Mackay (the Cedars Nature Refuge)
- a further 11 hectares—10 kilometres north-West of Mackay (the Dome Nature Refuge)
- 8 hectares on the Burrum River—north of Howard (the Point Nature Refuge)
- 269 hectares in the Booringa Shire (the Tokatakiya Nature Refuge)
- 5 hectares in the Daintree (the Baralba Corridor Nature Refuge)

As if that wasn't enough.

Just last month, the Springbrook National Park was expanded by 380 hectares, with the declaration of the area known as 'the Settlement' as National Park.

'The Settlement' was in private ownership until purchased by the Goss Government in 1995—and could have been the site of the terminus for the rejected cable car proposal.

Now this special place will be a National Park and will provide a vital buffer to the adjacent World Heritage listed temperate rain forest.

MINISTERIAL STATEMENT

Federalism

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.36 a.m.): I want to make a detailed statement to the House this morning on infrastructure, but there are a number of other matters I need to report to the parliament on. One relates to federalism. This morning I had the opportunity of having breakfast with Mark Latham to discuss a range of issues.

Mr Hobbs interjected.

Mr BEATTIE: I do believe the issue of federalism is important in this campaign. I seek leave to incorporate a detailed statement in relation to it in *Hansard*.

Leave granted.

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

Do Australians want a Prime Minister who offers the chance of dental treatment for the less well-off?

Or a Prime Minister who scrapped such a system, leaving thousands of people to queue in dental misery?

There is no clearer example of how Prime Minister Latham will use the federal system to provide help for Australians in key areas such as health and education—and how Prime Minister Howard abuses it.

We need a Prime Minister who will extend the hand of co-operation to help states provide better health and education services for all Australians.

Not a Prime Minister who fends off all attempts to discuss urgent and essential health reforms.

John Howard has undermined the Federal system that has worked so well for its first 95 years.

The Howard Government has eroded the long-standing cooperative approach to tackle key national challenges in health, education and the environment, leaving them for another generation to fix.

Howard abolished the federal dental scheme in 1996, abandoning hundreds of thousands of Australians who'd been in the queue for treatment.

Now Mark Latham has pledged to restore a federal scheme, with funding of $300 million.

John Howard has left Australians struggling to get access to a GP, waiting too long for a hospital bed and paying too much when they are sick.

We see Australian children missing out on the education they need to play a full and active role in adult life.

We see the size of the greenhouse challenge, and rivers that are struggling for lack of water.

In this election campaign, John Howard has gone further than any prime minister in recent memory in working against the States—and, therefore, against the services provided by the States such as health and education.

In recent weeks he has announced—without any consultation—the establishment of new technical colleges that duplicate and compete with existing TAFE colleges, wasting resources, creating a new bureaucracy and wasting millions of dollars of the public's money.

He's announced a similar waste of money in the school system by setting up his own army of bureaucrats to run a new funding system when we already have a system in place in the States.

He has torn up the national competition agreement reached between all levels of Commonwealth, State and Local government. In the process he has destroyed our agreement to work together to fix the nation's rivers.

Since 1996, despite the repeated requests of Premiers, the Prime Minister has refused to discuss the issues in health and education around the Council of Australian Governments' table.

These are major national issues. They impact on all of us.

This pattern of behaviour is now well established.

Where the Prime Minister doesn't like what he sees, he attempts to write the States out of the picture.

Irrespective of our disagreements on other policy issues, there is no doubt that the result of a Howard victory would be detrimental for the Australian federation.

A Latham Government will mean a genuine commitment to tackling the national challenges we face in our hospitals and schools.

The reality of our federal system today is that it is impossible to fix many of the big issues without real collaboration between the Commonwealth and State Governments.

These issues are impacting on us as Australians today.

Changes in general practice have a significant impact on the work of hospital emergency departments.

An increase in aged care funding can increase the number of people treated in public hospitals.

For better or worse, in the major areas of government service delivery like health and education, policies at the Commonwealth level have a significant impact on States, and State policies impact on the Commonwealth.

We face major issues as a nation, and we need to work together to solve them.

We need a federal government that is prepared to sit down around the table and constructively engage with States and Territories to resolve these issues.

Australians have a choice on October 9—a Prime Minister who is willing to work together constructively with the States, or a Prime Minister who is looking to shift blame and avoid the issues.

Only Mark Latham is prepared to work with us on the key issues that impact on Queenslanders.

MINISTERIAL STATEMENT

Board Appointments

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.37 a.m.): No other Queensland government has ever appointed, in my view, so many former opponents to government positions. I want to applaud the hard work being carried out by the multitude of boards, councils and statutory bodies across the Queensland government. It should be apparent to all fair-minded observers that our boards comprise a cross-section of leading Queenslanders. In any cross-section there will be people from both sides of politics and there will be people whose political affiliations are unknown. Appointments to these boards are an important matter that my government and I take very seriously. When making appointments to government boards, the government and I have one consideration in mind—merit. I am not interested in people's political affiliation or who they vote for. I

seek leave to incorporate in *Hansard* details of some distinguished Queenslanders who serve on boards and I would urge the opposition to stop vilifying these good Queenslanders.

Leave granted.

I want to know whether they will do the best possible job for the people of Queensland.

Government Boards, Councils and statutory bodies read like a "who's who" of Queensland's business community.

I would like to draw the attention of Parliament and of the media to just a few of these dynamic individuals.

Steven Wilson is the Chair of the South Bank Corporation Board and is also the Executive Chairman of Wilson HTM with more than 20 years in investment and stockbroking experience.

Andrew Craig is a member of the Workplace Health and Safety Board, the Manufacturing Leaders Group and the Ministerial Advisory Committee for Educational Renewal.

Mr Craig is a former CEO of Commerce Queensland and is currently Managing Director of the Australian Industry Group.

Marian Micalizzi is a Director of the Queensland Investment Corporation as well as a Director of the Queensland Treasury Corporation's Capital Market's Board and Enertrade. She is a former partner of PricewaterhouseCoopers.

Richard Joel is both a Director of the Queensland Institute of Medical Research and Queensland Rail. He is also principal of his strategic consulting firm Richard Joel & Associates with extensive public relations and marketing experience.

Board members like Henry Smerdon, John Mattick, Elizabeth Nosworthy, Sarina Russo, Timothy Fairfax, Arthur Norbury-Rogers, Bronwyn Morris, John Allpass and Terry Jackman have all earned the respect of their colleagues in corporate board-rooms around the country.

These men and women represent some of the hardest business heads in the State. They all have experience of being responsible for hundreds of employees and millions of dollars. I am proud to have them serve on boards in my Government and I am very disappointed that they have been tarred by the attacks of the Opposition.

What makes the "Labor Mates" attacks even more ludicrous is that, under my Government, we have appointed a large number of Liberal and National Party figures. And why? Because they are perfectly qualified for the job.

Former Liberal Party leader Terry White was recently reappointed as Deputy Chair of the WorkCover Board because of his ability and experience. Former Liberal Party leader and Deputy Premier Sir Llew Edwards continues to serve on the Board of the Pacific Film and Television Commission as Chair, and the UQ Senate as Chancellor. Former Liberal Party leader David Watson was recently asked to become a member of the Racing Minister's Racing Industry Integrity Review.

Former National Party Premier Mike Ahern is our special trade representative for India and the Middle East. Former Liberal Lord Mayor Sallyanne Atkinson is our special trade representative for South-East Asia. They are both doing a wonderful job for Queensland in helping to increase our exports and create jobs.

Former National Party Minister and Member for Tablelands Tom Gilmore is the Queensland Government's representative on the Wet Tropics Management Authority

And former Federal Liberal Minister the Honourable Sir Denis James Killen is a member of the Racing Appeals Tribunal.

Douglas McTaggart, a key appointee of Liberal Treasurer Joan Sheldon in 1996, is now CEO of Queensland Investment Corporation and a member of the Council of the Queensland University of Technology.

Sir Leo Hielscher was Under Treasurer in Sir Joh Bjelke-Petersen's Government. He has been doing a magnificent job as chair of the Queensland Treasury Corporation Capital Markets Board.

So far the *Courier-Mail* has not featured names like these in reporting on appointments to our boards.

A comparison with the record of the previous Coalition Government, of which the Leader of the Opposition was a Minister, could not be starker.

Who can forget Rob Borbidge's decision to appoint former National Party staffer, Allen Callaghan to the Library Board?

Then there was the purge of the Port Authorities by the then-Minister for Transport to make way for a few Liberal and National Party "mates" of his own.

I table *Courier Mail* articles from 5 and 19 July 1996 for the benefit of the House.

It's the same with the Public Service.

We value the role people such as former National Party Minister Craig Sherrin plays in running our TAFE system.

This contrasts with the hit lists and purges made by the Borbidge Government when it was in power.

Affiliation with a political party will neither stand in the way, nor will it guarantee, an appointment to a Board.

As Premier, all I ask is that appointees continue to carry out their responsibilities with due diligence, and that they put the interests of Queenslanders ahead of their political allegiances.

There will be no interference in the Public Service where people of all political persuasions are treated equally.

MINISTERIAL STATEMENT

QIMR Funding

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.39 a.m.): I congratulate the Queensland Institute of Medical Research for earning a $5 million grant from the National Institute of Health in the USA to help develop a vaccine which would wipe out the cause of rheumatic fever and rheumatic heart disease. It is a great achievement. I seek leave to incorporate the details in *Hansard*.

Leave granted.

Rheumatic heart disease is of the most concern as it can lead to heart failure and a significantly shortened lifespan.

The disease is confined largely to developing countries where over-crowding and poor access to health care are contributing factors.

Australia's indigenous population experiences the highest rate of the disease in the world, with the incidence of rheumatic fever being as high as 651 in each 100,000 each year, and the prevalence of rheumatic heart disease being as high as 3,000 in each 100,000.

The average age of onset of rheumatic fever in indigenous children is 11 years and the mean life expectancy of indigenous people with rheumatic heart disease is 33 years.

Institute researchers Professor Michael Good, Michael Batzloff, Colleen Olive, Sri Sriprakash and Allison McLean have just received funding for the first year.

This is an extremely prestigious grant and makes the institute one of the most successful, if not the most successful, recipients of National Institute of Health funding in Australia.

MINISTERIAL STATEMENT

QIMR Lecture

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.39 a.m.): While we are talking about the QIMR, I would like to deliver another ministerial statement which indicates we have further recognition today that Queensland is the Smart State. I am referring to a Queensland Institute of Medical Research lecture that will be delivered tonight in the red chamber by Professor John Shine. Professor Shine is widely regarded as the father of Australian biotechnology, but the benefits of his work have been felt world wide. I seek leave to incorporate the details in *Hansard*.

Leave granted.

The QIMR recently asked me if I would be willing to lend my name to a new scientific forum, to be called the Peter Beattie QIMR Lecture.

I had no hesitation in agreeing to the request, but the next question to be answered was who should we ask to deliver the inaugural public lecture.

Professor John Shine is Executive Director of the Garvan Institute of Medical Research in Sydney and is currently Chair of the National Health and Medical Research Council.

He has dedicated his life to unravelling the complexities of the genes which give us life.

His fundamental discoveries about the way genes are constructed appear in every textbook of molecular biology.

In 1977, while at the University of California in San Francisco, he became the first person in the world to clone a human gene.

Working with other researchers, he set up a company which cloned insulin and growth hormone genes that were the first products of biotechnology.

Professor Shine has received numerous awards for excellence in research and in 1996, he received an Order of Australia for services to medical research.

While he has spent most of his adult life between Canberra, Sydney and San Francisco, I'm delighted to say John Shine is actually a Queenslander.

He was born in Brisbane and lived the first 7 years of his life at Coorparoo.

I felt there was no better person to deliver the inaugural lecture, the purpose of which is to continue to foster public interest in science and research—particularly the science and research work being done in the Smart State.

MINISTERIAL STATEMENT

Ex-POW Association of Australia

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.39 a.m.): I want to advise the House that the Ex-POW Association of Australia is gathering in Brisbane for the annual national conference and I have responded to an Anzac Day request from them to host a reception for them while they are here in Brisbane. The reception will be held here at Parliament House at 5.30 on Tuesday night. Any member who wishes to attend is invited. I seek leave to have the remainder of my speech incorporated in *Hansard*.

Leave granted.

There will be approximately 140 POWs and some key local RSL officials attending. Together, we will be playing a role in rekindling that true blue mateship that was formed by our servicemen and women imprisoned during the war.

POWs are among our nation’s most highly regarded citizens. These are people who more than just fought for us—they were incarcerated by oppressive regimes in their defence of us. They are a rare group and one we hope never grows in number.

MINISTERIAL STATEMENT

Bali Bombing, Second Anniversary; Paralympians

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.39 a.m.): I also remind members, and I think it is right to do this, that this weekend we pause to remember the Bali tragedy, which was two years ago. Tuesday is the actual anniversary, but I am again this weekend asking that those attending religious gatherings pause for a moment to consider the loved ones who have been lost. This is a time to reflect on that senseless loss of life and for us as a united society to strive even harder for multicultural respect and do all we can to ensure that this tragedy is not repeated. I hope that people will attend services on the weekend. I seek leave to incorporate more details of that ministerial statement in *Hansard*.

Leave granted.

Again it is about mateship—Aussie mateship forged in a time of pain.

PARALYMPIANS

Next week I am also to formally welcome another group of our great mates to Parliament—I speak of our Athens 2004 Paralympians here to Parliament.

This will be a special event recognising a truly special group.

Their recognition will be in two parts.

Deputy Premier and Sport Minister Terry Mackenroth will represent the Government at a reception in Brisbane City heart earlier in the day.

On Monday evening at 5pm a reception will be held here in the Level 5 Conference Room.

The Governor Her Excellency Ms Quentin Bryce AC will join us for the reception.

Earlier, at 12.30pm the State Government, Brisbane City Council and Queensland Paralympics Committee will jointly host a parade of the Paralympians through the centre of the City Queen Street Mall.

It starts at 12.30pm. The band will commence playing, and lead athletes down the centre of the mall.

At 12.45pm the parade stops at the Lower Stage.

It is planned to conclude at 1.30pm at City Hall.

MINISTERIAL STATEMENT

Multicultural Festival

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.39 a.m.): I remind members that this Sunday at the Roma Street Parkland we will host a major new multicultural festival that my government has initiated and funded to celebrate and promote cultural diversity. I would urge members to attend. I seek leave to incorporate the remainder of my ministerial statement in *Hansard*.

Leave granted.

On what was a gathering place for the traditional owners of the land, the wide range of cultural groups that now call Queensland home will come together to showcase their best in food, art and entertainment.

The last recorded gathering of Indigenous tribes at the Roma Street Parkland site occurred in the 1840's when groups from Brisbane, Stradbroke Island, Logan, Ipswich, Rosewood and Wivenhoe came together for a grand corroboree.

This Sunday's event will honour that tradition with more than 400 performers including Paul Kelly and Christine Anu and 28 international food stalls including Indian, Thai, Sicilian, Greek, Ethiopian, Korean, Serbian, German, Danish and Polish, to name a few.

Queensland Sport and Recreation, and Hands on Art are providing a range of children's activities including workshops that will culminate in a children's parade at 4pm.

Mr Speaker, this festival has provided direct jobs for at least 60 arts workers and performers and has injected much needed funding to hundreds of ethnic community groups, who are participating in the festival.

Construction of the stages at the Parkland will commence today and continue over the days ahead.

One of many highlights of the festival will be the fire show on the Lake, as part of the Travelling Light Ceremony.

We recommend that visitors travel by train, bus or ferry and city cat because parking will be at a premium.

I'd like to thank the Queensland Folk Federation staff, who are managing the event, our major sponsors Channel 7 and the Q.L.D. Property Group, and the smaller sponsors involved in various parts of the program.

Multicultural Affairs Queensland and my Parliamentary Secretary, Karen Struthers, have also been working very hard on this project for several months.

I encourage all Members, the media and the public to come along for what promises to be a great event, which will demonstrate the value of cultural diversity in Queensland.

MINISTERIAL STATEMENT

Multicultural Photographic Contest

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.39 a.m.): I have been impressed with the fact that we have had 251 entries in the state government's first multicultural photographic contest. I am glad I am not judging the best of those photos, but it does give an indication of how strong multiculturalism is here. I seek leave to incorporate the remainder of my ministerial statement in *Hansard*.

Leave granted.

The contest is the Images of Queensland Photographic Awards: Multiculturalism in Focus.

I trust the people of Queensland to choose the right photo. I am urging them to vote for "people's choice" at the Multicultural Festival on Sunday at the Roma St Parkland.

I invite all visitors to Sunday's festival to view the 20 short-listed photos and nominate their favourite.

The 249 entries are from across the Open and School Student categories with a high regional representation.

The range and depth of imagination in the entries assures me Queenslanders embrace and celebrate cultural diversity with great enthusiasm.

Queensland resident professional and amateur photographers were encouraged to enter. There is $25,000 in cash prizes, plus $1000 in photographic equipment for People's Choice Award winner.

The break up is $15,000 for the winner, $5,000 for highly commended entry in the open category, $3,000 for the winner and $2,000 for the highly commended entry in school student category.

The standard of entries is outstanding and inspiring.

They celebrate and promote diversity, which is an asset to trade, tourism, community pride and understanding.

MINISTERIAL STATEMENT

Queensland Heritage Festival

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.40 a.m.): Our heritage is central to our identity. I am advising members of a commitment of $12,000 to sponsor the Queensland Heritage Festival in May 2005. I seek leave to incorporate those details in *Hansard*.

Leave granted.

The government, through the Department of the Premier and Cabinet, has made the commitment to the National Trust of Queensland, which has set the theme of "Industrial Heritage" for the 2005 festival.

The week-long festival (May 1-8) will pay tribute to the huge range of ways in which Queenslanders have made a living, produced goods and services, developed tools and advanced technology.

Industrial heritage sites might include mines, Indigenous stone quarries, cane fields, warehouses, wool stores, historic railway lines, ports and bullocky tracks.

Industrial heritage is a fitting theme for the Smart State because in some senses we are in the throes of a new revolution in the way we work and build Queensland's economy.

It's an innovation revolution.

This sponsorship continues a solid partnership between the Government and the National Trust of Queensland, which has 9,500 members.

The Government's contribution will be chiefly invested in producing and distributing 15,000 copies of the festival program.

In 2004 the festival involved more than 80 events and 33 communities and in 2005 it will aim for 100 events in 45 communities.

MINISTERIAL STATEMENT

Time Magazine; State Government Performance

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.40 a.m.): I draw the attention of members to a Queensland report in the current issue of *Time* magazine which gives a snapshot of progress by business, research institutes and the Queensland government in building the Smart State. I table that for the information of the House and seek leave to incorporate the details in *Hansard*.

Leave granted.

It records that Queensland has leading R&D facilities; educational excellence; a friendly business environment; world-class infrastructure; export success; and an ideal location in the booming Asia-Pacific region.

The topics featured in this special advertising report include:

- the optimism of Queensland employers and the buoyancy of business in Brisbane;
- the strength and diversity of our tourism industry—including plans for an Indigenous Tourism Strategy;

- growth at Australia TradeCoast;
- research at the University of Queensland's Queensland Brain Institute, Institute for Molecular Bioscience and Australian Institute of Bioengineering and Nanotechnology;
- the Brisbane property market;
- development and investment at Brisbane Airport; and
- marketing Brisbane—Australia's fastest-growing capital city.

The Department of the Premier and Cabinet bought one advertisement in the report, valued at $13,600 (excluding GST).

I am advised the circulation is 99,757, with a readership of 434,000.

MINISTERIAL STATEMENT

State Infrastructure Program

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.40 a.m.): I want to make a detailed statement to the House this morning in relation to infrastructure. The Queensland government has a clear and far-reaching strategy and vision for infrastructure provision in Queensland, the Smart State. Fundamental changes have taken place in the way infrastructure is provided in modern economies like Queensland. We are changing with those times and ensuring we have the infrastructure we need to grow and prosper. Infrastructure is not merely an end in itself but also a key to productivity which is so critical to future economic growth. It is a key feature of the Smart State agenda.

But in a modern economy like Queensland, traditional methods of infrastructure provision have been challenged. Competition now touches all parts of our lives, including the way infrastructure is provided. Because the private sector now plays a larger role in infrastructure provision, the government must take a stronger role as planner and facilitator. My government's approach to the delivery of infrastructure is based on proper planning and assessment of the state's anticipated infrastructure requirements.

My government is also fully committed to working with other levels of government on the delivery of infrastructure. We are tackling the growth issues facing the south-east corner of the state over the next 20 years through the south-east Queensland regional plan process now under way with our partner councils. We continue to stand ready to work constructively with whoever wins Saturday's federal election on ensuring an adequate federal role and financial contribution to the growth of this state. We are heavily engaged with Queensland communities in the water resource planning process.

Queensland has an outstanding record on productivity growth over the past 15 years which has underpinned our strong economic growth. My government's economic strategies concentrate on the main drivers of growth: improving economic fundamentals; fostering innovation; and investing in human capital. The timely provision of the necessary economic and social infrastructure has helped foster that productivity growth, and will continue to do so into the future.

However, today we have to face the challenges of an open and competitive economy. That means consumers, businesses and governments all wanting the same outcome—that is, cost-effective, quality infrastructure. That means the traditional models of the past must give ground to new strategies for delivering infrastructure. This dynamic is different to how things were done in the past. This needs to be recognised. Nowadays decisions must pass transparent economic and commercial hurdles.

Where infrastructure may not be initially commercially viable but delivers longer term strategic benefit to a region or industry, the government can help provision of important infrastructure. A good example of that is the Townsville power station and gas pipeline project. This has estimated economic benefits for the region of $500 million. Through the commercial operations of our government owned corporations and our public-private partnerships policy, we have a demonstrated commitment to working with the private sector on the delivery of public infrastructure on commercial terms.

As a government, we take a broad view of the delivery of infrastructure and do not just focus on traditional delivery means. Where the private sector can demonstrate value for money or sound commercial outcomes to us as a government, we will work with them. Common user infrastructure in Gladstone is a case in point. Other examples are the 110-kilometre rail line from Gladstone to Xstrata's Rolleston coalmine and the $102 million contribution to the recently opened Gold Coast Convention Centre. The facilitation role of my government in developing the Brisbane cruise ship terminal and the Tennyson State Tennis Centre are other examples.

It is important for members to also be aware when considering infrastructure to remember we are not just talking about roads and dams and schools, though all these are critically important. My government's Education and Training Reforms for the Future are also about infrastructure of another type—building the human capital so necessary to drive future growth in the Smart State. You will not see the full amount we are investing in programs such as this included in our state capital program, as a large part of it goes towards paying the teachers and providing the education and training services to our children.

It is the same with health expenditures. A healthy community is a vital asset of great economic benefit to the state as a whole. A healthy community is a productive community. Providing appropriate economic and social public infrastructure forms a key element of my government's economic strategy for further increasing the state's productive capacity, enhancing economic growth and raising the living standard of all Queenslanders.

Another critical aspect of our approach to infrastructure planning and delivery is the funding of it. Queensland excels here, being in the best financial position of any jurisdiction in the country. We have strong operating surpluses of around $500 million per annum forecast through the forward estimates. This provides an excellent base from which to fund much of the infrastructure required to support the state's future growth.

Our economy has grown by an average 4.8 per cent year over the six years to 2003-04. That is 1.4 percentage points higher than the average 3.4 per cent recorded in the rest of Australia. In 2003-04, Queensland's economy grew by four per cent, again outperforming the rest of the country for the eighth year in a row. Similarly, our population has been growing at almost double the rate of the rest of the country.

Success can have its challenges. People living in Queensland and coming to Queensland expect the same or better services and infrastructure. It is a difficult task to keep up with this growth. It is an even tougher task to accelerate ahead of that growth. But that is the approach taken by this government.

The 2004-05 state capital program announced in the June budget this year by the Treasurer will exceed $6 billion for the first time. Our capital works program is approximately $1 billion higher than the 2003-04 capital works outcome. I want to emphasise to everyone that our 2004-05 capital works program is higher than any year in the 1980s in real per capita terms. On a per capita basis, Queensland's general government sector capital program in 2004-05 remains by far the largest in the country, being 21 per cent more than the next state, which is Western Australia. That is a crucial point. As a state we are making an extra effort to not only address demand but cater for future growth. We are making the extra effort and we will continue to do so. There are a number of projects and strategies that we are pursuing, and I will seek leave to incorporate those in *Hansard*.

Before I do that, I want to make this point. As we all know, very soon the work being done by the Treasurer and his department in relation to the south-east Queensland regional plan draft will be released by the Lord Mayor and me for public consultation.

Following the consideration of the public submissions, we intend to release the final south-east Queensland regional plan by the end of May 2005. At about the same time we will also be releasing the south-east Queensland infrastructure plan. This will be a forward planning document to provide clear direction and commitment for the future investigation and provision of infrastructure of national, state and regional significance. That is the heart of my ministerial statement to the parliament today. This infrastructure plan will be a living document and be the vehicle for ensuring strong links between the SEQ regional plan and the state's agency infrastructure and service delivery programs and the budgetary process. That is what I referred to at the beginning of my statement—the need for government to take on the role of planner and facilitator. From these plans the most competitive solution for providing infrastructure will emerge.

Another example of the new role for government is found in Queensland's coal market. Market analysis is predicting Queensland coal exports will continue to grow by an average of about seven per cent a year from 2003-04 through to 2009-10. We have planned for the future. I seek leave to incorporate the rest of my ministerial statement in *Hansard*.

Leave granted.

Queensland will account for 27% of all State and Territory capital works in 2004-05, compared with our 19% share of the population.

The focus this year is on what is regarded as economic infrastructure with more than 57% of the program being spent on energy and transport infrastructure.

The focus on economic infrastructure means more roads and bridges, water and sewerage treatments, port facilities, railway works and electricity generation and supply assets.

That is a significant investment in the productive economic infrastructure of this State.

This follows a period where we, as a Government, correctly focused on social infrastructure in areas such as hospitals, health services and prisons.

This, in part, was a reflection of my Government's priority over the past five years to correct the failings of the Bjelke-Petersen era when it came to the delivery of social services.

The delivery of core social services is now at a level comparable with other States, as we have made, and continue to make, major and far-reaching improvements in areas such as child protection, disability services, health and education.

Having attacked that problem vigorously over the past five years, I believe my Government can now resume a more traditional focus on economic infrastructure within a sustainable overall level of outlays.

We will not, though, forget the social side as was done in the past.

Our Government is allocating funding in particular to transport infrastructure this year, with additional capital expenditure programmed of some $1.9 billion over four years.

Major projects include:

- the Arterial Roads Infrastructure Package ($571 million over four years),
- a further $500 million over four years implementing QR Citytrain network MetTrip upgrades (building on the initial $400 million MetTrip investment in the Smart State Building Fund),
- $200 million on busways improvements including the Queen Street to Roma Street Bus Tunnel, and
- the $167 million expansion of the R G Tanna Wharf at the Port of Gladstone.

The Budget also included a boost to electricity distribution assets in anticipation of the Somerville Review of our energy distributors.

In terms of capital expenditure, Energex will spend on average $504 million over the next two years, a 76% increase over the average spend of the past three years.

Ergon will spend on average $500 million a year over the next two years on capital works—an increase of 62% over the average spend of the past three years.

The Treasurer and I have already made it clear on several occasions that the annual State capital program throughout the rest of this term, and beyond will remain around current levels.

I firmly re-iterate that view again today, and make clear that one of the key priorities that we will be focusing on as a Government when we sit down in Cabinet Budget Review Committee to prepare the 2005-06 Budget in the new year will be the planning and delivery of new infrastructure for this State, including needs arising from the South East Queensland Regional Plan and the State Infrastructure Plan.

Later this month, the Brisbane Lord Mayor and I will be releasing the South East Queensland Regional Plan draft for public consultation.

Following consideration of the public submissions, we intend to release the final South East Queensland Regional Plan by the end of May 2005.

At about the same time, we will also be releasing the South East Queensland Infrastructure Plan.

This will be a forward planning document, to provide clear direction and commitment for the future investigation and provision of infrastructure of national, State and Regional significance.

This Infrastructure Plan will be a living document, and be the vehicle for ensuring strong links between the SEQ Regional Plan and the State Agencies' infrastructure and service delivery programs, and the budgetary process.

This is what I referred to at the beginning of my Statement, the need for Government to take on the role of planner and facilitator.

From these plans the most competitive solution for providing the infrastructure will emerge.

Another example of the new role for Government is found in Queensland's coal market.

Market analysts are predicting Queensland's coal exports will continue to grow by an average of about 7% a year from 2003-04 through to 2009-10.

As a matter of priority, the Queensland Government is currently discussing with industry the projected coal demand forecasts and assessing the implications for investment in coal supply infrastructure in Queensland, including rail, port and water infrastructure.

Queensland's coal transport industry operations run on a fully commercial basis.

The Government believes it is necessary for commercial contracts to be struck between the coal companies with coal infrastructure providers, including the Government's coal transport and Government-Owned Corporations dealing with water to facilitate the necessary development.

It is the same principle of a toll road but on a larger scale.

There is proof that the system is working.

In the 2004-05 Budget, the Government has foreshadowed significant capital expenditure in Queensland coal transport infrastructure by Government Owned Corporations.

Specifically:

- $227.9 million will be spent by Queensland Rail on maintaining and upgrading track infrastructure on the coal network; and
- $58.8 million will be spent by Central Queensland Port Authority as part of its project to expand the RG Tanna Coal Terminal.

There has also been a massive increase of about a third in the Energy Government Owned Corporations Capital Budget in 2004-05 to $1.66 billion.

The $1.1 billion Kogan Creek Power Project is to be built over the next three years.

The project includes the construction of a 750 megawatt coal-fired base-load power station and the development of the adjacent coal mine near Chinchilla.

The power station is being developed in response to the projected growth in electricity consumption in Queensland as well as forecast growth in the rest of the interconnected National Electricity Market.

As a consequence, there is a clear emerging need for new generating capacity to maintain supply of reliable, low-cost electricity to Queensland.

The Burnett Dam, and associated infrastructure, is being constructed at a cost of $255 million.

The Eidsvold Weir is expected to be completed by the end of 2004 while the dam is expected to be completed in the later half of 2005.

This project is being constructed by the private sector as the result of a competitive tender.

Government did not build it.

SunWater did not build it.

This is the new dynamic I mentioned earlier.

The Government believes that greater private sector participation in the provision of public infrastructure can assist the timely delivery of efficient and effective infrastructure to the Queensland community.

However, careful analysis is needed before any commitment is made to private sector involvement in the delivery of a project.

The Government is currently analysing several potential public-private partnership projects to address a range of public infrastructure needs.

These projects are at various stages of analysis under the Value for Money Framework.

I have delivered this Statement on my Government's infrastructure planning and facilitation processes to demonstrate to Members and the Queensland people the breadth and depth of the processes and systems we have put in place to meet the challenges of our growing State.

I think you will agree with me that they are substantial and rigorous, and will stand us in good stead for successfully meeting those challenges.

MINISTERIAL STATEMENT

Infrastructure Planning

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.48 a.m.): We have an infrastructure plan for Queensland. Members will hear the significant announcements next year. They will be part of a coordinated approach. Infrastructure is bread and butter for our future and we are delivering it.

MINISTERIAL STATEMENT

Brisbane Central Business District, Planning

Hon. D. BOYLE (Cairns—ALP) (Minister for Environment, Local Government, Planning and Women) (9.49 a.m.): The nature of Brisbane's CBD is rapidly changing. No more is the CBD just a place to do business. Increasingly, it is the centre of a vibrant capital city in which people live and socialise. In July this year at the request of the Brisbane Lord Mayor and Deputy Mayor I called in a development application that, if successful, would see construction of Brisbane's tallest building. The 77-storey, 250-metre high Emerald Towers is proposed for a 1,592 square metre elevated block adjacent to the heritage listed Orient Hotel bounded by Queen Street, Ann Street and Clark Lane. Officers of my department have now undertaken an assessment of the application first lodged with council in 2002. I announce today that I have decided to refuse this development application.

The Lord Mayor and I are in agreement that the current Brisbane planning scheme is deficient in its ability to effectively regulate the effects of population growth and the rapidly changing CBD demographics. The Lord Mayor and I have also agreed that a considered review of council's current scheme is essential in ensuring a modern CBD plan for the decades ahead. With my full support, council has begun a major master planning exercise which will review issues such as minimum lot size and/or height for high-rise development, development on the CBD's periphery and development in the context of heritage buildings and precincts. Were Emerald Tower to be constructed, it would be in direct conflict with the broad principles identified by the Brisbane City Council as desirable for the state's capital. Its significant height, bulk and character would clearly have a deleterious impact upon the cultural heritage values, character, role and function of Queensland's capital city.

I am also announcing today my decision to refuse approval of a temporary local planning instrument submitted to me by the Brisbane City Council late last month. Following meetings with the Lord Mayor, the Deputy Mayor and key industry representatives, I am persuaded that the test of urgency as required under the state's planning legislation has not been met. Neither am I satisfied that without a TLPI there is serious risk of environmental harm or adverse cultural, economic or social conditions. Further, I am concerned that the TLPI is too broad in nature, does not provide certainty and could result in a development hiatus which would seriously jeopardise both the reputation of and investment in Queensland's capital city.

However, make no mistake: I am serious in my determination to allow the Brisbane City Council's master planning process to proceed unimpeded. Although I am not disposed to the regular use of my call-in powers, I do remind the development industry today that I will be keeping a close watch on major development proposals for the Brisbane CBD. I seek leave to table a statement detailing my reasons for the refusal of the TLPI.

Leave granted.

MINISTERIAL STATEMENT

Film Industry; World Wrestling Entertainment Films

Hon. A.M. BLIGH (South Brisbane—ALP) (Minister for Education and the Arts) (9.52 a.m.): Honourable members will be pleased to know that hot on the heels of the successful completion of the motion picture *House of Wax* and the news that the feature film *The Proposition* will start filming in Winton next week, I am able to announce today that World Wrestling Entertainment Films has started production on the action feature *The Marine* at Warner Roadshow Studios. This is fantastic news for Queensland. This film will spend approximately $15 million in the state, which brings total production expenditure for this financial year to $33 million so far which would translate into an economic impact of more than $100 million.

The Marine was confirmed to Queensland following a location survey with World Wrestling Entertainment Films hosted by the Pacific Film and Television Commission in conjunction with the Warner Roadshow Studios. An incentive will also be offered to WWE Films to employ Queenslanders. The PFTC will provide the company with a payroll tax rebate and cast and crew salary rebate for every Queenslander employed. Early estimates indicate that as many as 500 full-time jobs could be created by this project. WWE Films has established production offices at Warner Roadshow Studios and will film *The Marine* at its studio facilities and locations around Brisbane and the Gold Coast for the next 11 weeks. Members will be interested to know that the film marks the motion picture debut of *WWE Smackdown!* superstar John Cena, who stars as an injured marine who returns from the war in Iraq to find his girlfriend inadvertently caught up in a kidnapping.

Honourable members interjected.

Ms BLIGH: It gets better. The film co-stars Kelly Carlson of *Starship Troopers II* and *Nip/Tuck* fame and Robert Patrick of *Terminator 2* and *The X Files*. *The Marine* will be directed by award-winning director John Bonito.

The last year has been very challenging for the film industry Australia wide, with international projects proving very difficult to attract. The Queensland government's PFTC has been working tirelessly with the state's film industry to market Queensland as a film destination, and this effort is now beginning to pay off. World Wrestling Entertainment Inc. is an integrated media and entertainment company headquartered in Stamford, Connecticut. It is expected that WWE Films will produce and fully finance two to four films a year. Queensland has a well-deserved reputation as a film-friendly state that provides generous incentives plus world-class facilities and crew for film and television production. I am confident that World Wrestling Entertainment Films will be delighted with its filming experience in Queensland and I hope that this is the beginning of a long and prosperous relationship with this company.

MINISTERIAL STATEMENT

Highlands Gas Project

Hon. T. McGRADY (Mount Isa—ALP) (Minister for State Development and Innovation) (9.55 a.m.): The announcement that the PNG gas pipeline is moving to the design and engineering stage is great news for Queensland. Also known as the Highlands gas project, its estimated cost is between $6 billion and $7 billion and during construction will employ approximately 1,500 people. As the Premier said last night, the design and engineering stage is not a decision to build the pipeline but is a huge vote of confidence in the project. The proponents—Exxonmobil, Oil Search Ltd, Nippon Oil and MRDC—will spend up to $145 million on the engineering, design and feasibility process. This is known as the FEED stage.

While the proponents have not yet appointed a FEED contractor, I have been informed this morning that Oil Search has confirmed that the FEED process will be undertaken in Brisbane. This will generate about 80 new jobs over the 12 to 18 months of the FEED process—jobs for engineers, technicians and consultants. In addition, I am told Oil Search will employ 30 people in Queensland to do work associated with further development of the oilfields in PNG. So we are talking about 110 jobs already and about 1,500 jobs if it goes to construction. We have heard a lot about the PNG gas pipeline over the years. It was first mooted in 1996 but, until now, it has always struggled to assemble sufficient conditional gas sale contracts to justify moving into the FEED stage. But the proponents have now signed up a number of conditional gas sale agreements and term sheets, including Energex in relation to the Comalco Alumina Refinery and others, Western Mining Corporation in relation to the Olympic Dam in South Australia, and CS Energy and the Queensland Alumina Ltd refinery in Gladstone.

The normal government approval process will be applied to the conditional contracts involving the government owned corporations Energex and CS Energy. I understand QAL was one of the last contracts to be signed. The federal minister and I have been working with the proponents to encourage

the situation we are in today. As recently as Monday of last week, I missed cabinet with the Premier's permission to fly to Gladstone and have last-minute meetings with QAL and to reiterate the Queensland government's financial support. As I have said, there is not yet a decision to proceed with the pipeline, but let me read from today's *Financial Review*, which states—

Exxonmobil has never failed to proceed with a project as big as Highlands gas once it has committed itself to the FEED stage.

If it goes ahead, the pipeline will open up the possibilities of gas-fired baseload power in areas including far-north and central Queensland and will bring many benefits to various parts of this state. It could also provide power to the area covering the Aurukun leases and would make that project even more attractive. As I said, this is a good day for Queensland. It is good news for the whole of our state.

MINISTERIAL STATEMENT

Parliamentary Trade Delegation; Bundaberg Mental Health Service

Hon. G.R. NUTTALL (Sandgate—ALP) (Minister for Health) (9.59 a.m.): I lay upon the table of the House the report of the parliamentary trade delegation to Fiji and New Zealand from 8 August to 15 August 2004.

On 13 May this year, Dr Mark Waters, then General Manager of Wesley Hospital, was appointed to conduct an independent review of the mental health services in Bundaberg. Dr Waters was asked to look into the clinical, organisational and physical structure of the health services to ensure that patients and staff had the best and safest environment.

Over the past four years, there has been enormous change, internally and externally, in the Bundaberg mental health services. As with all change, it is vital to re-examine what has been achieved and what challenges still lie ahead. It is important to state at the outset that Dr Waters found that the model of care and practice at the Bundaberg Mental Health Services met state and national standards. A separate external review of services by the internationally regarded Australian Council of Health Care Standards commended the Bundaberg Integrated Mental Health Service for its community and consumer participation, the integration of services and the development of outreach services. Dr Waters found that the change over the past four years had been in the right direction and that the Bundaberg Integrated Mental Health Service was now a benchmark service in contemporary mental health delivery.

Nevertheless, he has made a number of valuable recommendations for improving the safety and efficiency of the Integrated Mental Health Service. All 13 recommendations in the review have been endorsed and each of the recommendations will be implemented by December 2004. I am pleased to say that many of these recommendations have already been implemented, and others are being implemented immediately or over the next few months.

The psychiatric intensive care unit will no longer be used for the management of aggressive or violent patients, but will be used only as a special care suite, particularly for vulnerable elderly and young people. There will be some physical changes to make the psychiatric intensive care unit a safer environment for patients and staff. There will also be physical changes to the seclusion room to make it safer for patients and staff, and specific policies will be developed to ensure the safe management of aggressive and violent patients in this area. Changes have also been made to protect patient confidentiality. To deal with emergencies, a new duress system has recently been installed and staff training is under way.

A number of measures are being implemented to improve staffing. The key position of clinical director has been vacant for some time despite extensive recruitment efforts. We have now launched an international recruitment campaign to fill this position as soon as possible. There are two other important changes being implemented. Firstly, professional coverage by a nursing officer level 4 will be provided for nursing staff through the service. Secondly, one of the existing nursing positions in the community mental health team will be upgraded to a level 3 to provide leadership in that field. To ensure that we have the highest quality of service, we need to have a stable work force. All vacant permanent positions will be reviewed in line with current and future needs, followed by a transparent recruitment processes. Other recommendations being implemented include change management training, the establishment of a local consultative forum, and expert external mediation.

I can assure the people of Bundaberg that inpatient services in Bundaberg will not be reduced. As Dr Waters said, the enormous changes over the past four years have provided a contemporary model of practice that would make the Bundaberg mental health services the envy of most mainstream mental health services. Dr Waters has since joined Queensland Health in a senior position. The review was completed well before he joined Queensland Health. I would like to thank Dr Waters for his valuable contribution to making the Bundaberg mental health services a smooth-functioning integrated service delivering the best outcomes for patients and providing a safe environment for all. I also table a summary of the recommendations from Dr Waters and the strategic response from Queensland Health.

A complete copy of the audit will not be made public to ensure the privacy of those consulted during the review.

MINISTERIAL STATEMENT

Betting Exchanges

Hon. R.E. SCHWARTEN (Rockhampton—ALP) (Minister for Public Works, Housing and Racing) (10.03 a.m.): This week the annual general meeting of the International Federation of Horseracing Authorities was held in Paris. At the meeting new measures were supported to combat the proliferation of unauthorised cross-border betting on horseracing through betting exchanges. For those who may not be aware, betting exchanges are a form of Internet wagering which allow punters to place a bet on a horse to lose. Punters use their credit card to place a bet online so no money goes to the local racing industry at all.

In my view, betting exchanges will be the equivalent of the cane toad to Queensland's natural environment if allowed to spread into the Queensland racing environment. It is truly remarkable that the federal government, the peak body of those opposite, has failed to act against the single largest threat to racing in Queensland.

Opposition members interjected.

Mr SCHWARTEN: Do the members opposite support betting exchanges? Unless the Prime Minister shows some leadership and adopts a national position ruling out betting exchanges, uncertainty will continue in the industry. The fact is that Betfair is really about allowing a foreign freeloader to steal our racing product like the Stradbroke, the Doomben 10,000 or the Brisbane Cup for which only TAB punters and clubs contribute, yet it has suddenly become free to Betfair. Make no mistake, Betfair will strangle the golden goose of UNiTAB and 9,000 race meetings in Queensland will be left high and dry.

We have seen what has happened in England.The chief executive of the British Horseracing Board has said that betting exchanges now constitute one-third of the betting market, but they only pay 10 per cent of the amount which is paid to the industry by the traditional betting industry. If this was to happen here in Queensland, this would signal the end of racing as we know it and would be devastating for country racing.

Once again, we have the conservatives saying one thing in Queensland and doing the opposite in Canberra. Here the Nationals claim to be the great protectors of country racing, yet their national leadership is doing nothing to stamp out betting exchanges. It is another problem John Howard and John Anderson have put in the too-hard basket. This has left the industry with a big black cloud over its future.

Opposition members interjected.

Mr SCHWARTEN: I note that the member opposite supports betting exchanges.

Mr Horan: No, we don't!

Mr SCHWARTEN: Why do they not get John Howard to do something about it.

Mr HORAN: I rise to a point of order. I find that personally insulting. It is straight out untruthful and I ask it to be completely and totally withdrawn. We have had enough of this mischief in the parliament. I find it personally offensive. I do not support—

Mr SPEAKER: He did not mention you personally

Mr HORAN: I find that insulting and offensive.

Mr SPEAKER: But he did not mention you personally.

Mr HORAN: I find it offensive and I want it withdrawn.

Mr SPEAKER: Order! The member will resume his seat

Mr SCHWARTEN: Thank you, Mr Speaker.

An opposition member: He said, 'The member opposite.'

Mr SPEAKER: No, he did not mention you.

Mr HORAN: He said, 'The member opposite.'

Mr SPEAKER: The member will resume his seat.

Mr HORAN: I find it offensive and I want it withdrawn.

Mr SPEAKER: The member will resume his seat.

Mr HORAN: I want a withdrawal.

Mr SPEAKER: Resume your seat.

Mr SCHWARTEN: I did not say that. I do not care, anyway. If the members opposite do not support it, why do they not get John Howard to do something about it, because he supports it. That lot federally supports it.

Opposition members interjected.

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

Mr SCHWARTEN: They do not like it.

Opposition members interjected.

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

Mr Hobbs interjected.

Mr SPEAKER: Order! The member for Warrego!

Mr SCHWARTEN: I have been to Eagle Farm.

Mr Hobbs: You think Eagle Farm's a bird sanctuary, don't you.

Mr SCHWARTEN: I have been to a lot more race meetings than the member has. I always pay the bookies, too. I do not bet on the nod like the member does.

Opposition members interjected.

Mr SPEAKER: Order! The member will come back to the statement.

Mr SCHWARTEN: Mr Speaker, I was provoked. Betting exchanges do not just threaten the future of racing but also they threaten the integrity of racing. Betting exchanges give people an incentive and the opportunity to make money out of horses losing.

As I have always said since becoming the Racing Minister, without integrity, you have no industry. In order for people to place a bet they need to be confident that a horse is trying to win. As summed up in the *Goondiwindi Argus*—

The smarties are rubbing their hands together in anticipation. If it happens, many punters will leave the industry in droves. We don't mind losing if it is all fair and square but we will not cop getting touched.

English racing is already suffering from the loss of punter confidence. The *Herald Sun* reported that British racing, which was once renowned for its pomp, ceremony, tradition and honour, now makes headlines for rorts—

Some English jockeys would rather strangle a favourite than kick one home for Her Majesty. They would rather leap off a steeplechaser mid-race than leap aboard a winner.

I totally support the view of the Australian Racing Board in their vehement opposition to this insidious form of punting. There is no way this government will allow betting exchanges to set up shop or be registered here in Queensland. It is now up to the federal leadership to do the same.

MINISTERIAL STATEMENT

WORC Outreach Camps

Hon. J.C. SPENCE (Mount Gravatt—ALP) (Minister for Police and Corrective Services) (10.08 a.m.): Two months ago I announced that three WORC outreach camp sites in north-west Queensland would be trialled as permanent open custody centres from January next year. This six-month trial will involve the existing camps at Boulia, Julia Creek and Winton, which are currently utilised by open classification, low security risk prisoners on a rotational basis. Shortly after my announcement, a steering committee was established and a discussion paper released seeking comments on the trial from the local communities and community leaders.

I am pleased to report that this initiative has received glowing support. To date, community advisory committees from Blackall and Charleville have written to me backing the new model, as have the shire councils which host the Winton, Springsure, St George and Dirranbandi work outreach camps.

The WORC outreach camp teams currently spend, on average, two and a half weeks in a month on site. They are then returned to an open custody facility in Brisbane, Rockhampton or Townsville. Making the western camp sites permanent will remove long travelling times for staff and prisoners and make the work force more readily and regularly available for community projects.

The Charleville and Blackall committees have noted the potential benefits from additional labour for community projects as well as the financial benefits to local business from a permanent program. That was the same message I received from the Charleville mayor when I met the local community committee earlier this year. He said that Charleville residents recognised the valuable contribution of low-risk, non-violent offenders in undertaking community projects under the supervision of the Department of Corrective Services. The Charleville camp was set up in 1990 as a result of the floods. Since then, 11 camps have been established—in Yuleba, Mitchell, St George, Dirranbandi, Springsure,

Clermont, Blackall, Winton, Boulia and Julia Creek. The Women's Community Custody Program also operates a camp for female prisoners at Warwick.

In the last financial year Queensland communities benefited from an estimated 67,000 hours work by prisoners, valued at $1 million. In addition to the community benefits, the WORC outreach camps provide prisoners with the opportunity to make reparation to the community while developing work skills and a good work ethic, which is an important part of their rehabilitation. I would like to thank all those who have made submissions on the trial and assure them that their input and the trial results will help me determine whether or not all 11 sites in western Queensland are made permanent open custody centres.

MINISTERIAL STATEMENT

Learner Drivers

Hon. P.T. LUCAS (Lytton—ALP) (Minister for Transport and Main Roads) (10.11 a.m.): I advised the parliament at Estimates Committee D this year that we are further investigating logbooks for learner drivers. A voluntary logbook is currently included in the *Ready to guide* booklet, which provides practical advice for private instructors, relatives and others who teach young people how to drive. I table the booklet. Learners and their instructors are encouraged to use this fold-out log to record the learner's driving experiences. This helps the instructor plan future driving sessions to ensure the learner gets experience driving different routes and in different conditions such as on highways, at night and in wet weather. We recommend that learners accumulate at least 120 hours of supervised on-road experience.

I am pleased to advise that my department is currently surveying learner drivers and recently licensed provisional drivers to measure the level and type of supervised experience they receive and their attitudes to road safety. About 400 learners across Queensland are being surveyed. A series of focus groups in Brisbane, Gladstone and Biloela will also be held to gain a more in-depth perspective on experiences in rural and urban areas. Queensland Transport will also review use of the *Ready to guide* publication, including the learner's logbook. Both surveys will be finalised in coming months and I expect to be in a position early next year to consider any future initiatives.

If compliance is not high and evidence indicates that it has value, then the government will consider the possibility of making logbooks compulsory for learner drivers. Clearly there are issues that first need to be resolved, including the length of time the learner licence is valid and the number of compulsory logbook hours that would be practical for young drivers. We need to ensure that learners have sufficient opportunities to gain the required driving experience.

Current data indicates that young Queensland drivers are sadly overrepresented in the annual road toll. For every 100,000 young adults in Queensland, about 20 die in a road crash. This is almost three times higher than the average for all Queenslanders and is higher again for young people in rural areas. Of the 310 people who died on Queensland roads last year, 80 were aged between 17 and 24. We have come a long way. I remember the days when the *Telegraph* ran Campaign 550. Our road toll has certainly come down a long way, but one death is one too many.

The Beattie government has introduced a range of strategies which target young drivers, such as public education campaigns, a graduated licensing system and mentoring programs. We know that more has to be done. In March we responded to the Travelsafe Committee's two inquiries, supporting either fully or partially 31 of the committee's 33 recommendations. Early next year we will trial the reintroduction of L-plates for learners. The evaluation will be crucial when considering the reintroduction of P-plates for provisional licence drivers. I will soon launch an informative and hard-hitting DVD package for newly licensed provisional licence holders aged 17 and 18. My department is also leading an important initiative called the school road safety education project. It involves developing teaching aids and student activities to be incorporated into the school curriculum for preschool to year 10. These activities demonstrate this government's ongoing commitment to helping young drivers to be safe on our roads.

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

Mr SEENEY: Mr Speaker, I rise to a point of order. The Widgee State School is in the electorate of Callide. I am very proud of the Widgee State School. I ask for the record to be corrected. I welcome the students.

Mr SPEAKER: The Widgee State School in the electorate of Callide.

MINISTERIAL STATEMENT

Queensland Companion Animal Day Awards

Hon. H. PALASZCZUK (Inala—ALP) (Minister for Primary Industries and Fisheries) (10.15 a.m.): Mr Speaker—

Honourable members interjected.

Mr PALASZCZUK: Am I being provoked?

Mr SPEAKER: I think you are, but I know you will not be.

Mr PALASZCZUK: I have good news for Queensland. Last night, accompanied by the member for Broadwater, I attended the Animal Welfare League of Queensland's presentation of the 2004 inaugural Queensland Companion Animal Day Awards. I was honoured to receive a Queensland companion animal award for the banning of tail docking in October last year. I accepted the award on behalf of all honourable members in the Assembly. After all, the laws under which the tail docking ban was given effect were unanimously passed by the parliament.

Under the ban, tail docking can be done only by a veterinary surgeon registered in Queensland and only when the vet reasonably considers that the docking is in the interests of the dog's welfare. Anyone who is not a registered veterinarian and docks a dog's tail is liable for prosecution. Similarly, any veterinarian who docks a dog's tail other than in the interests of the dog's welfare is liable for prosecution. The maximum penalty for individuals convicted of this offence is $7,500 and $37,500 for corporations. These laws are gaining momentum across Australia and have helped to raise the profile of animal welfare across the country.

As the minister responsible for animal welfare, I encourage everyone to care for the needs of their companion animals, which is of course their duty of care under the Animal Care and Protection Act 2001. I thank the honourable member for Broadwater, who made this an all-parliamentary affair. She actually presented me with the award on behalf of the Queensland parliament.

Mr SPEAKER: Order! We are having some technical difficulties with the quality of the audio. If anybody has their mobile phone still switched on, would they please switch it off.

MINISTERIAL STATEMENT

Disability Services, Viability Funding

Hon. F.W. PITT (Mulgrave—ALP) (Minister for Communities, Disability Services and Seniors) (10.17 a.m.): It gives me pleasure to inform the House that this week I have approved the allocation of viability funding to 77 non-government organisations providing services to Queenslanders with a disability. The funding is aimed at helping those organisations address issues relating to their viability. Viability funding is a Queensland government initiative that offers tangible assistance to non-government organisations.

The Beattie government recognises the valuable role that non-government organisations play in supporting people with a disability and their families. However, this government also recognises that non-government providers face a number of challenges when it comes to providing those services. Demand for services is growing, administrative costs are rising and there has been a decline in revenue raising from traditional and alternative sources. That is why this year's budget included an allocation of $12.8 million for viability funding.

This year 130 applications for viability funding were received. The approval of funding for 77 of those organisations compares favourably to last year, when 67 applications out of a total of 156 were successful. This increase is due to the fact that the Beattie government has significantly improved funding for disability services in this state. An extra $220 million over four years was allocated in this year's budget, and that was on top of a record budget last year.

A rigorous process was used to assess the applications for viability funding, including an independent evaluation of the larger organisations by PricewaterhouseCoopers. Through this extensive analysis of grant applications, we can ensure the funding goes where it will be of the most benefit. The funds are targeted at high-priority services within the areas of accommodation support, respite care and community access. It means that service providers can continue to support their clients while allowing them to address their long-term planning issues. And it means that the people who are assisted every day by these organisations will have far greater certainty that the services they rely on will continue to be available.

This government is committed to securing a more financially stable disability services sector. Through the allocation of this viability funding we are delivering on that commitment.

MINISTERIAL STATEMENT

Electricity Supply

Hon. R.J. MICKEL (Logan—ALP) (Minister for Energy) (10.20 a.m.): I am pleased to inform the House that we are making progress in delivering a first-class electricity service to Queenslanders by implementing the recommendations of the recent electricity distribution and service delivery report. The implementation team of Darryl Somerville, Tom Fenwick and Bill Glyde are overseeing the implementation of the 44 recommendations directed to the government, Energex, Ergon Energy and the Queensland Competition Authority. They are providing me with regular updates on the progress being made on the action plan that the government released in August.

While it is not possible to guarantee that there will never be power outages because it is impossible to guarantee that storms will not occur, I am advised that Energex and Ergon Energy are undertaking the best possible preparations for the summer period to ensure the impact of storms and hot weather on customers is minimised. Energex and Ergon Energy are investing record amounts of capital expenditure to improve the capacity of their networks to address known problems from last summer.

Energex advises that it is well advanced with the installation of 23 major power transformers at electricity substations. Of those transformers, eight have been commissioned at substations at Brendale, Crestmead, Gaven, Kenmore, Narangba, Nundah, Sherwood and Victoria Point. Three transformers have been installed that have not been energised at Archerfield, Enoggera and Indooroopilly. They are available as stand-by units and can be moved to other sites if needed. Four transformers have been delivered and are being prepared for commissioning at Bald Hills, Booval, Morayfield and Carindale. The remaining units for Bribie Island, Burleigh Heads, Eight Mile Plains, Gympie, Morayfield north, Nambour, North Maclean and Victoria Park are progressively being delivered and prepared for commissioning by the end of this year.

In recognition of the importance of maintaining a skilled and adequate work force, Energex has undertaken a recruitment campaign for technical and contact centre staff. To date, it has employed 36 new apprentices, 51 new tradespeople and 18 new customer service representatives. Energex will also shortly launch its Get Set for Summer community engagement program to encourage people to prepare for the storm season. Energex and Ergon Energy are significantly increasing their expenditure on vegetation management to reduce the number of outages caused by trees bringing down powerlines.

Ergon Energy's board has approved a $12 million funding increase for its vegetation management program, bringing the total amount to be spent this year to $55 million. The extra funding will be spent in the Wide Bay, Maryborough, Bundaberg, Toowoomba and Dalby areas. Ergon Energy advises that the extra funding will allow it to be more proactive with vegetation management by increasing the number of feeders where trees are being trimmed or cleared by 50 per cent.

There will also be a focus on removing inappropriate trees to avoid contact with powerlines and educating the public about planting appropriate tree species. Energex and Ergon Energy are also improving their response capability when outages do occur by upgrading their communications systems, improving crew dispatch arrangements, deploying stand-by plant, increasing stocks of emergency spares and equipment, and improving cooperation with other organisations such as local councils and the State Emergency Service. I agree with the sentiment expressed in yesterday's *Gold Coast Bulletin* editorial that the issue is the provision of reliable power supplies to the Queensland public. That is our priority and we are getting on with the job.

MINISTERIAL STATEMENT

Bushfires

Hon. C.P. CUMMINS (Kawana—ALP) (Minister for Emergency Services) (10.23 a.m.): I would like to advise the House that, due to today's forecast of extreme fire conditions, my department has just set up a regional incident control centre in Brisbane. With high temperatures, low humidity and strong winds forecast for today, this central group will be in charge of all firefighters' efforts over the next few days. Yesterday a number of large bushfires and grassfires threatened homes and properties around the state's south-east. Six fire crews were kept busy on Mount Coot-tha as a large bushfire endangered houses at The Gap and then crept up the hill towards the Ten Network studios.

At the height of the fire, a helicopter was utilised to water bomb the blaze. Fire crews kept a watch on the fire all night, and one crew is still at the scene this morning monitoring it. Large grassfires also caused problems around Brisbane at Tingalpa and Dakabin, and Carindale. A second major fire at Tingalpa, at the Minnippi Parklands, saw police declare a state of emergency at one stage as the fire came very close to a caravan park and an endangered wildlife area which is home to a sugar glider colony. Grassfires and bushfires also kept 13 rural fire crews and SES crews busy at Wongawallan in

the Gold Coast hinterland. Another six rural and three urban crews were also occupied at a large fire at Kenilworth on the Sunshine Coast. Another large grassfire had another eight crews attending at Seven Mile, near Nanango.

Weather forecasters predict the current hot and dry conditions to continue for the state's south-east for the next few days, so there is likely to be little rest for our brave firefighters. While the cause of some of these fires is not yet known, I would like to again state that this government will not tolerate anyone caught deliberately lighting fires. Lighting fires is no prank, especially with the dry conditions facing many parts of Queensland. Arson is a very serious crime. Arsonists cause huge emotional trauma as well as economic and environmental havoc. People deliberately lighting fires can and do endanger lives—not only the lives of property owners but also firefighters and other volunteers.

It is unfair and un-Australian to place the safety of our firefighters at risk as a result of deliberate fire setting and even carelessness. Anyone wanting to report arson related concerns should call their local police station or the Crimestoppers hotline on 1800 333 000. I would like to again acknowledge and thank the firefighters and SES volunteers for their magnificent efforts protecting people and property during the last 24 hours.

PERSONAL EXPLANATION

Minister for Emergency Services

Mr CHRIS FOLEY (Maryborough—Ind) (10.26 a.m.): Yesterday in the House the Minister for Emergency Services called into question my character by denying that his office had called me to apologise for the confusion because the minister had thought I had written him a letter on the transfer of an obese patient when in fact someone else had written to him on the same problem. He even went so far as to ask me to withdraw my statement.

On 2 September 2004 the minister stated the following in response to my original question—

I thank the member for the question. I do believe that he has written to me about this issue. I have received correspondence from him. I am not sure whether or not I have replied as yet.

I do not blame the minister for being confused as he cannot be expected to know everything. However, I table for the information of the House emails to and from my senior electorate officer and a letter to my constituent all confirming that my version of the events was correct.

The minister then lined up again at 12.28 p.m. in this House for another attack on my credibility when he used his speech on the community ambulance bill to again sully my name, saying—

I can only assume that the residents of Howard wished that they were in the electorate of Hervey Bay ...

A quick check of the Electoral Commission of Queensland web site will have told the minister that I received 25.21 per cent of the vote in Howard at the by-election, and when I stood for re-election 10 months later I received 64.1 per cent. I choose to let the figures speak for themselves and invite the minister to withdraw these attacks on my character and abilities.

MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE

Annual Report; Audit of Discharge of Responsibilities

Mrs ATTWOOD (Mount Ommaney—ALP) (10.28 a.m.): I lay upon the table of the House the annual report of the Members' Ethics and Parliamentary Privileges Committee for 2003-04 together with the committee's audit of discharge of responsibilities for 1 July 2003 to 30 June 2004. The report covers the activities of two committees—the Members' Ethics and Parliamentary Privileges Committee of the 50th Parliament and the current committee. I would like to take this opportunity to thank the deputy chairs and members of the two committees for their valuable input and participation throughout the year, and a special thanks for the assistance of our hardworking research director, Meg Hoban.

MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE

Citizen’s Right of Reply, Information Paper

Mrs ATTWOOD (Mount Ommaney—ALP) (10.28 a.m.): I also lay upon the table of the House the October 2004 version of the Members' Ethics and Parliamentary Privileges Committee's citizen’s right of reply information paper. The information paper has been updated to reflect the new standing orders.

PUBLIC ACCOUNTS COMMITTEE

Report

Mr FENLON (Greenslopes—ALP) (10.29 a.m.): I lay upon the table of the House report No. 67 of the Public Accounts Committee titled *Review of audit reports: Financial accountability and governance of Aboriginal and Island Councils*. This report is part of the committee's ongoing review of the Auditor-General's reports. I thank the committee members for their contribution in the preparation of this report, and I commend the report to the House.

QUESTIONS WITHOUT NOTICE

Energex Board

Mr SPRINGBORG (10.30 a.m.): My question without notice is to the Treasurer. On Tuesday the Treasurer demonstrated his intimate knowledge of the board appointment processes in this state by standing here and claiming that the current board members of Energex were appointed by the Borbidge government. True to his nickname, after dark last night the Treasurer snuck into the place and made an equivocal apology. Last night the Treasurer said that if he misled the people of Queensland and this parliament on the appointment of those board members then he would apologise. He said 'if'. As it is now quite clear that all bar two of those 12 board members were appointed by a government of which the Treasurer was a part, will he now stand in this place and make an unequivocal apology for being wrong?

Mr MACKENROTH: After question time yesterday I checked the record, because I do not always believe what the opposition says to us. I checked the record, and I chose to correct the record yesterday—on the day it was raised—and the time I chose to do it was at the end of the division when all members of parliament were in the chamber.

Energex; Queensland Competition Authority Submission

Mr SPRINGBORG: My second question without notice is to the Treasurer. I refer to the submission made to the Queensland Competition Authority by Energex wanting energy customers to pay more if they wanted more reliable service. This is obviously a statement that the dividend take from the government was having an enormous impact on the cash reserves of Energex and that was the only way that it could deliver a better service. Was the Treasurer aware of this submission, or did his copy go to the Office of Energy, otherwise known as the dead letter office?

Mr MACKENROTH: The government makes the decision as to the regulated price of electricity. We went through that yesterday. Our policy is quite clear, and that is that each year we allow the regulated price to increase by the rate of inflation. Energex is aware of that policy. It can make submissions and have any views it likes, but that is the government's clear policy position for this term of government, and it is not going to change.

Water Reuse Project, Mackay

Mr MULHERIN: My question without notice is directed to the Premier. The federal member for Dawson, De-Anne Kelly, has made great mileage during the present election campaign of her role in securing funding for a water reuse project in the Mackay area as part of the national water initiative. Could the Premier please outline to the House where this project stands with regard to funding and, more importantly, where the entire national water initiative stands?

Mr BEATTIE: I thank the honourable member for the question. I know that he is passionately interested in water. I can also appreciate his frustration at the extent to which his federal member will go to convince voters that the federal government has a coherent and deliverable water plan for Australia.

Along with a number of other state premiers, I gave the Prime Minister support for his national water initiative at the recent COAG meeting in Canberra. I did this out of a belief that the Prime Minister had an issue of true national importance on his hands and that the states had a responsibility to play a significant role in addressing that issue. In return for that support, the Prime Minister extended an invitation to me and to the state, of course, to bring forward a range of water projects from throughout Queensland for possible funding from the national water initiative. I did this, and I am pleased to advise the House that I included, through my minister, the Mackay water reuse scheme in that list of projects. So we put it in.

Unfortunately, at the time the federal election was called I had received no advice back from the federal government as to which projects had been successful in attracting federal funding. Imagine my surprise then to read in one of De-Anne Kelly's direct mail-outs—

Indeed the Mackay project was one of the examples used in the policy document as one that would receive funding.

To verify this I had my staff get their hands on the Howard government's relevant policy document titled *Securing Australia's Water Future*. Under the heading 'Water Smart Australia' I found a list of projects, and I quote—

... there are some exciting and real initiatives that the Australian Water Fund could—

could—

... help turn into reality.

That is right; 'could help turn into reality', not 'would', as appeared in Ms Kelly's direct mail-out. Sure enough, there at No. 2 was the Mackay water recycling proposal, but missing was any mention of dollars for the project, when it would start and finish—in short, nothing at all; just a statement that it 'might' get up. It is a little bit like the tooth fairy; we have to have a bit of faith.

De-Anne Kelly owes her constituents an explanation for such misrepresentation of the Howard government's position on this policy. She did not get right the fact that the entire national water initiative is up in the air following the Prime Minister's bombshell announcement that he intends to raid the national competition payments to fund this initiative. This initiative will remain up in the air until the Prime Minister meets clear undertakings that he gave to the states regarding national competition payments which are earmarked for our schools, hospitals, roads and police.

On another water issue, my heart goes out to the proponents of the Darling Downs waste water project. They recently returned from Canberra fuelled with confidence that the money they sought was in the bag, one even suggesting it was to be part of the PM's policy launch. But all they got was more study money—none at all!

Energex; Transformers

Mr SEENEY: My question without notice is to the Minister for Energy. I refer to his ministerial statement this morning in which he patted himself on the back for implementing the recommendations of the Summerfield report. I also refer to question on notice No. 1002 which I asked on 1 September where the minister confirmed that all the new transformers Energex is currently installing were actually ordered in early May—three months before the Summerfield report was released in July. Since the minister became the minister for fixing the electricity industry, how many new transformers has he ordered?

Mr MICKEL: I will make two corrections for the honourable gentleman. It is the Somerville report. If the member had been allowed to come along to the briefing he could have met Darryl personally and at least got to know his surname. The second thing is that I, as minister, do not order the transformers; that is all done by Energex.

The other thing is: if the honourable gentleman had been able to read or have read to him the Somerville report he would have seen on page 29 that the system needed upgrading. Accordingly, what I am doing, on behalf of the people of Queensland in the role that has been entrusted to me, is ensuring that this summer we are ready for the great challenges that the system faces—from the growth in the population of Queensland and the growth in airconditioning.

I outlined in my statement the great transformation which has come over the industry. It has recognised the challenges for some time. What I reported to the House this morning is the progress that is being made. Energex has 3,000 people working for it who are highly professional and who just want to get on and deliver a first-class service to the people of Queensland.

Mr SEENEY: I rise to a point of order. My question was: how many transformers have been ordered since the minister—

Mr SPEAKER: Order! The minister answered that.

Mr SEENEY: How many transformers have been ordered? How many?

Mr SPEAKER: Order! Resume your seat and I will tell you. I have the opportunity—unfortunately, sometimes—to listen to every word in this House. I distinctly heard the minister say that he does not order transformers. He distinctly said that, so he has answered the question. I now call the minister.

Mr MICKEL: I find it amazing that at a time when I am congratulating the professionalism of the staff of Energex the opposition is bagging them again. Energex as an organisation has been bruised by recent events—

Opposition members interjected.

Mr MICKEL:—but I want the staff to know that the Labor Party, through the Beattie government, is on their side supporting them in the professional job that they do.

Opposition members interjected.

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

Mr MICKEL: The great contrast between those opposite and the government is this: when we realise—

Mr SEENEY: Point of order. The minister can sit down. I am satisfied that the answer is none.

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

MacArthur Museum

Ms STONE: My question is to the Premier. The great city of Brisbane, and indeed Queensland, played a key role in the Allied success of World War II. Can the Premier detail how we can all share a role in ensuring generations to come do not lose sight of this important fact?

Mr BEATTIE: I thank the honourable member for Springwood for the question. In mid August I opened Australia's equivalent of Britain's cabinet war rooms, the headquarters from which General Douglas MacArthur directed the Allied effort in the Pacific. For many years I have been very passionate, as has my government, about preserving part of the historic building at Edward Street as a MacArthur Museum.

The building is hugely significant in its own right as a reminder of events that radically shaped post-war Queensland. In fact, obviously not just post-war but wartime Queensland. The MacArthur Museum Brisbane is on the 8th floor of the heritage listed Edward Street building occupied by General Douglas MacArthur and his staff.

Today I can detail that the museum is open to the public. My government, along with the Australian government and the Brisbane City Council, has provided funding for this important project. The museum, however, requires appropriate items for display so that it can educate visitors through its memorabilia, interactive and static displays.

Today I appeal to any Queenslanders—or any Australians—who are able to assist in the provision of items that are appropriate for display in the MacArthur Museum to please contact the museum on 3211 7052 or through their web site www.macarthurmemorial.com.au to assist in enriching this museum. Often Queenslanders—Australians—have memorabilia stored away somewhere. Here is a great opportunity to share it with other Australians.

To move this along I have also written to a range of groups including the Australian War Memorial, the Queensland Museum, the Redland Museum, the Redcliffe Museum—a very good museum, they tell me—the Brisbane City Gallery, the National Trust of Queensland, the Nundah and District Historical Society Incorporated, the Queensland Military Museum and the Pine Rivers Heritage Museum seeking their assistance in the provision of items from the World War II era which would be appropriate for displaying in the museum.

I thank the member for Springwood for her interest in this matter because I know it is not only a museum to recognise the proud history of this state and the role played by General Douglas MacArthur, but there is also another benefit and that is historical tourism. There are many buffs who travel the world looking at sites such as this. The war room in London is a very popular destination for tourists. I am hoping that this museum will provide the same level of attraction.

The Minister for Tourism, Margaret Keech, knows the US market is very important to us. Now that Qantas has direct flights between Los Angeles and Brisbane it enriches the opportunities to get American tourists to come here and have a look at where General MacArthur waged the war in the Pacific.

Energex; Mr G. Maddock; Mr M. Bucknall

Mr HORAN: My question without notice is to the honourable member the Treasurer. I refer to the special Treasury investigation into the late Mr Maddock's expenses and in particular to the existence of the Energex audit committee of which Labor mate Mark Bucknall has been chairman since 2002 and I ask: was Mr Bucknall aware of the expenses that had been paid to Mr Maddock and had the audit committee taken any action in relation to them? If not, does the Treasurer believe that Mr Bucknall should continue in that position?

Mr MACKENROTH: The Premier last week tabled in the parliament a full report in relation to the expenses that were paid to Greg Maddock. That outlined exactly who was aware of those payments. If the member had cared to have read that he would know that the audit committee was not aware of it and I am sure that—

Opposition members interjected.

Mr SPEAKER: Order! The question has been asked.

Mr MACKENROTH: I am sure that the new chairman—

Mr Hobbs interjected.

Mr SPEAKER: The member for Warrego will interject from his own seat.

Mr MACKENROTH: Actually I missed the member's question today. The member has been set up two days in a row. I thought he had come back again.

Opposition members interjected.

Mr MACKENROTH: The new chairman I am sure will consider the issues that have been raised in the report and will ensure that the appropriate measures are in place in future.

Mr Horan interjected.

Mr SPEAKER: Order! Member for Toowoomba South, this is my final warning.

Moreton TAFE Institute

Mr CHOI: My question is to the Minister for Employment, Training and Industrial Relations. The government's reforms to education and training are now being introduced around the state. Can the minister tell us about the program planned for Moreton TAFE which gives young people great new career options?

Mr BARTON: I would absolutely love to answer the member for Capalaba's question about Moreton TAFE, which is a great institute of TAFE in his electorate. Brisbane's Moreton TAFE is indeed one of our most progressive TAFE institutes in the state and I should also say that some of the most progressive people in the state are also graduates of its programs, such as the member for Mansfield who is sitting here in the House.

I am pleased to announce that from next year Moreton will offer a combined senior certificate and diploma program—the first TAFE in Queensland to provide this opportunity. Students attending Moreton will be able to study for a diploma in years 11 and 12, combining this with normal studies, and gain both a senior certificate and a diploma within three years. I am talking about a variety of diploma courses here, ranging from business to engineering, horticulture, conservation, multimedia, information technology and fashion. All of those particular job opportunities are covered by Moreton TAFE Institute at its various campuses around the Brisbane area.

Completing the diploma in the three years will, of course, depend on the length of the individual courses. I want to stress that this is a very flexible option for young people who are taking up a combination of vocational education and training and their education through Moreton TAFE, which is currently one of the TAFEs in Queensland that has an expertise in that area of secondary schooling. They can obtain an OP ranking, enter university directly from a diploma course or use the skills they have gained to take a job on graduating from the combination of the diploma course and completing their senior education. It will be a one-stop skills shop.

Moreton is the only TAFE institute in Brisbane that offers year 11 and year 12 studies. It has had senior certificate programs at its Alexandra Hills campus for 17 years. The new senior certificate-diploma program will also be offered at the Mount Gravatt campus of Moreton TAFE Institute. I would inform the public that information sessions for students and their parents are to be held at the Alexandra Hills campus next Wednesday, 13 October, and the following Tuesday. A session will be held at Mount Gravatt on Tuesday, 26 October. I commend the institute for its enterprise, which puts it at the leading edge of our education and training reforms, in particular for the future.

In Queensland we are actually getting on with the job of offering vocational education options with high schools as part of our ETRF program, unlike the Howard government that has just discovered the skill shortages and is now going through a pretend process of 24 technical schools.

Redcliffe Hospital, Orthopaedic Clinic

Dr FLEGG: My question without notice is to the Minister for Health. I refer the minister to the pro forma letter issued to referring doctors by the orthopaedic clinic at Redcliffe Hospital which states—

The demand for this service is significant. We only book appointments three months in advance. Your patient has been placed on the waiting list for an appointment with the orthopaedic clinic.

I ask: why is the minister deliberating manipulating the waiting list data by placing patients on a waiting list before they are included in the official waiting list figures and does this not make a mockery of his claim that 95 per cent of patients receive treatment within the specified time frame? I table the pro forma letter.

Mr NUTTALL: I would like to have a look at the letter first. In relation to the pro forma letter, I presume this is an appointment to see a specialist at the outpatient service. Would the member agree with that?

Dr Flegg: Yes.

Mr NUTTALL: Right. We are the only state in the country that has an outpatient service. In order to obtain funding from the current coalition federal government under the health agreement we have to continue to provide an outpatient service for the people of Queensland. Most of the specialists who

attend the outpatient services, as the honourable member would know, are visiting medical officers, visiting specialists. The state system relies very heavily on visiting medical officers to assist us in the delivery of public health services.

The reality is that the majority of specialists in Queensland are in private practice. They allocate part of their time per week to the public health system. From the public health point of view we obviously appreciate and value that very much. The fact that we have only a limited amount of their time per week necessitates that when people want to see a specialist it takes time.

If someone goes to their own doctor and the doctor refers them to a specialist up on the terrace, they would have to make an appointment and wait to see that specialist. In some areas they may have to wait months. It is no different in the private system than it is in the public system. People have to make an appointment to see their specialist, wait until they are able to see that specialist and, once they have seen the specialist and the specialist agrees that they need surgery, they then they go on the waiting list. It is very simple.

Electricity Supply

Mr FENLON: I direct my question to the Minister for Energy. In the wake of the 13 August blackouts, would the minister detail the progress Queensland has made in ensuring that other states bear their share of the pain and that domestic electricity consumers in Queensland are treated fairly?

Mr MICKEL: I thank the member for Greenslopes for a very good question. It is one that is important to all Queenslanders. Honourable members may well recall that in August of this year I attended the energy ministers meeting in Adelaide where I called for and won support for a fairer deal for domestic electricity customers in Queensland. I am keen to avoid a repeat of a situation which saw 251,300 customers lose power because Queensland's share of the pain from that situation was higher than that of other states. That meeting in Adelaide acknowledged that pain. It also acknowledged that we had not been treated fairly and agreed that there should be a national review of the automatic load shedding scheme operated by the National Electricity Management Market Company, NEMMCO.

I am pleased to report to the House and to the member for Greenslopes that we are making progress with this. A working group comprising Powerlink Queensland, Energex—and I now take up from my previous answer and acknowledge the professionalism of the Energex staff so often berated by the opposition but supported by the people on this side of the House—Ergon Energy and the Department of Energy representatives. What we are engaged in is not vilification. What we are doing is reviewing the load-shedding arrangements for Queensland to reduce the impact on domestic customers in electricity supply emergencies.

Powerlink has initiated discussions with industrial users who are supplied directly from its transmission grid. I expect a report back from the working party later this month. As a result of discussions with Powerlink, NEMMCO has agreed to an interim review of the current load-shedding schedule with a view to reducing the impact on Queensland. NEMMCO has agreed that one block of industrial customers in Victoria will lose supply before Queensland's domestic customers lose supply in the event of any emergency situation affecting the national market. So, in other words, while we are working and they are whingeing we are winning for the people of Queensland.

NEMMCO advises that its interim review will be completed and implemented in time for summer. We are working to deliver a fair deal to Queensland's electricity customers and to ensure the other states shoulder their fair share of the burden in the event of any emergencies affecting the national power network.

Death Certificates

Miss ELISA ROBERTS: In the absence of the Attorney-General, my question is directed to the Premier. I do not know whether the Premier is aware that it currently takes around six weeks for a death certificate to be issued in this state. As the Premier can imagine this delay can cause families a great deal of stress.

Mr Seeney interjected.

Mr BEATTIE: I rise to a point of order. I would be grateful if the Deputy Leader of the Opposition would stop being so rude so that I could actually hear the member for Gympie.

Mr SPEAKER: Order! I ask the member to start the question again.

Miss ELISA ROBERTS: I do not know whether the Premier is aware that it currently takes around six weeks for a death certificate to be issued in this state. As the Premier can imagine this delay can cause families a great deal of stress as they wait for estates to be finalised. In other states, New South Wales for example, it only takes one week for death certificates to be issued and some can even be obtained through the Internet. Does the Premier know whether there are any plans to shorten the issuing process in Queensland? If not, will the Premier follow up this issue with the Attorney-General?

Mr BEATTIE: No, I do not and yes, I will. The longer answer is this: I know from my readings of these matters that it is absolutely appropriate that the cause of death be established for death certificates. That depends on circumstances entirely. It may require tests. It may require all sorts of examinations, police reports, ambulance reports—who knows. It depends on the circumstances. If a person has been in medical care and has a recognised doctor, to the best of my recollection they do not need an autopsy. In many circumstances they do. Clearly that may require additional evidence.

I would not want to see any new process come in that moves away from the detailed assessment of the causes of death. Naturally—and I think the member would support this—that is appropriate. It is absolutely essential to have the cause of death accurate on a death certificate. There may also be other inquiries relating to the reasons for death. As we know, there can be coroners' inquiries to establish the reasons for death. Sometimes they lead to recommendations to improve certain systems that may be in place. We need to do that.

One of the things that a modern society needs to do is evolve. Therefore coroners' inquiries and reports are essential to establish whether there needs to be certain improvements—whether it be in relation to vehicles, work practices or workplace health and safety practices involving employees generally.

To come specifically to the member's question, I am not aware of any reassessment of the time. But bearing in mind all of the things I have raised with the member, I am happy to talk to the Department of Attorney-General and Justice to assess the period to see how it compares with other states. If we are slower than other states—and I do not know off the top of my head whether that is true; I assume what the member has said has been researched—then I am obviously happy to see that we maintain national standards for these things. I would not want to, in any circumstances, erode the very thorough process that exists now to ensure that we correctly establish the cause of death, that it is recorded appropriately on the death certificate, and that we follow-up any coroner's inquiry that recommends improvements to any existing system.

In a nutshell, I will ask the acting Attorney-General, the Leader of the House, to respond by letter to the two questions asked by the member: the amount of time and whether there is a review.

Mr SPEAKER: Order! Before calling the member for Glass House, I welcome to the public gallery students and teachers of St Columban's Primary School in the electorate of Brisbane Central.

Cultural Heritage, Noosa Shire

Ms MALE: My question is to the Minister for Natural Resources and Mines. Minister, I refer to comments made by Alan Jones yesterday on Channel 9's *Today* program and on radio in Sydney about cultural heritage in Noosa shire, and I ask: do Alan Jones's comments have any basis in reality?

Mr ROBERTSON: Would it surprise the honourable member if the answer was no? Yesterday Sydney broadcaster Alan Jones made some extraordinary claims on national television about the impact of Queensland's cultural heritage laws. Referring to correspondence from a Noosa resident, Jones asserted that cultural heritage affects the freehold title of a person's private land and will make that land worthless and unsaleable. Jones likened cultural heritage to some sort of native title land grab and then went on to claim that Aboriginal communities are 'using this as a way for indigenous communities to claim rights to huge swathes of land in Noosa and beyond'.

Queensland's cultural heritage laws do none of these things, so it will surprise few people to learn that Alan Jones is wrong—totally and hopelessly wrong. Had Jones bothered to check his facts, he would have quickly discovered that cultural heritage, firstly, should not be confused with native title; secondly, does not mean native title also exists in the area; thirdly, can exist regardless of the nature of land tenure; and, finally, does not affect land title. Contrary to what Jones thinks, the laws do not affect freehold title or prevent sensible development. Cultural heritage is not the same as native title and no-one's ownership of the land is under threat. Our cultural heritage laws simply ensure recognition and protection of areas and objects of significance to indigenous Queenslanders in accordance with their traditional history. They also place a duty of care on land-holders of both freehold and leasehold land to respect and protect areas and objects of cultural heritage. These were principles—

Mr Seeney interjected.

Mr SPEAKER: Order! The member for Callide will cease interjecting. This is my final warning.

Mr ROBERTSON: These were principles that were supported by all parties in this House during the debate on the legislation, except of course One Nation. But all sensible parties supported this legislation. Even if land contains sites or objects on the cultural heritage register, that does not mean the land—

Mr Seeney interjected.

Mr SPEAKER: Order! I have just warned the member for Callide. I now warn you under standing order 253.

Mr ROBERTSON: As I was saying, that does not mean the land cannot be used or sold. It simply means that the land-holder has a duty of care not to harm this cultural heritage. The Beattie government makes no apologies for ensuring that Queensland's unique indigenous cultural heritage is protected and properly managed for all Queenslanders. What we can do without is confusion and scaremongering caused by ill-informed Sydney shock jocks who have no idea what they are talking about and have made no attempt to find out the facts before dispensing their unique brand of fear and loathing.

Public Hospitals, Oncology Services

Mr COPELAND: My question is to the Minister for Health. Minister, I table a copy of a notice displayed at the Redcliffe Hospital advising patients that they will have to pay for their medication because the minister has privatised the day oncology service. As the minister has now privatised day oncology services at Toowoomba, Royal Brisbane, Princess Alexandra and Redcliffe hospitals which sees him charging public patients in public hospitals for cancer treatment, will he overturn the decision to charge and ensure that public patients have access to free cancer treatment at Queensland public hospitals?

Mr NUTTALL: Under the Australian Health Care Agreement, there are new or expanded outpatient services established by Queensland Health that can access MBS and PBS funding provided referrals meet federal government requirements. Redcliffe Hospital in particular has commenced a six-month trial so that oncology patients have access to the full range of chemotherapy medications available under the Pharmaceutical Benefits Scheme. It does mean that there is a copayment for medications as in any other outpatient service within the hospital. Copayment is a part of the PBS, which is a Commonwealth scheme, and any copayments go towards the PBS safety net. Where there is a financial hardship as a result of a PBS charge, the hospital has a process in place to assist patients.

Mr Horan: They're not advising them, though.

Mr NUTTALL: That is simply not correct. As I said, where there is financial hardship as a result of the PBS charge, the hospital does have a process in place to assist patients. If the honourable member is saying that patients are not being advised, I will follow that up. However, that is not what I am advised of. No patient will be disadvantaged and all patients—

Mr Horan interjected.

Mr SPEAKER: Order! The question has been asked.

Mr NUTTALL: I have just given an answer to the question asked by the honourable member which outlines the processes.

Federal Member for Ryan; Queensland Fire and Rescue Service

Mrs ATTWOOD: My question is to the Minister for Emergency Services. Minister, residents of my electorate recently received in their letterbox a glossy pamphlet from the federal member for Ryan, Michael Johnson. Amongst the propaganda was a photo of the member for Ryan talking to a firefighter in front of a fire truck. Could the minister please advise the House just how much money the federal government provides directly for running the Queensland fire service?

Mr CUMMINS: None, zero, zilch, zip. I thank the member for the question and acknowledge her support for the fire service and indeed all emergency services in her electorate. I visit both ambulance stations and fire stations there regularly with her. Members may recall that earlier this year I brought to the attention of the House a misleading advertisement by the federal government in the *Sunday Mail* where it tried to deceive Queenslanders by insinuating that it is funding our fire service. But of course it does not. The federal government does not directly fund our fire services. So I was surprised to see this latest colourful, glossy brochure from the member for Ryan—a very expensive looking brochure, no doubt paid for by the Australian taxpayer. Under the heading 'Michael Johnson's Future Plans for our Local Area' the reader's eye is drawn to a photo of the present member for Ryan standing in front of one of our large Queensland funded red fire trucks.

Mr Mickel: Was it moving?

Mr CUMMINS: No. I take the interjection. Sadly, it was not moving. At least this is an improvement on the *Sunday Mail* ad—

Mr Mickel: It wasn't being driven by the member for Moggill, was it?

Mr CUMMINS: No. The member for Moggill I think is on good talking terms with the member for Ryan. Probably not. At least this is an improvement on the *Sunday Mail* ad when they could not even get that right: they used a picture of a New South Wales fire truck! Seeing that the photo was under his plans for the future, I read with great interest to see exactly what the federal member for Ryan was planning for the Queensland Fire and Rescue Service. I read his eight points carefully. There is no mention of the Queensland Fire and Rescue Service anywhere in the brochure. In fact, there is no

mention of any Queensland emergency services anywhere in the document. All there is is this photo dropped in there—plonked in there—and not referred to in any way. It should not be there.

Mr Mickel: Does he want to get into the firemen's calendar?

Mr CUMMINS: He could quite easily get into the firemen's calendar. The federal government does not provide one cent directly to fund our fire services, and all the self-serving photos in the world are not going to change that. Perhaps I should send an invoice to Mr Johnson for the two new Mercedes Atego trucks I commissioned with the member for Mount Ommaney at the Mount Ommaney and Kenmore stations earlier this year. They are worth around $480,000 each and are funded by the state government. After all, it is the Beattie government that has delivered a record $300 million-plus budget for fire services this financial year. Earlier this year our firefighters came in at No. 2 in a poll of most trusted professions. Federal politicians came dead last, which is no surprise if the member for Ryan is to be taken as an example. It is clear that he was hoping some of the high esteem in which our firefighters are held would rub off onto him with this photo, but the voters of Ryan should not be fooled so easily.

Queensland Ambulance Service, Sunshine Coast

Mr McARDLE: My question is also to the Minister for Emergency Services. I refer the minister to the roster changes causing stress to paramedics on the Sunshine Coast, their scathing responses to a recent survey undertaken by his department and to the recent adverse media coverage in the *Sunshine Coast Daily* about the new roster system, and I ask: why has he compromised patient care and at the same affected the morale and family life of these hardworking and dedicated men and women by his stubborn refusal to renegotiate the rosters?

Mr CUMMINS: I thank the ill-informed member for his question. We are not compromising patients in any way. Over four years we will employ 350 additional paramedics. If we are going to employ 350 additional paramedics right across Queensland, we have to change the rosters. The ill-informed Liberal Party has said that it is safer to work 14-hour rosters than 10-hour rosters. That is absolutely ludicrous. It was reported in the *Sunday Mail* that the Leader of the Liberal Party has said that we are compromising the health of our paramedics by cutting their shifts. There is nothing more stupid.

Fourteen-hour rosters are going to be done away with, because national and international studies have shown that they are dangerous. These shifts usually start at night-time. If paramedics start duty at 6 o'clock or 7 o'clock at night and they are called to a job at 7.30 the next morning—13 and a half hours later—with lights and sirens, they are obviously very fatigued. This lot opposite want paramedics to continue working 14-hour rosters; we do not. The unions came to us, as part of the enterprise bargaining agreement. By increasing the number of paramedics by 350 over four years, we must change the rosters. We must reduce 14-hour shifts to 10-hour shifts.

It is obvious that the paramedics are working harder and harder. In the last financial year, code 1 and code 2 call-out responses increased by over 10 per cent—8,631 more cases attended to in under 10 minutes. They are serious concerns. We have 87,000 people moving to Queensland each year. We have a growing population. It is the Beattie Labor government that had the courage to introduce the community ambulance cover—

A government member: Opposed by them.

Mr CUMMINS: Opposed by them—240 extra paramedics in the next three years: 100 will be put on this year, 110 were put on last year; 200 new vehicles; and 20 new or refurbished ambulance stations. That is what we are doing to improve the lot of the Queensland Ambulance Service.

Endeavour Foundation

Mr FINN: I direct a question to the Minister for Communities, Disability Services and Seniors. I refer to his statement in August regarding the Endeavour Foundation, and I ask: can the minister update the House on the discussions with the Endeavour Foundation?

Mr PITT: Yes, I can. I acknowledge the interest that the member for Yeerongpilly has in representing his constituents regarding the Endeavour Foundation. He has made representations to me on behalf of a number of people who have concerns about the Endeavour Foundation's viability and its future.

I think we all in this House accept that the Endeavour Foundation assists some of Queensland's most vulnerable citizens, but unfortunately in recent years—and more particularly in recent months—the organisation has become vulnerable itself. It is no secret that the Endeavour Foundation has been facing serious financial pressures. Those pressures have been relayed to me and, as the responsible minister, the Queensland government and my department has been working closely with the Endeavour Foundation to address its financial situation.

I am pleased to inform the House that the Endeavour Foundation will receive increased funding to assist its financial viability now and into the future. On top of its annual recurrent funding base of more than $32 million, today the Endeavour Foundation will receive $4.7 million of viability funding, and

$2.7 million in funding for fire safety compliance. This takes the total annual state government funding for the Endeavour Foundation to over $40 million. That is double its annual funding in 2001. In fact, since the 2000-01 financial year, the Beattie government has provided about $137 million to the Endeavour Foundation.

In August, I informed the House of a decision made by the board of the Endeavour Foundation. That decision was to close unfunded services due to the financial strain that it was experiencing at the time. Since that time, Disability Services Queensland has been working closely with the Endeavour Foundation. I reiterate to the House my commitment that no client affected by that decision of the Endeavour Foundation board will be left homeless, nor will they lose their day service.

DSQ has worked rapidly to assist the unfunded clients in the residential facilities that had been marked by the board for closure. We now have a clear picture of what type of services will best fit the needs of the client. Some of these clients will be able to take up Endeavour Foundation facilities that receive funding from DSQ. Other clients will be able to fill vacancies in DSQ's accommodations services. I also point out that DSQ will actively source services for the remaining clients from other providers. We will work closely to ensure the least possible disruption to clients and the best possible outcome for people with a disability and for their families.

DSQ also continues to work closely with the Endeavour Foundation to assist in developing a five-year business plan that I am sure will strengthen the organisation in the future. I look forward to working very closely with the new CEO, Kelvin Spiller, and the chair of the Endeavour Foundation, Peter Short. Together we can ensure a long and viable future for this very important organisation, the Endeavour Foundation.

No other Queensland government has shown the same commitment to improving the quality of life for people with a disability as has the Beattie government. I give my commitment today as Disability Services Minister that improving the quality of life for people with a disability will remain high on the government's agenda and also on my personal agenda.

Electricity Supply

Mrs LIZ CUNNINGHAM: I direct a question to the Premier. As leader of his government, does the Premier support in any way proposals by Energex for a differentiated power supply system in Queensland between those who can afford to buy a reliable power supply and those who cannot? Are those who cannot afford the extra outlays to face the prospect of unreliable electricity supply or perhaps being marked as constantly the first off during load shedding?

Mr BEATTIE: I am not quite certain whether there are local issues that the member wants me to pursue individually, which I am sure Energex or Ergon would be quite happy to do. We have spelt out really clearly our pricing policy, and that is that we have indicated that it will be in line with the CPI for householders. We have our uniform tariff. Indeed, this has been a matter of some debate for some time. We make certain that Queenslanders benefit from a uniform tariff. People in the member's constituency and other people in central Queensland and rural Queensland are all the beneficiaries of a uniform tariff.

Mr Mickel: What does the national competition policy say about it?

Mr BEATTIE: Before we get to national competition policy, to give the member for Gladstone a really direct answer, uniform tariffs are designed to ensure that Queenslanders get a fair go. I am not quite sure if the member is talking about connection fees. Okay, the member is not referring to that. I do not know whether there are particular local issues, but at that briefing that the member was kind enough to attend with Energex and Ergon—and I thank her for that again—they indicated that they would be prepared to follow up any matters. I believe that it is important that if the member has any matters, to raise them directly with the Minister for Energy and he can ensure that she gets an appropriate response from the electricity authority concerned.

In terms of our policy, it is in line with the CPI for householders. We have made that really clear and—

Mr Mackenroth: And businesses and state regulators.

Mr BEATTIE: Yes, and businesses and state regulators, as the Treasurer indicated yesterday—and that is the national competition policy point that the Minister for Energy was making. In terms of the uniform tariff, the member's constituency benefits from that. If there is something that I have missed in terms of what the member for Gladstone is asking, then I am only too happy to provide additional material, particularly if she raises it with the Minister for Energy.

I might just say that, in terms of the cost of electricity, we have one of the lowest electricity prices in Australia and we are going to keep it this way. The beauty about that is that it is statewide and, bearing in mind the size of Queensland, that is a remarkable achievement in itself. I notice in the press in Sydney the other day that they were having some difficulties with supply. We have an oversupply of electricity. We have guaranteed that that will be the case for the future. We have some issues in relation to the network and that is what is being fixed at the moment as a result of the Somerville report.

All I can say is that if I have not answered the member's question, if she wants to raise it with John or me, I am happy to give the member a more detailed answer. I take the member very seriously on this issue, because I know that she came to the briefing along with her colleagues and she asked what I thought were a lot of very penetrating and intelligent questions. I thank the member for that. So if there is any more information that I can provide, I would be happy to do so.

Direct Marketing

Mr WELLS: My question is addressed to the Minister for Fair Trading. I refer the minister to representations I have made on behalf of constituents who are disgusted by unsolicited approaches from people trying to sell goods and services. Can the minister advise if there is any way to stop such unwanted approaches?

Ms KEECH: I thank the honourable member for his question and for his advocacy on behalf of his constituents when it comes to consumer protection. The Office of Fair Trading regularly receives complaints concerning unwanted direct marketing and telemarketing. This is no surprise considering that a survey done by the department revealed that a massive 97 per cent of Queenslanders were annoyed by calls from telemarketers. The top three most annoying aspects cited were inconvenient timing, mainly around dinnertime; the use of hard-sell tactics; and the invasion of privacy.

This week we had a new electronic telemarketing approach which upset many, many of the people it targeted. This one involved a recorded telephone message sent to both listed and unlisted telephone numbers. Who was it coming from? This time the person gave their name. It was none other than the Prime Minister, John Howard. The Liberal Party has surely sunk to an all-time low with this tactic. Many people have said that they were absolutely stunned and appalled that the Liberal Party would use this sort of tactic. Even the phones of radio talkback shows were running hot. People said that the calls were unwanted, unwarranted and unsolicited and that they found them offensive. I believe that there is no place for the Americanisation of the federal campaign by the Prime Minister and the Liberal Party.

However, there is some good news. I can advise ordinary Queenslanders and consumers that if they do not want to receive unsolicited calls they can respond to the Australian Direct Marketing Association. I am not sure whether the Liberal Party is a member of that association, but a massive 80 per cent of direct marketers are. People receiving unsolicited and unwanted calls can ring the association on 1800 646 664. Queenslanders can ask to be put on the ‘do not contact' list and they will stop receiving direct marketing offers. People can also visit the web site at www.adma.com.au and ask to be removed from the association's listing. This will not stop all direct marking as not every direct marketer is an ADMA member—I am advised that the Liberal Party is not—but it should reduce calls and junk mail considerably.

Townsville Hospital

Mrs MENKENS: My question is addressed to the Minister for Health. Last month a Collinsville resident suffered an horrific industrial accident and was flown by the Royal Flying Doctor Service to Townsville Hospital, arriving at 2.15 p.m. The patient did not receive any medical attention until 9 p.m. on Saturday—some 31 hours after arrival—and he did not receive surgery until Monday morning—some 72 hours after the accident. As this extraordinary delay in treatment does not represent world-class or best practice, will the minister examine the resources and management of the Townsville Hospital to ensure that this major north Queensland health facility can meet the increasing demand and that the health professionals are not forced to work in unacceptable working conditions?

Mr NUTTALL: Firstly I say that I do not intend to comment in this parliament on an individual case. Suffice it to say, the Royal Flying Doctor Service is an outstanding service. This government has committed to spending $24 million buying three new aircraft for the Royal Flying Doctor Service.

Let us look at the Townsville Hospital and the facilities it has. The honourable member has indicated that we are not up to scratch. The Townsville Hospital has 452 beds, including in acute and secure mental health. There are over 3,171 employees in the work force in the Townsville Health Service District. Last year total admissions to the Townsville Hospital were over 40,000. Same day surgery admissions were 3,500. Fifty-five thousand people went through the emergency department.

Opposition members interjected.

Mr NUTTALL: They do not like hearing the good news. They do not like hearing about the things we are actually doing. In terms of the election commitments from this government, in Townsville—

Mr Horan interjected.

Mr NUTTALL: Those opposite asked a question about the facilities at the Townsville Hospital. I am giving the answer and they do not like it. That is the problem.

In the cancer area there is $2 million for capital works and $940,000 each year for operating costs. We have rebuilt the Townsville Hospital, as the honourable members representing Townsville and

surrounding electorates would be well aware. There is $200,000 for increased palliative care and $500,000 in additional funding for specialist dermatologists. In the heart area there is increased funding for early intervention, angiogram and stent procedures, which is part of $2 million each year statewide. In the emergency department, an increase in emergency nurses in the Townsville emergency department will be part of $4.5 million over three years for 20 extra nurses statewide. In the stroke area there is $3 million to establish an acute stroke unit at the Townsville Hospital to include a new specialist, a new stroke doctor, a specialist nurse, a physiotherapist, an occupational therapist and a researcher. The list goes on.

The hospital facilities at Townsville are very well resourced. This government will continue to support health services in Townsville.

Mr SPEAKER: Order! Before calling the member for Bundaberg, I welcome to the public gallery a second group of students and teachers from St Columba's primary school in the electorate of Brisbane Central.

Federal Election; Independent Candidates

Mrs NITA CUNNINGHAM: My question is addressed to the Minister for Primary Industries and Fisheries. I refer the minister to the National Party's badgering of Australian farming families, urging them not to vote for independents at Saturday's federal election, and I ask: is there any inconsistency in the National Party's attack on independent candidates?

Mr PALASZCZUK: During this election campaign we really have seen a concerted attack on independents throughout Australia. We in the Labor Party and the Greens do not mind; we expect those attacks from the National Party. But attacking the independents in such a vicious way leads me to believe that the independents on the backbench will suffer the same consequences.

Opposition members interjected.

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

Mr PALASZCZUK: The Nationals have been so preoccupied with attacking the independents that it has been done at the expense of policy. The National Party will go into this election with fewer policies than I can ever remember. The National Party's head office needs to accept that—

Opposition members interjected.

Mr SPEAKER: Order! I think I have been very tolerant this morning, but I think the end of my tolerance is near. The Deputy Leader of the Opposition has been warned already. I will be a little more tolerant, if he is tolerant for the next three minutes. I now call the Minister for Primary Industries. He will finish his answer.

Mr PALASZCZUK: The National Party's head office needs to accept the fact that the majority of people living in rural and regional Australia believe they get better value for their vote with candidates standing as independents or representing other parties. The National Party's attacks on all independents do not resonate in rural and regional Australia because the National Party does not believe it itself.

Let us go back through history. In 1996, how did the National Party form a minority government in Queensland? With the help of an independent. What about in 2002? The National Party induced the then anti-National campaigner Ray Hopper to become one of its members. Police are now investigating allegations from the federal member for New England that he was offered a diplomatic posting if he did not recontest his seat. Closer to home, Phil Black—we all know Phil Black; we know that he is a very honest person—the independent candidate for Maranoa, has claimed pressure from the National Party hierarchy in Brisbane not to run against Bruce Scott. The fact is: Labor, Liberal and independent members are taking seats that the National Party previously held. That is its problem. Its problem is that of dwindling seats.

John Anderson has made this commitment: if the National Party loses one seat, he will relinquish his leadership. If I can refer to *Country Life*, the National Party was 28 per cent at the last election—

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

MAJOR SPORTS FACILITIES AMENDMENT BILL

First Reading

Hon. T.M. MACKENROTH (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (11.30 a.m.): I present a bill for an act to amend the Major Sports Facilities Act 2001, and for other purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

Second Reading

Hon. T.M. MACKENROTH (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (11.30 a.m.): I move—

That the bill be now read a second time.

The Major Sports Facilities Authority was established in 2001 as the body responsible for the management of the state's major sports facilities. At the time it was established, the authority managed the Brisbane Cricket Ground. Since then the Brisbane Entertainment Centre, Queensland Sport and Athletics Centre, the Willows Sports Complex (incorporating Dairy Farmers Stadium), the Sleeman Sports Centre and, following completion of the redevelopment, Suncorp Stadium have been placed under the management of the authority.

During early 2004, a review of the Major Sports Facilities Act 2001 was undertaken to ensure the legislative framework is operating effectively now that the authority has six major venues under its control.The review found that, in the most part, the act provides a sufficient framework for the operation of the authority. In addition to minor machinery amendments to the act, the review identified the need to amend the meeting requirements for the board of the authority, increase the penalties under the act for pitch invasions and give the authority the power to regulate traffic and parking at its facilities.

One of the major amendments proposed in this bill is to increase the penalties under the act for pitch invasions. Spectators who invade the pitch during sport or entertainment events can interrupt the event and cause harm to the participants and possibly themselves. This was demonstrated by a spectator who was knocked unconscious attempting to tackle a South African player during a penalty kick at the 2003 Rugby World Cup at Suncorp Stadium.

Increasing the penalties for pitch invasion offences aims to enhance the deterrent to people invading the authority's grounds to make a public protest or statement or simply for fun. It should also protect the safety of both participants and spectators, and support the Queensland government's ability to attract major events by bringing the penalty regimes in line with those for major facilities in New South Wales and Victoria.

The other major objective of this bill is to give the authority the power to regulate traffic and parking at its facilities. The authority has been experiencing a number of parking related problems at some of its venues, most notably at the Sleeman Centre, where people have been parking in inappropriate places such as drop-off zones and on gardens, and at the Queensland Sport and Athletics Centre, where Griffith University students have been parking on the ring-road surrounding the centre and walking through the bush to the university.

Inappropriate parking at these venues has caused congestion, inconvenience for staff, visitors and athletes and, in some instances, damage to property. This problem may become exacerbated at the Queensland Sport and Athletics Centre, as the venue is promoted to encourage greater community use in the future. The powers proposed in the bill enable the authority to appoint appropriately qualified persons to control traffic and parking at its facilities and to erect signage directing traffic and parking at its facilities.

The bill contains provisions ensuring the rights and liberties of people affected by the traffic and parking powers are protected. Apart from the need for these increased penalties and additional powers regarding traffic and parking, the review also identified the need to make some minor amendments to the act in relation to meeting dates and qualifications for appointment and to remove provisions now superfluous to the operation of the act. I commend the bill to the House.

Debate, on motion of Mr Lingard, adjourned.

MARINE PARKS BILL

Second Reading

Resumed from 6 October (see p. 2781).

Hon. D. BOYLE (Cairns—ALP) (Minister for Environment, Local Government, Planning and Women) (11.34 a.m.), in reply: The Marine Parks Bill is a major advance in providing Queensland with forward looking legislation for the protection and balanced use of our estuaries and coastal waters. It seeks to build upon the multiple use models used in Moreton Bay and elsewhere. The term 'multiple use' means that most areas in a marine park can be used for fishing, shipping, tourism, ports, aquaculture, extractive industry, marina development and so on. Multiple use models have strong community support.

In marine parks established under the bill, conservation is largely delivered through the Environmental Protection Agency working with other agencies and users. The agency's role is to ensure that the health of the overall marine environment is maintained, that uses are sustainable and that

conflicts are minimised. The existing Marine Parks Act 1982 predates the establishment of fundamental legislative principles under the Legislative Standards Act 1992 as well as the introduction of most other natural resource legislation. Put simply, the current laws are out of date.

Most of this bill simply comprises the existing provisions for zoning, management planning, permits and similar matters but redrafted and updated to meet current standards. The bill provides a modern framework for marine planning, providing a structure similar to that of the Integrated Planning Act 1997, known as IPA. The planning act sets up the system whereby individual local governments develop their land use planning schemes. It sets the general rules for developing these schemes and, as time passes, in response to development pressures or community needs, the rules for amending these schemes. So, too, with this bill, which sets up the modernised system for marine parks along the coast of Queensland and the system thereby for new area specific marine parks and for amending existing marine parks. This bill, therefore, is not about the reef zoning. It is not setting in place complementary zoning in response to the Commonwealth's representative areas program and consequent zoning changes.

Key elements in this bill's strategic approach to achieving conservation include: declaring marine parks, which may be separated into zones, designated areas and highly protected areas; cooperating with other agencies including traditional owners and stakeholders; cooperating in the implementation of our international, national and intergovernmental agreements such as the World Heritage convention; recognising the cultural, economic, ecological and social relationships between marine parks and adjacent areas; and coordinating with other legislation.

The bill seeks to expand joint planning with other agencies and accreditation of plans and approvals under other legislation, where possible, to minimise red tape. In fact, Queensland has a higher proportion of its coastal waters declared as marine park than any other Australian state. Our marine parks in the Great Barrier Reef, in the whale watching areas in Hervey Bay, at Mon Repos turtle rookery and in Moreton Bay protect areas of major conservation significance, attract millions of visitors each year and support regional economies.

The passage of the bill will immediately be followed by a review of the Marine Parks Regulation 1990 and the new package will come into effect in mid-2005. I would like now to respond to issues raised by honourable members during this debate. The member for Lockyer and shadow minister for the environment made a measured speech and, whilst supporting some general aspects of the bill, expressed reservations and raised several areas of concern. I reassure the member in relation to his good question regarding the proper transfer of regulations under the old act to the new act. Addressing the issue has been planned in advance by my department. The marine parks regulations are over 10 years old. Therefore, they must be remade in accordance with the requirements of the Statutory Instruments Act. With the passage of this bill through the House, the remaking and review of the Marine Parks Regulation can properly commence.

I also reassure the member with regard to consultation. The consultation provisions of the bill are actually significantly improved on the past. I am sure the member will be disappointed to hear that the then National Party government's original Marine Parks Bill was brought in with no consultation requirements mechanism whatsoever. Consultation provisions within this new bill meet the standards required by the Beattie government for all bills. The provisions require full and complete consultation except in circumstances where there is overlap with action and consultation already taken by the Commonwealth government or another agency. The exceptions are in these particular and unusual circumstances only and are for the purpose of saving stakeholders and the community from being consulted twice on the same matter.

A number of opposition members have raised concerns over clause 31(4) of the bill. There is a similar provision in relation to zoning plans in clause 22(4) of the bill. These provisions are essentially the same as the current provisions of the Statutory Instruments Act 1992 with respect to the release of regulatory impact statements.

I would like to address some matters related to clauses 22 and 31 of the bill. The amendments proposed are to correct two drafting errors. The affect of this amendment in both clause 22 and clause 31 is to remove the requirement to consult on a draft zoning plan and management plan in certain identified circumstances. This intention is accurately reflected in the explanatory notes for this bill. These two provisions are the minimum standards to be followed and are introduced in this bill to reflect the requirements, as I said previously, of the Statutory Instruments Act. This act applies, of course, to all statutory instruments, and it recognises that there will be cases when the laws of this state might be complementary to those of another state or the Commonwealth, and hence does not rigidly impose consultation standards on regulatory impact statements when there may already have been adequate consultation on a similar law which has involved the Queensland community.

The EPA is of the view that it is efficient and in the public interest to progress changes to legislation in conjunction with other agencies if multiple Queensland legislation is involved. It is not always possible, however, for planning or legislative development programs to be coordinated, and on some occasions amendments to marine park zoning plans may occur after the original process has

been finalised. If consultation on the proposed changes has occurred through a document prepared by another agency or as a necessary consequence of the changes introduced under other legislation, it would be seen to be a waste of time and resources to be forced to consult separately on issues already raised with the public.

In addition, consultation will not always be undertaken under a process prescribed by law, given that there are situations where legislation is prepared following its recommendation in a general strategic plan or discussion paper. Two examples would be the Trinity Inlet management plan and the Moreton Bay strategic plan, which were both prepared through very high levels of public input and both approved by cabinet as government policy. These provisions do not affect the requirement under the Statutory Instruments Act to prepare a regulatory impact statement or a public benefit test.

The previous minister made the decision to undertake a comprehensive consultation process on the proposal for zoning in the Great Barrier Reef. However, under existing Queensland laws this is not mandatory. The government made the decision that, despite its proposal being based broadly on complementarity with the Commonwealth's new zoning plan, it would nonetheless prepare a regulatory impact statement and consult with the people of Queensland. Honourable members may also care to note under that under the existing Marine Parks Act there is no requirement for any consultation. There is additional protection in this bill to make sure that the exceptional circumstances in which consultation is not required are not abused. That is the mechanism which allows for disallowance motions in the parliament.

I thank the member for Nudgee for his support for the bill. He illustrated his continuing concern for Moreton Bay and for the Boondall Wetlands area in particular. He is to be congratulated for working with local school students on wetlands conservation, and the school itself is to be congratulated for its innovative Internet exchange with students in Japan.

The member for Hinchinbrook indulged himself more than a little bit. He knew that this bill is not about complementary zoning in response to the Commonwealth's new reef zoning plan, though he spoke at length about that rather than the matters at hand, as did many other opposition members. I will briefly reply to some of these concerns.

The Representative Areas Program was an initiative of the Commonwealth government, not the state government. The difficulty arises consequentially for the state in state waters which are between high- and low-water marks. As the member himself said, these can vary between centimetres to hundreds of metres, and they can vary across the year due to rain, storms, tides, cyclones and climate change. It is almost impossible to define them legally by GPS on maps. That is why they have been complementary zoned with the Commonwealth zoning for nearly 30 years. There is no other manageable approach. By proposing a complementary zoning plan in the manner discussed above, the state is doing only what is required for maintaining the functionality of the Commonwealth process. The zoning, as it applies to foreshores, has been driven by Commonwealth processes and decisions, not those of the state. Therefore, the state has been very clear: fishers should seek compensation or licence buyback of displaced effort by the Commonwealth from the Commonwealth. The state totally supports the fishing industry in its endeavours to get the Commonwealth to own up to their responsibilities.

The member for Hinchinbrook also referred to the Emerald agreement. This is part of the 1979 offshore constitutional settlement which provides that the states are responsible for marine parks within coastal waters of the states and the Commonwealth is responsible for marine parks further offshore. However, a specific exemption was made for the Great Barrier Reef where the Commonwealth Great Barrier Reef Marine Park Act 1975 was to apply into low water on the Queensland coast. The Queensland and Commonwealth government agreed under the Emerald agreement that the Queensland marine parks legislation would be brought into line with the Commonwealth.

The member for Hinchinbrook has pointed out that users of the Great Barrier Reef cannot be expected to know where the boundary between jurisdictions lie. To avoid legal and management problems caused by having an uncertain and unmapped jurisdictional boundary, a complementary management arrangement has been agreed. This approach avoids confusion for users and ensures that there are seamless management arrangements for the reef. This cooperative approach is also essential because the boundary between Commonwealth and state waters is, as I said, a continually moving low-water mark.

Jurisdictional uncertainty has been addressed by having the same rules for use and entry of marine park zones apply where these waters meet. It is the Commonwealth government which changed the rules. The federal coalition decided that at least 33 per cent of the Great Barrier Reef would become no-take green zones. That is why the Commonwealth must pay.

I say thank you to the member for Mount Coot-tha for his support of the bill. He illustrated well the many opportunities and challenges of marine park planning and the importance of Moreton Bay, boarded as it is by two world-class sand islands.

I must say that was disappointed by the contribution of the member for Toowoomba South. The member described the bill as 'an obscene chase for green votes'. It seems that he really does not

understand that caring about the environment goes way beyond political parties and political allegiances. I can tell the House that in my new role as Minister for Environment I have had the pleasure of meeting with some well-known and highly regarded environmentalists including Aila Keto from the Australian Rainforest Conservation Society, Richard Lek of World Wide Fund for Nature, and Kate Davey and Ingrid Nielsen of the Australian Marine Conservation Society. I value their knowledge and their dedication in protecting habitats and conserving biodiversity. I look forward to a productive working relationship with these and other conservation organisations. Nonetheless, I know and they know that this government cannot satisfy them on every matter, but of course the Beattie government will always attempt to work constructively with the conservation sector towards ensuring the protection of our environment.

At the same time, it is important that I am accessible and that I work closely with stakeholders who may be affected and with community members who are concerned. I am pleased, therefore, to inform honourable members that I have been working closely with the fishing sector. I have met several times with the QSIA since taking on my new role. Yesterday I met with Sunfish. I am, as the member for Cairns, a frequent visitor to meetings of Ecofish—the executive in particular—and a supporter of that worthy organisation. There is no doubt that it is a minister's responsibility to meet with all key people and to take the best expertise available to assist members of this House.

I do not know what the member for Toowoomba South's problem is. My best guess is that he has no genuine understanding in his heart of the beauty and importance of the environment. I reassure members opposite nonetheless that the Planning and Environment Court has been given adequate powers and discretion to deal with frivolous and vexatious claims made in relation to enforcement orders. Third party provisions do not empower harassers; rather, genuine members of the public or industry players only where they can demonstrate significant environmental harm.

I thank the member for Barron River for her support for the bill and I note the important issues that she has raised in regard to old, unused development approvals for coastal sites and her request that these be revisited in the light of today's higher environmental standards of protection. I agree that this is an important issue and I will consider it further.

I also thank the member for Tablelands for her general support for the bill and recognition that updating was necessary. The member also raised an issue which was raised by the Scrutiny of Legislation Committee. The committee has drawn parliament's attention to the fact that the bill allows relatively high penalties to be set in subordinate legislation, such as zoning plans, and also to the level of maximum penalties and other relatively stringent aspects of the bill's offence provisions. State Commonwealth offshore constitutional settlement agreements require the Queensland marine parks legislation to be brought in line with the Commonwealth's Great Barrier Reef Marine Parks Act 1975. It is essential in the framing of the bill to ensure that consistent penalties can be provided in state and Commonwealth plans.

In relation to the level of maximum penalties, the current penalties are significantly lower than penalties imposed in other conservation legislation. They are also inadequate because they do not reflect the true cost worn by Queenslanders from damage to our marine environment. As an example, there were on average 75 oil spills a year in Queensland waters between 1997 and 2002. Queensland has been very lucky so far; none of these spills has been major. The Exxon Valdez spill in Alaska in 1989 is described by local communities as the day the water died. The event resulted in US$900 million damage to the community and industry. If a similar event occurred in Moreton Bay the most a person could be fined for damage under the existing act is $7,500 and $37,500 for a corporation.

Under the bill offences related to taking or damaging natural or cultural resources will now attract a maximum of $225,000 for an individual and $1.25 million for a corporation. In addition, offences related to emergencies involving serious damage to marine parks will now attract a maximum term of imprisonment of two years. These penalties are in line with marine parks legislation. Whilst the maximum penalties are high, the magistrate hearing the offence has the discretion to impose a penalty amount that reflects the circumstances of the case. We are not therefore seeking, and neither will a magistrate, to apply the maximum penalties to those who unwittingly breach these new laws. Similarly, under the Penalties and Sentences Act 1992, a sentence of imprisonment should be imposed only as a last resort. The bill also provides the option to summarily hear indictable offences. The maximum penalty that may be summarily imposed for an indictable offence is 165 penalty units or one year's imprisonment.

I thank the member for Hervey Bay for his support for the bill. Yet again he has made his message that it is important that we get the zoning plan in place for the Great Sandy Straits Marine Park clear to me. He and his constituents are loud in their request which I will, of course, heed.

Thank you, too, to the member for Charters Towers; though much of the member's speech related to matters not before us in this bill. The member did call for absolute scientific proof of the depletion of fish stocks. The member is asking for something, of course, that he and others who think in a similar vein can never have. The proof cannot be so clear and unequivocal in ways that they will be satisfied. This is an excuse on their part, however, for not talking to fishers who will tell you quite honestly and

straightly where the fisheries are depleted: which creeks, which estuaries, which places beyond coastal waters. All of the fishers in Cairns that I have ever spoken to have been sincerely honest about this. They have told me that in the far-northern zone we have a problem with coral trout. The fishers agree that action should be taken by the government to address the question of sustainable fisheries. It is not a matter of waiting for some magical scientific proof; it is a matter of listening to the fishers, working with them and ensuring that the fishery is sustainable so that they will have jobs for the future. They know as well as the government does that allowing further depletion of these areas is not in their own interests and is certainly not in the interests of the fishing industry, the tourism industry or for the sake of the proper balance of the environment.

I thank the member for Redlands for his contribution and in particular his articulation of the special needs of the Southern Moreton Bay Islands which are, of course, adjacent to the main body of his constituents. I thank the member for Burnett for participating. The indignant speech made by the member was about the wrong bill. I shall say no more. The member for Broadwater spoke with knowledge and care about the Southern Moreton Bay Marine Park and I thank her for her contribution. The member for Burdekin also spoke energetically about the wrong bill. Enough said. The member for Indooroopilly spoke of significant stakeholder support for this bill. May I note before the House his considerable efforts in support of Cape York wilderness values and for improved protection of wild rivers. The member for Mirani made, as he usually does, a sensible and considered contribution on this bill. I have addressed some of his concerns about consultation and will shortly address his further concerns, I hope. I note his additional remarks in relation to complementary zoning and I will take them on board, as it were, as his submission on that matter. I thank the member for Mundingburra for her support. It was, as she is, sensible and fair-minded. She demonstrated yet again to the House that she is clearly in touch with her constituents.

The member for Gladstone raised four matters. Her concerns were expressed about the clauses in the bill which allow the minister to accept a plan without the need for public comment. This is the issue raised by a number of opposition members in relation to clause 31(4) of the bill which relates to management plans. There are similar provisions in clause 22(4) which deals with zoning plans. Let me give an example of how this might be used. My departmental officers advise me that it is desirable for consideration to be given to introducing some regulations for the Hinchinbrook area to support Commonwealth provisions on tourism permits. In particular, there are provisions allowing operators with an established track record of use to be granted permits for full year-round operations, in comparison with new applicants who will only be able to use the area for 50 days in any year.

This matter has been the subject of consultation under a document released for public comment by the Great Barrier Reef Marine Park Authority. The proposals were jointly developed by state and Commonwealth officers and the public consultation document released by the authority dealt quite explicitly with the Hinchinbrook Channel area where the state regulations would need to apply. In this situation I can understand that there may be a good case not to be bound by legislation making it mandatory for a second plan to be released for public comment. The discretion allowed in the bill does seem to me desirable in this and similar circumstances.

The opposition is suggesting that this discretion will be deliberately misused to deviously bring Commonwealth provisions into areas under state jurisdiction. This could be done under the present act passed by a National Party government in 1982. The present act has no requirement for mandatory public consultation. However, in practice, the provisions in the bill could not be misused as there are two safeguards: the Statutory Instruments Act would require public consultation and release of a regulatory impact statement for any substantial decisions under state jurisdiction; and in addition, any regulation would be subject to parliamentary tabling and potential disallowance.

The member for Gladstone also raised the issue of the Great Barrier Reef complementary zoning and whether consultation had been adequate. This has been a difficult issue for the Queensland government. The Commonwealth unilaterally decided that they were going to dramatically increase the no-take green zones in the Great Barrier Reef.

Consultation has been undertaken on the state's option either to accept the Commonwealth's zoning in areas of uncertain jurisdiction along the low-water mark or to leave users with a confused situation with conflicting state and Commonwealth plans. A regulatory impact statement and draft plan were released by the Queensland government. Contrary to the member for Hinchinbrook's allegations that consultation was not well done, I am pleased to inform him and other honourable members in the House that we have had over 9,000 responses in the form of submissions or signatures on petitions. These will be fully considered. I am pleased, too, to reassure him that the department and I have not been rigid about the closing date for submissions. We have continued to accept all submissions forwarded to us to date.

Thirdly, the member for Gladstone points out that if there is no consultation people may be unaware of a change in the law applying to an area. The bill does not set the scene for avoiding consultation. It simply allows for the public not to be inconvenienced by having to put in two sets of written submissions on one issue. In any event, if a new rule is introduced there needs to be a period of

education and explanation so that any users who are genuinely unaware of the change are not caught out unfairly. This is standard practice.

The final issue raised by the member for Gladstone is the provision in clause 64 which seeks to ensure that an important enforcement action cannot be thrown out of court because of some minor technicality in relation to the issue of a warrant. The bill contains considerable detail about the proper processes to be observed in applications for warrants and the grant of warrants. These will be observed. I do not share the member's concern that clause 64 is an 'out' clause allowing proper processes to be done away with. If I had the slightest concern in this regard I would be the first to insist that this clause be deleted. However, warrants are issued by magistrates, not by ministers or public servants. I am confident that the clause cannot be used improperly.

I thank the member for Pumicestone for her contribution. Her intelligence and her sensitivity to the economic and environmental values particularly of Bribie Island where she has been a long-time resident inform our department on a regular basis. Her support for this bill is appreciated.

I thank the member for the Glass House, who gave recognition to the importance of the hinterland to the health of our marvellous marine environment. I particularly congratulate her and her constituents, many of whom work in a volunteer capacity and tirelessly and continually to protect the catchment and, in so doing, protect the value of coastal waters.

I thank the member for Whitsunday for her support. She again indicated her pride in her region and its many marine based assets. Her reputation for reasoned and informed argument on behalf of her constituents is widely known. She demonstrated this yet again to the House.

I thank the member for Robina for his support of the bill, his recognition of the need to update the legislative framework underpinning marine park use and his clear support for a system that will ensure quality environmental assessment and approvals towards ensuring only sustainable marine based industries.

I thank the member for Keppel. He demonstrated his in-depth understanding of the Emerald agreement and of marine parks generally in Queensland. I have no doubt his constituents are impressed by his intelligent and thorough response to issues raised by his electorate.

I thank the member for Nicklin for his passionate understanding of the bill and his recognition of the need for multiple use forest management on the Sunshine Coast. His parallel with the complexity of uses in marine parks was quite compelling.

I thank the member for the Capalaba. He articulated the importance of Moreton Bay to his constituents and the importance and meaning of the sustainable use of our natural resources.

In conclusion, I thank the two previous ministers for the environment, Minister Mickel and former Minister Wells. They were so pivotal in the early development of this bill and are truly the ones who deserve the credit. I would like to personally thank Mr David Perkins and Ms Vanessa Coverdale of the Environmental Protection Agency who have so ably, over many hours, prepared this bill for the House. I commend the bill to the House.

Motion agreed to.

Debate, on motion of Ms Boyle, adjourned.

MINISTERIAL STATEMENT

Labour Force Figures

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (12.04 p.m.), by leave: The latest labour force figures have just been released by the Australian Bureau of Statistics. Queensland again leads the nation in jobs growth. The figures show a trend unemployment figure of 5.4 per cent last month, which is lower than the national figure of 5.6 per cent. This proves once again that Queensland is the engine room of Australia. This is the lowest unemployment figure recorded in this state since labour force figures began in their current format in 1978.

It is the first time since February 1995 that our unemployment figure has been lower than the national average. Queensland recorded annual employment growth of 4.5 per cent in September, which is more than double the rate of national growth. Seven thousand full-time jobs were created last month and 85,500 were created over the year. In the last month Queensland created 7,600 new full-time and part-time jobs, whilst in the rest of Australia a net 2,600 jobs were lost. We are the engine room of Australia. That is what the Smart State policies and strategies that we have been pursuing have delivered. Overall, we have accounted for 40 per cent or four out of 10 jobs created in Australia over the past year. John Howard can talk about a low unemployment rate, but without Queensland the national average would not be anywhere near where it is.

The decrease in the unemployment rate of 5.4 per cent was made despite another 6,100 people looking for jobs, raising the participation rate by 0.3 per cent. The participation rate went up and what happened? The unemployment figures went down. The strength of the Queensland economy is further confirmed by the release of the June quarter state accounts today. The document shows that record levels of consumer and business confidence, strong interstate and overseas migration as well as low interest rates all bolstered consumer spending, housing activity and business investment in 2003-04.

It shows that Queensland's gross state product of 3.9 per cent in 2003-04 again exceeds growth in the rest of Australia. Total dwelling investment in the state rose by 16 per cent, nearly three times the 5.4 per cent growth rate in the rest of Australia. Consumer spending rose by 9.9 per cent, business investment by 5.1 per cent, and machinery and equipment investment by 6.5 per cent.

To give another perspective to the unemployment statistics, the last time unemployment was this low in Queensland *Star Wars*, *Grease* and *Saturday Night Fever* were big at the box office. Some members will not even remember that it was so long ago. This is when ABBA, the Bee Gees and the Boomtown Rats were top of the pops and *Love Boat, Happy Days* and the *Muppet Show* were amongst the most popular shows on TV. It was a long time ago. I am not surprised that most members have never heard of those shows.

The excellent figures today show how the Smart State strategy, the Smart State vision, is continuing to power ahead and our government is providing the platform for that growth. In 1998, when we first ran for office, I promised that we would deliver jobs, jobs, jobs and we have delivered, delivered, delivered.

Mr DEPUTY SPEAKER (Mr O'Brien): Order! Before calling the Clerk, I welcome to the public gallery students and teachers from the Karalee State School in the electorate of Ipswich West.

MARINE PARKS BILL

Resumed from p. 2833.

Consideration in Detail

Clauses 1 to 12, as read, agreed to.

Clause 13—

Mr RICKUSS (12.08 p.m.): The minister might have mentioned this issue when she summed up the debate. Clause 13 states—

Generally, this division provides for the procedure for revoking, in particular circumstances, the declaration of a... marine park without the need of a resolution of the Legislative Assembly mentioned in section 9(2).

I would be interested in hearing more detail in that the reclamation of tidal lands does not have to go before the Legislative Assembly whereas section 9(2) says that it does. I am just a bit confused as to how that actually works.

Ms BOYLE: The revocation in the bill under section 9(2) does relate to the revocation conditions as it were so that the revocation may only occur subject to sections 11, 12 and 19 and the regulation. I am not sure what further it is that the honourable member does not understand.

Clause 13, as read, agreed to.

Clause 14—

Mr MESSENGER (12.11 p.m.): I refer to clause 14, 'Notice of proposed revocation of reclaimed part of park'. I draw the minister's attention to (2) (b) where it says—

The notice must state—

...

(b) a description, by map or otherwise, of the proposed boundaries of the reclaimed part of the park ...

I refer the minister's attention to the map or otherwise. What details will that map provide? How accessible to stakeholders will that map be? I note from conversations with constituents that when they try to get details from the department such as downloading maps it is sometimes quite a large size in terms of trying to access that information over the Internet.

Ms BOYLE: I am pleased to inform the member that in fact detailed maps—coloured maps—will be available through EPA offices and will have some notes with them to assist the person in understanding the map and the boundary designations.

Mr MESSENGER: How soon will those maps be available? Another complaint that I received from fishing constituents was that there was quite a lag between the legislation being promulgated and those maps becoming available.

Ms BOYLE: I take on board that issue, because I know that that has been a problem with legislation of various kinds in terms of changes made by governments in times past. I cannot of course give the member a precise set of dates today for when those maps will be available. This bill will come into operation after the regulations have been brought into effect, and that is expected to be in the middle of next year. So there is plenty of time for my department to ensure that, as it does take effect, those maps will be immediately and easily available around the state of Queensland. I undertake to ensure that that is so.

Mr ROWELL: From the maps I have seen that have been produced by the minister's department, they certainly lack a great deal of definition. They are on an A4 page. There is some colouring on them. While the minister does not want to speak about complementary zoning, it is out there at the present time. There are maps out there and have been for some time. The time for submissions has finished and we are going through the process. From what I have seen of the maps, they lack a great deal of definition. This map covers all of Queensland and the actual definition on the map is very minimal. If the department is going to produce information for people, it also needs to go further than just the maps, particularly in view of the fact that the definition on the maps is so poor.

People can ring a 1800 number, but if a map covering all of Queensland is the size of an A4 page it is very difficult for anybody to get a true understanding of the intent of that planning. If the department is going to produce maps, they need to be significant enough for people to fully appreciate and understand the intent of the planning exercise that is being gone through. I return to the issue of complementary zoning, which is in progress at this present time. If that is the quality of the maps the department will be producing, it is not good enough for the people who have some interest in that as it relates to fishing—commercial or recreational—or the tourist industry. In many instances, their livelihoods are at stake. With regard to the definition that has been provided to date, this legislation will be the vehicle, as I understand it—and the minister can refute me if I am wrong—for complementary zoning.

The minister made certain comments about what I had to say during my contribution to the second reading debate. While that may be factual or not according to the minister, the point I am making is that at the present time this legislation will be used as the vehicle for complementary zoning. It is not good enough at this present time when the process of submissions has closed. I did ask the minister a question as to whether there will be any further consultation on it. I also asked if there is a date when the minister intends to put forward her intentions in terms of complementary zoning. While the minister and the rest of her colleagues on that side of the House are saying that we should not be talking about complementary zoning, the fact is that it is all part and parcel of what we are involved in at the present time. I honestly think that the information that the minister has provided has been totally inadequate for the average person who wants to gauge exactly what she is intending to do.

Ms BOYLE: I first want to address the complementary zoning issues that the honourable member has raised. During the consultation period, which has been a busy consultation period—and that in fact attests in some part to its success—the map that went out with the regulatory impact statement was less than magnificent. It certainly could have been better, and I give recognition to the member's point in that regard. It was not the only map available, however, during the consultation period. The maps that were accessible through the Internet site, for example, were of a much better quality.

I am pleased to again remind the honourable member that notwithstanding the quality of the maps some 9,000 Queenslanders have found their way to have a say. That seems to me a very good and a vibrant consultation period. I do recognise and agree with the member that this is a matter of immediate concern and some anxiety out there, particularly to those in the fishing industry. However, I have to tell the member that the environmental and conservation groups have been loud in their messages to the authority and my office, as has the tourism industry. They are eager for a decision. I am not able to give the member a date, but it is a matter that I am working on as fast as I can. I hope that the member and others will know of the government's decision in the relatively near future.

So far as this bill is concerned, the maps will reflect this bill once it is passed by the House and the regulations have been rewritten. These maps cannot be drawn until after the environmental impact statement and all of that information is together. I further give my undertaking that they will be of good quality and easily understood.

Mr ROWELL: I think that the point that the minister has made is relevant. We are not sure about the process. That is why I asked the minister about consultation. In terms of those maps, once the minister has gone through all of those submissions—and there has been a considerable number as there is a great deal of concern by professional people out there as to what their future is going to be—does the minister intend to have any further consultation? To date, there has been a very limited amount of consultation—certainly not to the level that was provided by the Great Barrier Reef Marine Party Authority with the RAP process.

As I said in my speech, on at least two occasions they came into the office, they showed me the maps, and they had presentations at meetings and all of that sort of thing. So they made it abundantly clear their intention—not that there was necessarily a great deal of agreement with what they were

doing, but there was a capacity for adjustment. On at least two occasions that I recall there were some adjustments made to try to fit in with the requirements of those people who have to work in the area and also the aspirations of others in terms of green zones, protecting the fish species, providing a haven, and areas where we can be sure that no fishing whatsoever is going to occur. It was not just about the green zones; there were some major conservation areas and so on.

We are not quite sure as to what is going to happen. As I said, to date there has been a general lack of consultation. You can post away for it. It has been available at national parks and wildlife centres. It has been available on the Internet. I know during the period of the RAP process, national parks people attended those meetings, but very little was said. I have to admit that we had to know what was going to happen with the RAP process first. That was essential.

But at the end of the day, the ball is now in the minister's court as to what she is intending to do. As I understand it—and the minister can refute what I say if she likes—there was no requirement for the federal government to go ahead with any complementary legislation in the state arena. The minister had the opportunity, during her involvement with the Emerald agreement process, to make some changes to the RAP process. But, of course, now the minister has made a decision to latch on to that and provide something that is going to, in her opinion, support it. The federal government is saying that that is not necessary.

So would the minister just comment on the fact that there is a need for consultation. People's livelihoods depend very strongly on this decision. If we are going to have other maps or other changes, when does the minister intend to bring them out?

Ms BOYLE: I will respond briefly, because I really think that the honourable member should be attending to the business at hand. The member for Hinchinbrook and I will have to disagree about the quality of the consultation process and whether it has been sufficient. It is my view that it has been and that the over 9,000 submissions that have been received are testament to that. However, we are both in agreement that the sooner a decision is reached, the easier it will be. The uncertainty is not pleasant for those whose livelihoods may be affected.

Nonetheless, may I reiterate the position that the government has taken, which was demonstrated very clearly by statements of the previous minister as well as in our consultation materials, and that is that we intend to stay with the complementary zoning pattern that we have had in Queensland for nearly 30 years and further that estuaries, rivers and creeks will be exempted. That gives pretty strong guidelines to people out there as to what is likely to happen. Nonetheless, I will be working on that matter and discussing it further with government members to reach a decision as soon as possible.

Mr Rowell: Just government members?

Ms BOYLE: The decision—right or wrong; that is our system of democracy—will be made by the government. I have no doubt that other members then, once a decision has been reached, will wish to discuss it further. All of the statements that the member and other members of the opposition have made during the debate on this bill relevant to complementary zoning have been made clearly in this past day or so and their concerns are noted. They might all choose to regard that as a further round of consultation, as it were.

Clause 14, as read, agreed to.

Clause 15—

Mr RICKUSS (12.25 p.m.): I just find this whole process a bit complex. I am curious as to why there is a difference between subclause (1) and subclause (2) in terms of tidal lands. I just wonder if the minister could give us an explanation for that. It is very complex. The declaration of the reclaimed part of the park is intended to be revoked on completion of the reclamation. Subclause (2) is phrased totally differently.

Ms BOYLE: I am able to reassure the honourable member that the two subclauses go together. They are both preconditions, as it were.

Mr MESSENGER: I note that this whole clause confers powers on the chief executive. For example, it allows the chief executive to issue permission for reclaiming particular tidal land in a marine park or if tidal land not included in the zone is proposed to be reclaimed. Could the minister outline the amount of consultation that the minister would have with her chief executive and the chief executive's power? Could it be that the chief executive would issue these reclamations and that the minister would not know about these reclamations?

Ms BOYLE: In relation to the extent of consultation that the minister would have, the answer is probably quite limited consultation. That is the reason that, in fact, this is delegated as a matter of course to the chief executive. They are largely matters of proper administration, as it were. They are certainly not matters for political decision. So the role of the minister, in terms of the implementation and the delegations under clause 15, would simply be to oversee the chief executive's action.

Clause 15, as read, agreed to.

Clauses 16 to 21, as read, agreed to.

Clause 22—

Ms BOYLE (12.28 p.m.): I move amendment No. 1—

1 Clause 22—

At page 22, line 25, '(2) (b)'—

omit, insert—

'(2) (c)'.

Amendment agreed to.

Clause 22, as amended, agreed to.

Clauses 23 to 30, as read, agreed to.

Clause 31—

Mr RICKUSS (12.29 p.m.): Although it appears that the minister is required to give public notice of the draft plan under subsection 31(1), subsection 31(4) allows for the minister to forgo this process through the inclusion of a number of very broad provisions. No notification is required when a draft plan is uniform or complementary with another state's or Commonwealth law—an interesting choice of words given that the Commonwealth is presently trying to introduce state complementary zoning. I note that there is no requirement that the Commonwealth verification of this law be complementary to the draft or the management plan and there is no inclusion of criteria by which the uniformity or complementary characteristics of other legislation may be determined. Therefore, this clause is completely open to the state government's interpretation, enabling it to use this clause for its convenience.

I heard the minister speak about how she does not want to duplicate submissions, but we now have a very mobile population. Something like 20 per cent to 30 per cent of our electorates move every three years. So there is virtually a 10 per cent movement of people every year. People coming to and going from electorates may want to make submissions, and their opinions on these sorts of issues may vary. I feel that this should be put before the people and they should have a chance to have input. With modern technology it is not hard to replicate a draft proposal. If someone's submission is virtually the same then they put virtually the same submission in for the two proposals. It is not as if this is a complex issue, but I feel that the government is disfranchising a fair few people on some of these issues, especially considering the mobility of our population.

Ms BOYLE: I really do note that the member expresses sincere concerns, but I have to say that I just do not agree. The complaints I get are not, anymore, that governments do not consult but rather that they consult ad nauseam sometimes. 'When is a decision going to be made?' is the complaint I hear more often from people. 'How long is it going to take—how many years?' This bill, for example, has been years in the preparation and it has been gone over with a fine toothcomb.

I have to say that I disagree with the member when he says that, even though a matter has already been consulted on by the Commonwealth—and thoroughly consulted on, even under a coalition government, as the RAP program was—our constituents would not mind if we went out and did it all again. I think they would indeed mind. That some might move address in the meantime is not really the point.

This can only happen in exceptional circumstances. During my reply I did give some good examples of the circumstances. There is a scrutiny provision so that this cannot be done in secret. People would have, were they ever displeased with the decision of the government of the day in that regard, the chance to bring the matter on in the parliament.

Mr ROWELL: This proposed section refers to public notice of a draft plan. It states—

(1) The Minister must give public notice about the draft plan.

(2) The notice must state—

(a) the name and marine park ...

It goes on. Subsection (4) states—

Subsection (2) (b) does not apply if—

(a) the draft plan is substantially uniform or complementary with—

(i) another Act; or

(ii) a law of the Commonwealth or another State;

In other words, what we are saying is that we can extrapolate what might happen in another state and do not need to undertake any real consultation. Then the government can start pushing the damn thing through without too much in the way of support from people who are going to be affected by it. Subsection (4) (c) states—

(c) the Minister considers that there has already been adequate other public consultation about the matters the subject of the plan.

In other words, the minister can decide at some time or other whether there will be any further public consultation. So it is entirely up to the minister which direction is taken in relation to a plan. The minister may believe that it is very close to, say, a Commonwealth plan. We can talk about the RAP, because the bill uses the words 'substantially uniform or complementary'. If that is the intention—to latch on to the Commonwealth plan in relation to RAP or that of another state—does it necessarily mean that the fishing industry in one state is similar to that in another or it could be extrapolated that it is? Does it mean that the intention of the minister is to avoid the necessary consultation if it gets a bit tough?

While this minister might be dedicated to doing the right thing, this will be the law of the state in the future. There may be another minister who does not have the same intention as the current minister in relation to consultation. We are yet to see, because this minister has been in the position for only a very short time and I would not expect that this minister in particular will try to avoid what is necessary under the system. Under another minister things that should not happen could happen. Subsection (2) (b) does not apply under certain circumstances. Subsection (2) states—

(b) that a copy of the draft plan and the provisions of any document applied, adopted or incorporated by the plan are available for inspection, without charge by the chief executive—

(i) during normal business hours at each department office; and

(ii) on the department's web site ...

There is little question that what we are doing here to a large extent relates to complementary zoning.

A government member interjected.

Mr ROWELL: To all of the members up the back of the chamber who waffle on and warble about me talking about the wrong bill: if it looks like a duck and quacks like a duck, it is a duck. I will be extremely surprised—

A government member interjected.

Mr ROWELL: The member can quack away, because his constituents are doing it pretty rough in terms of spotted mackerel and ring netting. They got absolutely no compensation. Members say certain things in parliament. The problems associated with some of their areas are quite considerable. It concerns me greatly when people are put out of work and lose their jobs.

As far as I am concerned, this legislation lacks the process those opposite have always been very strong about. They have always said, 'You need to be honest. You need to be up front. You need to have a process that anybody can live with.' Yet the minister will have enormous powers in terms of what can be done with a plan. If there is a decision to make, something after the style of the complementary zoning that we are talking about—it will really latch on to the Commonwealth process—then I would be very interested to hear what the minister has to say. People in this state are affected by complementary zoning. As I understand it there will be about 60 closures. A lot of them will be QSIA people and there will certainly be Sunfish people. A Sunfish submission states—

No information—No one can reply informatively to this RIS as there is no information to comment on the value or reason for any closure. Respondents can only comment on the process.

If the consultation process is to be closed down, I think we will have some major problems.

Mr HORAN: This clause really is the 'yes and no' clause. It says one thing, but the provisions over the page give a complete out—to not have to do what it says is supposed to be done. This section talks about the need to give public notice of a draft plan. The notice must state the name of the park. Subsection (2) (b) then states—

(b) that a copy of the draft plan and the provisions of any document applied, adopted or incorporated by the plan are available for inspection, without charge by the chief executive ...

Then the section provides that that does not have to be done under certain circumstances, which are set out in paragraphs (4) (a), (b) and (c), such as being uniform or complementary. I would say that that will be working towards the complementary zoning that the government wants to bring in. Subparagraph (4) (b) (i) states that subsection (2) (b) does not apply if 'the draft plan adopts an Australian or international protocol, standard' and paragraph (4) (c) states that it does not apply if 'the Minister considers there has already been adequate other public consultation about the matters the subject of the plan'.

It will be open to interpretation by the government of the day, but we are trying to get this legislation right so that it is there for the future, and this is really leaving the door open. It seems so strange to have a proposed section that says a person should do something but then it gives all these reasons why they do not have to do it. The reasons are so wide and so broad that it is clear to me the proposed section is there to enable the government to virtually make up its own mind and do what it wants to with regard to this.

Before I talk about the complementary zoning issue, I will go back to proposed section 14, under which the Governor in Council may by gazette notice approve a management plan for a marine park. The gazette notice is not subordinate legislation. However, the Statutory Instruments Act applies to the

notice as if it were subordinate legislation. So these matters would have to come in for disallowance and so forth. Issues such as closures, and complementary zoning in particular, are so important to these people because of the effect it has upon their income and their communities. The organisation representing these people wants a balance whereby, if these closures are necessary—and they agree there are some which they could live with—they could engage government to look at the areas they believe could be kept open to maintain a particular fishery. At the same time, they could keep that fishery sustainable and still provide the environmental protection that both sides are looking for.

For those reasons it is so important that the draft plans be put out, because they have a lot of detail in them. It is not just a straight line on a map. There are creeks and mangroves, there are places where people go crabbing and places where people go fishing, and there are some places which have high running tides where it is difficult to fish at certain times. It is quite involved. It is essential that they are able to see every time the plans and the provisions of the document because it will affect their livelihoods.

I do not think it is right to have such an open-ended system for the vital information and documentation upon which people's entire livelihoods depend—where they can go and where they cannot go. The organisation fighting on behalf of these people needs to have that information as well. It is not right to have the back door open so that that information is not provided to them. These things can happen very quickly. While they are out working on the waters and doing what they do, these things can be put through the parliament without their being able to examine the document in detail, which they need to do.

Dr FLEGG: I have listened to the discussion on both sides on this proposed section. I do note that proposed subsection (4) contains restrictions on the minister's discretion. I probably lean to the idea that this is a machinery section seeking to reduce the duplication of perhaps public consultation being done twice on things that are very similar.

Where there has been public consultation or there is a plan to have public consultation in another consultancy—in the federal arena, for example—is it possible or is it intended that the state would try to give notice that it was going to introduce a complementary plan? When that consultation takes place at the other level, people would then have the knowledge that the state was going to introduce its own regulation and it would be a de facto consultation at the state level as well.

Mr KNUTH: This proposed subsection states that the minister must give public notice about the draft plan and that the notice must state the name of the marine park and the draft plan concerns. In relation to that, there is a giving of notice of that draft plan in the marine park. I have a question which I would like the minister to answer. People in my electorate come down from Charters Towers and camp, for example, in Cattle Creek, which is a favourite fishing zone. It is also a green zone under RAP. Will recreational fishermen be denied the rights to fish there with the complementary zones the minister is contemplating putting in place?

Ms BOYLE: In relation to the comments of honourable members, I might address the last question first. Commonwealth powers and the proper areas under its jurisdiction do not extend into creeks, waters and estuaries, in our view. That may therefore be an indication of the position that the state will take in relation to those areas under our control.

The member for Moggill raised concern as to whether or not we would want to give an indication as soon as possible to the public about our intention to use a complementary zoning mechanism. The answer to that question is yes. That is, of course, a policy decision or a decision of a good and proper government rather than one that can be prescribed in the act, but the answer is definitely yes.

May I also address the matters raised similarly by the member for Hinchinbrook and the member for Toowoomba South. They are surely not hinting that they want absolutely no discretion in this bill about consultation in any circumstances at all, are they? I think that is what honourable members are indicating. They are both such experienced members—much more experienced than I am—that I would have thought over the years in many different areas of government they would have seen circumstances which can, and do, arise which require some modest and controlled discretion. That is what these sections are about.

Honourable members will notice that there are some conditions around that. I might draw the attention of honourable members, first of all, to proposed section 31(4) (a). An example in that circumstance would have applied to the Commonwealth's Representative Areas Program, where under the terms of this bill we could have chosen to do no consultation at all. Obviously we did not do that. Now members are complaining that our consultation has been inadequate; that it has not been sufficient, despite our having received some 9,000 responses to the consultation which, by any other person's measure, I would think is proof of the success of the consultation.

Under the terms of the bill that would have been a choice because that was complementary to consultation already being undertaken by the Commonwealth, and well undertaken. However, because it did border on some issues that may have had the different perspectives of those recreational as well as commercial fishers in coastal waters, we wanted nonetheless to extend the process rather than

simply announce our decision—complementary zoning full stop. We would have had the power to have done that and we chose not to use it.

I have previously given recognition to the member for Hinchinbrook's claims that our consultation process, despite the responses of some 9,000 people, was inadequate. We cannot be criticised for not doing enough in that regard.

The other part that I draw attention to is proposed section (c), where it spells out the minimum standard of the consultation that would be required in those circumstances. That, too, is another safeguard.

In the end what it comes to, however, is that I suspect that these members are being somewhat disingenuous with a new minister. We are sitting in a parliament where we are updating a bill that was brought in by a National Party government in 1982—the Marine Parks Act 1982—which required no consultation of any kind at any stage. These members are now sitting here 22 years later and suggesting that the very tight standards that are in this bill particularly, and which are reflected in our government's consultation standards and the small discretion that is there, should not be there.

I was not a member of the parliament in those years. Both the member for Hinchinbrook and the member for Toowoomba South were members during the Borbidge years. Are there speeches on record where they said, 'What a shame it is upon our government that we have a Marine Parks Act that requires no consultation.' Did they address it? No, they let it go by, and now they purport to stand in the parliament and say, 'Minister, 98 per cent control is not sufficient.' Are they really saying that were they on the government benches they would leave no discretion in this bill at all? I do not believe so. I believe the discretion is small and appropriate.

While there can never be a guarantee that a member of this House will not breach legislative requirements, I assure members that in terms of the Marine Parks Act—and as long as I am minister—that will not happen.

Mr ROWELL: I am not intending to be disingenuous to the new minister. I think the very comment that the minister made—that there was this opportunity with this legislation to push it through—reinforces the point that I have raised, which concerns me. As I said to the minister, while she may have the best of intentions, somewhere down the track somebody else may, for whatever reason, decide that things are a little bit difficult and push something through. They will have the opportunity to do this; they can seize upon it because it says quite clearly that in the event of some other type of legislation the plan can be pushed through. I believe that what the minister has pointed out to me is exactly the point that I was trying to get through to her. I am pleased that she understood exactly what I meant.

There are a lot of people who are going to be affected by this complementary zoning. As I just said, we have these iconic fishing communities—the fisheries, the mud crabs, barramundi and those types of fish—which are really affected by those inshore fisheries. We are not talking about the creeks and rivers. During the consultation that I was fortunate to have as a member of parliament with the minister's people, they told me how they were going to arrive at the situation of drawing a line across an estuary. They said, 'We will take the high tide mark on one side of the headland and the high tide mark on the other side of the headland and we will draw an imaginary line across, and that is where the complementary zoning is going to be implemented—from there out to the low tide.' I have an understanding of what is intended there and, of course, all the variations, yet there are some governments like New South Wales which puts GPS coordinates on their marine park areas and their plans.

I am concerned about the exact point that the minister put forward to me. The minister can go back to the National Party in 1982—I am sorry, I was not here then so I think that the aspects which she raised on that are invalid—but there was a genuine attempt by the National Party at the time to recognise a marine park. Of course, it has evolved and there have been a number of regulations. When the regulations are looked at they are 10 times thicker than the act. In essence, I do not think there is any real problem about bringing in an act which needs to be upgraded. It is the elements of the act that I am pointing out to the minister that I have some concern with, as do other members on this side.

They are really the issues that we have raised; they are to do with the planning process. At the end of the day it will be the planning process that determines where it is going to happen and very much what is going to happen. I will talk about that in 36(6) because I believe that issue is going to be quite important.

I am very aware of what happens in the marine park in my area—in the Hinchinbrook Channel—because there are some restrictions in place which do not just necessarily relate to fishing. There are some issues here, and I will talk about them later.

The concern that we have with this clause is exactly what the minister has said to me. We did not go through the process with the legislation that we could have and it is being upgraded. Yes, the previous legislation may have had some defects so something is being done about that, and that is fine, but it is the manner in which the minister is going about doing this that I have some concern with.

Mrs MENKENS: I say to the minister that, yes, I actually do share similar concerns about this particular clause because the bill itself is a genuine attempt to look at the overall plan and the overall management plan. I do accept that it is upgrading the current Marine Parks Act. When it actually comes to public consultation, I think the expectations of the community have changed in recent years. The community expects a lot more in public consultation than in previous years.

I refer to the minister's comment where she mentioned that she had received over 7,000 submissions in that very short time frame. That actually demonstrates this is a terribly sensitive issue. It illustrates the number of people out in the community, in the industry, who are affected. An enormous number of people right across Queensland are affected by fishing—not only from the commercial side but also from the recreational side.

I would like to point out, too, that I am still concerned that consultation can be averted in the case where it is a complementary area because it affects different types of fishing. Certainly in the situation of the Great Barrier Reef the Commonwealth zoning, as compared with the state zoning, does affect two totally different types of fishing—fish and fishing gains. Therefore, I do concur with the concern in giving a government that potential. Whereas I do accept what the minister is saying—that she has not done it in this instance—it still leaves that opening for some other government.

Ms BOYLE: I hear what the members are saying—they are unhappy that the discretion is in the bill. It is a discretion that was not taken, as an example, in the instance of complementary zoning in regard to the Commonwealth's RAP program. That is not an illustration of a need for there to be no discretion in the bill but rather—and I give the member for Hinchinbrook recognition—an example, surely, of where the minister would not have used that discretion which was available.

I think that having that small area of discretion in the bill is right and proper, and I have no plans to change it. What has not clearly been said by those members who have spoken against this discretion is whether, in fact, they support a bill with no discretion at all. I doubt they would if they were in these areas. The discretion relates only to a policy. I think the subsection spells out the conditions and the circumstances and is sufficient as it is.

Sitting suspended from 12.59 p.m. to 2.00 p.m.

Mr HORAN: Prior to lunch the minister spoke about our concerns in relation to clause 31. The point was made that the minister could not have had consultation at all. The minister correctly made the point that there had been a lot of consultation on this issue of the complementary zoning. The minister's admission has confirmed what we are saying: under this particular clause it leaves it open—an opening big enough that you could drive a truck through—that there can be no consultation at all.

The point the opposition has previously made is that, if we are going to have good legislation, then that good legislation should not rely upon individuals; regardless of who is in the chair, the legislation must be complied with. That is our concern. The minister said that it was a small discretion. It is a big discretion, because it can be done away with altogether. I made the point in my previous contribution that there is so much detail involved in legislation, and there is so much effect upon people's livelihoods, that this is essential.

The minister made the point that under the previous act back in 1982, 22 years ago, there was no consultation. Things have evolved. In modern government systems there are emails and faxes and everybody is more mobile. A greater degree of full and complete consultation is expected. In times past it was assumed that representatives would know and understand every little bit about the issue. People depended upon them. Now it is too complex. We have moved on to the point where people are able to make submissions and be given the information. It is essential that it be done.

Our concern is that this is totally affecting people's livelihoods. It might be a big issue like the complementary zoning which has covered some 400 to 600 kilometres of coastline and involved the whole industry; it might be a small thing that affects only two or three people. There are some small areas of fishing that can be affected. An example is the issue of protection of the grey nurse shark—a bottom-feeding fish—around Wolf Rock. My concern is that all these exemptions regarding the draft plan can affect a big matter or a very small matter.

I do not think it is good to have legislation that leaves a hole so big that it depends upon the attitude or principles of the government at the time or the minister at the time as to whether or not they take advantage of it. We think it is a serious deficiency.

Ms BOYLE: There is much that the honourable member for Toowoomba South says with which I agree. What I do not agree with, however, is the size of the discretion. I think it is a modest discretion that is well conditioned. I do remind the member that in the case of complementary zoning, where the state might have had the choice not to have consulted at all, that would have been not to have consulted secondarily; it would have been in line with 4(a) where the Commonwealth had already consulted. It is a secondary level consultation that we would have had the choice of dispensing with at that point.

Further, I point out that there are safeguards even where a minister does use such discretion. These safeguards are, of course, the subordinate instrument act which will require a RIS—a regulatory

impact statement—with public consultation. The other safeguard is that parliament will be able to debate such plans through the tabling requirements associated with the bill. Additionally, of course, any minister is going to be aware of public demands and political pressure and they, too, are very real safeguards for those of us in this House who like being members of parliament and those on the government side who wish to stay in government.

We have a very involved and dynamic set of stakeholders in the fishing industry, for example, as well as in the tourism and environment and conservation areas. I therefore stand by this discretion, as I think it is a modest discretion, an appropriate discretion, that I do not believe will be ill used either by my government or succeeding governments.

Mrs MENKENS: I reiterate that it is a totally different fishing effort within the low-water mark and the high-water area. The complementary zoning does take in totally different fishing. There is a vast difference between the fishing of barramundi and mud crab and deep sea fishing. That is why it is very, very different, in particular from the commercial perspective. I reiterate that point.

Ms BOYLE: The member's views are noted with regard to complementary zoning. I move the following amendment—

2 Clause 31—

At page 28, line 13, '(2) (b)'—

omit, insert—

'(2) (c)'.

Amendment agreed to.

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

AYES, 57—Attwood, Barry, Barton, Beattie, Bligh, Boyle, Choi, L Clark, Croft, Cummins, English, Fenlon, Finn, Flegg, Fouras, Fraser, Hayward, Hoolihan, Keech, Lavarch, Lawlor, Lee, Livingstone, Mackenroth, Male, McArdle, McGrady, McNamara, Mickel, Miller, Mulherin, Nelson-Carr, Nolan, Nuttall, Palaszczuk, Pearce, Pitt, Poole, Purcell, Quinn, Reilly, Reynolds, N.Roberts, Robertson, Schwarten, Scott, Shine, Spence, Stone, Struthers, Stuckey, C.Sullivan, Wallace, Wells, Wilson. Tellers: T.Sullivan, Reeves

NOES, 18—Copeland, E.Cunningham, Foley, Hobbs, Horan, Knuth, Lee Long, Lingard, Menkens, Messenger, Pratt, Rickuss, Rowell, Seeney, Simpson, Springborg, Tellers: Hopper, Malone

Resolved in the **affirmative**.

Clauses 32 to 35, as read, agreed to.

Clause 36—

Mr RICKUSS (2.13 p.m.): Clause 36 deals with the public notice of a draft amendment. Clause 36(6) deals with the requirements for the minister to give public notice of the draft amendment to the management plan. Clause 36(1) enables the minister to justify an amendment without public notifications using exactly the same processes as set out in 31(4). Clause 36(6) (a) states that public notice of draft amendments does not apply for a management plan that is substantially uniform or complementary with an act or a law of the Commonwealth or another state or the amendment is to ensure that the plan remains suitably uniform or complementary.

The inclusion of nearly identical clauses 31(4) and 36(6) dealing with amendments to management plans would appear to be very convenient given the state government's regulatory impact statement for its proposed complementary coastal zoning used as justification that GBRMPA extends from the low-water mark to beyond the continental shelf, excluding waters internal to Queensland. The Queensland marine parks can extend from the highest astronomical tide but are generally declared from the mean high-water tides and include internal waters.

Furthermore: why, when the state government is supposed to be dealing with state marine parks, is the state marine park legislation dealing with Commonwealth matters? The hierarchy of legislational jurisdiction is very clear. It is specified by the Commonwealth legislation that its legislation has precedence over state legislation. This is very clearly set out in various Commonwealth-state acts dealing with marine parks and related issues.

Ms BOYLE: I note the views of the honourable member. This is the issue we have been discussing for some time. It is my view that the discretion allowed in the legislation is appropriate and limited and that there are sufficient safeguards to militate against the likelihood of it being misused. As far as the member's second point is concerned, the history and complications of the Emerald agreement for Commonwealth-state waters and the interface of joint responsibilities for the Great Barrier Reef Marine Park and the coastline are such as to require the bill to be as it is.

Mr HORAN: Yes, this is somewhat similar to the previous debate we had on clause 31, but this is now about the management plan as opposed to the draft plan. The management plan is important to the livelihood of the people I spoke about previously. I am not going to go over that. This management plan determines how this area is going to be managed and the inspection services involved and a whole raft of other things. People may be fishing around or nearby. This is important to both commercial and recreational anglers.

Once again, as with clause 31, it is a hole big enough to drive a truck through. I do not agree with the minister's comment that it is limited. I think it is quite broad. There are going to be very clear-cut cases where the government will not have to provide management plans. It will be able to say it is substantially uniform or complementary with another act. They are all listed one after another in the bill. This is providing the opportunity for government to be able to short cut the process and not provide people with the information that they need. We have to bear in mind again the seriousness of these issues and how they affect people's livelihoods.

Ms BOYLE: As much as the member is feeling the need to reiterate his position in the context of management plans, I also reiterate the government's position. That is that we have already demonstrated that we recognise—as any honourable member of this House would—when impacts are serious or when consultation already undertaken by the Commonwealth, as in the example given, is maybe insufficient that this discretionary power would not be used and should not be used. Nonetheless, it is my strong view that it remains so for the management plan section of the Marine Parks Bill that this discretion, with all those clauses specifying the circumstances in which the discretion might be used, does not at all bind a minister to necessarily using them and, further, that there are the other safeguards of the regulatory impact statement and the tabling in the parliament. We stand by the clause as written.

Mr KNUTH: This question is similar to the one I asked on clause 31—that is, that the minister must give public notice about the draft amendment. I asked a question before about areas such as Cattle Creek, for example, which have a green zone under RAP. Will recreational fishermen be denied the right to fish there with the complementary zones that the minister is contemplating putting in place? Earlier the minister said that estuaries will be exempt—that is, it is more or less all right to fish there. Will that be similar to beaches?

Ms BOYLE: The issue of the Commonwealth and the extent to which it has green zones fronting our coastal waters is a matter for it of course. I do reiterate our position, however, that our control is not only from the low-water to the high-water mark but also all of the creeks, the estuaries and the rivers. These are being taken proper account of through the 9,000 submissions that have been received so far as complementary zoning is concerned. I have no disquiet at all, however, with the Marine Parks Bill clause as it is written.

Mr ROWELL: The point that the member for Charters Towers is making quite clearly is that this bill will provide the imprimatur for complementary zoning. Cattle Creek is in my electorate, and I know that many people come from Charters Towers and spend some recreational time there fishing. They just do not fish out of Cattle Creek itself. I am quite clear about the intent of the complementary legislation in terms of estuaries. I reiterated what I understood from the briefings I attended with the ministerial staff as to how the government was going to delineate an estuary as against the rest of the low-tide area that it goes out to.

Quite clearly, there is a green zone opposite the Cattle Creek area and people very often fish off the beaches there. In the event that complementary zoning is introduced, what the member for Charters Towers was asking is this: is the minister going to include that area? This is similar to what the federal government has done in allowing people to travel through it and allowing people to go into Cattle Creek itself to fish. But when it comes to this government's complementary zoning, is the minister going to deny them the right to fish off the beach in that area where the green zone is adjacent to Cattle Creek? That is really what he wants to know as I understand it.

With regard to management plans, I am not going to go through all that we talked about before while debating clause 31, because there are some similarities. In fact, they are identical. Clause 36 talks about the actual management, and the actual management of the areas involved in this planning is very critical to many people. With the particular incident of people opposite Cattle Creek—it is an area that I know very well—and if there is going to be complementary zoning there with a green zone, it looks as though people will not be able to fish off the beach. There are other areas also. As an example, over 95 per cent of crabbing and over 50 per cent of the inshore fin fish in Cleveland Bay and Bowling Green Bay are done from the foreshores—that is, the area that we are talking about between low tide and going into the beaches. Over 50 per cent of the crabbing in Shoalwater Bay is done on the foreshores. So those areas are very important to recreational fishing and commercial fishing.

While the government has not brought in any direct intention for certain areas, the principle of the complementary zoning is that it is going to mirror the RAP process. If—and this is our concern as much as anything—the government is going to use the Commonwealth legislation from the Great Barrier Reef waters to then introduce its complementary zoning, then it is almost certain or a given that these areas will be denied to both recreational and certainly commercial fishing people. I ask the minister to give us a clear understanding of her intentions in terms of complementary zoning. While it is not in this legislation, I believe that this legislation is the forerunner for it. It really is the legislation that will set up—for want of a better word—the complementary zoning that the government will introduce. So it is quite important that we have a clear understanding of the intent of this legislation and its planning for a plan that we know is in operation and is some way down the road—that is, the government has called for

submissions. It has drawn lines on maps and so on, although they are not very clear. We have certainly got a clear indication that it is going to mirror—and tell me if I am wrong—the areas that I have spoken about.

Ms BOYLE: The Marine Parks Bill before us is about the structure of marine parks. The updating of the older Marine Parks Act has taken years to come about and was commenced prior to the Commonwealth government's announcement about the Representative Areas Program. I understand that today members opposite are arguing the issue instead of the content of the complementary zoning proposals being considered by the government. It is my own view that the House has been extremely tolerant in allowing so much time to be spent on a matter that is not actually before the House at this time. I think I have been particularly tolerant, I must say Madam Deputy Speaker Jarratt, in taking the reiterated views and concerns expressed by opposition members about complementary zoning on board rather than simply refusing to take any notice of them, because they are not the business that we are dealing with this afternoon.

While I understand that opposition members are calling on me for a decision today, they are not getting that decision. It is not our business today; neither is the decision made. When the government does make a decision, taking into account all of the issues that have been raised by 9,000 people around Queensland—themselves included—then we will announce it.

Madam DEPUTY SPEAKER (Ms Jarratt): Order! Before calling the member for Hinchinbrook, I might say that I agree with the minister that I as the chair and the minister have been extremely tolerant on the issues of relevance and repetition. I will be watching those issues closely, and members will be asked to resume their chairs if there is continuation of the topic. I call the member for Hinchinbrook.

Mr ROWELL: Thank you, Madam Deputy Speaker. It is quite clear that we are not going to get any confirmation—we can only take it that there is an intent there—that the government is not to go ahead with the mirroring.

Madam DEPUTY SPEAKER: Order! Member for Hinchinbrook, I have given my ruling on this, so we will leave that topic to one side.

Mr ROWELL: Okay. Good. Let us take off in another direction. When talking about the tourist industry and planning—and this is what clause 36 is really all about—are we going to see what happened within the Hinchinbrook Channel area right along the coast of Queensland? There were a whole range of initiatives put forward that dealt with, say, the length of a vessel in a marine park registered for use and how many days a licence would be given for in a marine park.

The minister is creating this legislation. It is important that we know the intent of what the minister is going to bring forward in terms of a whole range of issues in the management process. I know that in some cases there have been some latent licences, to which the government has said, 'We don't want them out there. We want them to be picked up and put together.' The terms and conditions that have been laid down are absolutely ludicrous relating to the number of days for a person to build a $1 million vessel, the size of the vessel and the number of days that it can operate. Under those terms and conditions, nobody in their wildest dreams would contemplate building such a vessel. So what has been developed is not achievable for the tourist industry.

I do not know whether this relates specifically to the Hinchinbrook Channel, which is a very sensitive area for the government. It is a very beautiful area that is well looked after by the people who frequently visit it. There is no question that it is a great area. But we are talking now about the management plan; we are not talking about complementary zoning. Can the minister give us an idea of what she is intending to do about the types of things that I am talking about within the management plan? I suppose it will be easy to say, 'We will decide about that some time in the future if it is substantially uniform with something else.' Madam Deputy Speaker, I can assure you that I am quoting from the legislation—'substantially uniform'—with something else.

Another ludicrous situation that has been brought about is that if we are going to have sightseeing tours by aircraft those planes have to fly at 1, 500 feet. This is about the management plans.

Madam DEPUTY SPEAKER (Ms Jarratt): Order! This bill is the Marine Parks Bill. I fail to see the relevance of aeroplanes to the Marine Parks Bill.

Mr ROWELL: It is a management plan.

Mr Horan interjected.

Madam DEPUTY SPEAKER: The member for Toowoomba South, I am making a ruling. The member is straying a long way from the intent of this clause. I ask the member to be relevant to the clause or I will pull him up again.

Mr ROWELL: I think that is reasonable. I am just quoting from the bill, which states—

... for a management plan that is substantially uniform or complementary with another Act or a law of the Commonwealth or another state—the amendment is needed to ensure the plan remains substantially uniform or complementary.

So we have not only the complementary zoning—and we are not talking about that—

Madam DEPUTY SPEAKER: Order! The 'complementary' in this clause has nothing to do with complementary zoning, which is an entirely different topic. I am losing my patience on this. The member will address his remarks to the clause or he will be sat down.

Mr ROWELL: I am. This is about tourism within the marine park. That is important. I understand that in the minister's area there will be some tourism activities in the marine park. There are certain things that people can do and cannot do in relation to tourism activities in the marine park. The management plan is part of it. I am saying that, in the marine park area in my electorate—if the minister can understand that the Hinchinbrook Channel is a marine park—aircraft carrying sightseeing tourists cannot fly under 1,500 feet over it. Can the minister understand what I am getting at? If in the event that an aircraft is just flying over the Hinchinbrook Channel, the regulations say that that aircraft can fly at 500 feet. So what are we going to do? Are we going to say to people who go in this aircraft, 'If you are flying at 1,500 feet'—

Time expired.

Ms BOYLE: I can reassure the member for Hinchinbrook that no recommendations have been made to me at this stage on management plans for the Hinchinbrook Channel. That is not the matter being debated before the House this afternoon. I am not going to respond to hypotheticals about planes in the Hinchinbrook Channel. In fact, I have noted the concerns of previous speakers about the discretionary element of the bill. I have no intention, however, of changing the bill. I believe that the discretionary provisions are appropriate and that there are sufficient safeguards.

Mr ROWELL: Just in relation to—

Madam DEPUTY SPEAKER (Ms Jarratt): Order! No, the member for Hinchinbrook has used all his speaking opportunities.

Mr ROWELL: I rise to a point of order. I believe that this comes under coastal management.

Madam DEPUTY SPEAKER: There is no point of order.

Question—That clause 36, as read, stand part of the bill—put; and the House divided—

AYES, 57—Attwood, Barry, Barton, Beattie, Bligh, Boyle, Choi, E.Clark, L.Clark, Croft, Cummins, English, Fenlon, Finn, Flegg, Fouras, Fraser, Hayward, Hoolihan, Keech, Lavarch, Lawlor, Lee, Livingstone, Male, McArdle, McGrady, McNamara, Mickel, Miller, Mulherin, Nelson-Carr, Nolan, Nuttall, Palaszczuk, Pearce, Pitt, Poole, Purcell, Quinn, Reilly, Reynolds, N.Roberts, Robertson, Schwarten, Scott, Shine, Spence, Stone, Struthers, Stuckey, C.Sullivan, Wallace, Wells, Wilson. Tellers: T.Sullivan, Reeves

NOES, 19—Copeland, E.Cunningham, Foley, Hobbs, Horan, Knuth, Lee Long, Lingard, Menkens, Messenger, Pratt, Rickuss, E.Roberts, Rowell, Seeney, Simpson, Springborg. Tellers: Hopper, Malone

Resolved in the **affirmative**.

Clauses 37 to 40, as read, agreed to.

Clause 41—

Mr RICKUSS (2.42 p.m.): This clause is headed 'Chief executive may enter into cooperative arrangement for management plan'. I imagine that this would involve indigenous groups and scientific groups. Will fishing groups or fishing bodies be able to enter into some type of arrangement for a management plan with the chief executive or does this clause relate more to the actual management of parks?

Ms BOYLE: I am pleased to reassure the member that fishing industry groups, fishing groups and individual fishers would be really important in many circumstances in which this clause would be activated, as much as would indigenous or tourism interests.

Clause 41, as read, agreed to.

Clause 42, as read, agreed to.

Clause 43—

Mr RICKUSS (2.43 p.m.): Clause 43 is headed 'Entry or use for a prohibited purpose'. Some very large penalties are contained in this clause. There is a maximum penalty of 3,000 penalty units, which I believe translates to $225,000. Subsection 43(2) states—

A person must not enter or use a marine park for a prohibited purpose.

Will there be more officers to enforce these regulations as they come into effect? In the beginning, a lot of advice will need to be given to members of the public who have been fishing in certain places for a long time and suddenly find that they can no longer fish there. I believe that advice and encouragement for the public to do the right thing will be needed. Will more officers be employed by the EPA to enforce this legislation? In light of the fact that the penalties are quite large, will there be a phase-in period?

Ms BOYLE: I am not able to specifically address the member's concerns about who will be engaged in enforcement and what growth in numbers there may be as the years pass. That is a matter, undoubtedly, that will come up at other times for me in this House. So far as the bill is concerned, it is

not germane to the actual clause. I take, therefore, the member's comments as an encouragement to me to attend to the proper management and the ability of staff to conduct enforcement.

Mr ROWELL: There is a wide variation in penalties—up to 3,000 penalty units, which translates to a considerable amount of money. No doubt there will be a range of offences. I can only surmise that they will be put into subordinate legislation. A person may simply go fishing and unknowingly go into an area they should not be in. That contrasts with someone who does substantial earthworks and knocks over mangroves, for example.

The bill refers to the high-water area. Could the minister give some indication as to where these offences actually occur? Is it within the area of, say, a national park, a marine park or a private property going into a marine park? Where do we draw the line for where these penalties apply? Is it just between the high-water mark and the low-water mark? Is it in all areas of the marine park? I am not quite clear. Perhaps the minister can provide some clarity on the intent in relation to offences and where they may be committed.

Ms BOYLE: If I might clarify the last part of the questions first, the offences could be anywhere within the marine parks. The member is correct, nonetheless, that the details of the offences, which will be parallel offences as written into the Nature Conservation Act, will be contained in the regulations to this bill.

Mr KNUTH: Residents of rural electorates who go to the coast once or twice a year are very unsure about these invisible boundaries. They are unsure about the new mapping system. A concern of constituents relates to the size of these fines. I am led to believe that the fines may be up to $210,000 for individuals and $1.1 million for corporations. When I compare these fines to those for other offences, such as drug trafficking, I just cannot understand why it is such a crime to catch a fish. Does that include recreational fishing?

Ms BOYLE: Clearly the member was not in the House earlier today when, in reply to the second reading debate, I did address this issue as it had been raised by the member for Tablelands. The reason we need the maximum extraordinary penalties is to protect our marine parks in case of major environmental damage. They are not for individual fishermen making a little mistake, being in the wrong area at the wrong time, catching a fish that they should not have. Of course they are not. They are for circumstances that might arise like the *Exxon Valdez* oil spill.

In circumstances where companies would have no excuse at all for damaging the marine park and breaching the legislation, we need to have serious penalties in line with the Commonwealth's penalties to ensure they are dealt with with the seriousness with which their breach of the law deserves. No, of course we are not intending to use maximum penalties. That would be a matter for the courts in those serious issues and not at all to be used for minor offences. I do, therefore, give the honourable member comfort that, when the penalties are drawn up in the regulations, it will be clearer that there are minor penalties and minor breaches, some of which may be arguable on the basis of ignorance as distinct from much more serious breaches carried out by organisations which must know better, which have a responsibility to know better, and where our marine parks could be seriously damaged.

Mr MESSENGER: The minister may have answered a hypothetical question which I was going to pose. The electorate of Burnett has something like 280 kilometres of coastline. Part of that coastline will be affected by this legislation, especially the Town of 1770, Agnes Water and Deepwater National Park. There are people fishing off beaches there who will be prohibited from doing so. Therefore, I would like the minister to clarify something for me. In her previous response she talked about large corporations damaging the environment. I do not see the word 'damaging' forming part of the legislation as it stands now.

Under proposed section 43(1) the maximum penalty for a prohibited purpose involving the taking of natural or cultural resources is 3,000 units. Going to the extreme, for example, if a fisher walked into an area in which they had traditionally fished—and up there the bait du jour is yabbies—and pumped yabbies on a beach that is affected, that would literally mean that they are taking of that natural or cultural resource. They could use yabbies, throw the line out into that area and then, according to this legislation, they could be faced with a fine of up to $225,000 as the maximum penalty.

I would also like the minister to clarify who decides which category of penalty they face. There are clearly three levels of fine: one for 3,000 penalty units, another for 295 penalty units and yet another for 90 penalty units. Who has possession of those discretionary powers? We do not know whether it will be Fisheries officers. Whoever the minister decides will be responsible for enforcing those laws, who will have those discretionary powers? If a person were facing a charge in court where the maximum penalty is $225,000, that may influence a person's decision to plead guilty or not guilty to a particular charge. I think those points need to be clarified.

Ms BOYLE: Minor offences will be dealt with—it is not a surprise—by rangers who will be able to issue tickets. It is part of our system not only for this bill but also in general that people have appeal rights. If they choose to plead not guilty or to appeal against a decision even for a minor ticket for a minor offence, then that would be heard by others. Serious offences would of course go to a court in the

first place, and so the decision on the seriousness of the offence and the penalty for it would be a matter for our legal system, for a magistrate.

I would like to reassure the honourable member by reading the definition of 'take' according to the Marine Parks Bill 2004—

... take, a natural or cultural resource, means—

(a) remove, gather, catch, capture, kill, destroy, dredge for, raise, carry away, bring ashore, land from a vessel or otherwise remove the resource from a natural environment ...

It is therefore very comprehensive and would allow for situations where very serious damage has occurred to come before a court. The more serious end of the penalties available could then be brought to bear.

Mrs MENKENS: I take on board what the minister has just said. Following on from that, I want to look at the learning process and the innocents' perspective. Would the minister consider placing a moratorium on the announcement of that type of marine park for the grandfather who has been taking his grandchildren fishing for the last 20 years who inadvertently makes a mistake and is still learning the areas? Would there be a moratorium to start off with to give them some leeway at the start?

I have a second comment which follows on from a point made by the member for Lockyer about the lack of Fisheries inspectors. It really is a serious concern. I noted that the minister said she would address it at a later date, but I flag that it is a very serious concern in the Cape Bowling Green area. It will be a much larger concern when this bill is enacted because there is a very large area affected. I would like to take this opportunity to bring that issue to the minister's attention.

Ms BOYLE: I take on board the latter comments of the member as to the implementation of new penalties from a particular date. Honourable members will understand that there needs to be a date at some point from which new penalties, new regulations, take effect. While we do not want to announce that in a statewide moratorium until another date, because that would really only be delaying the pain, it is nonetheless the expectation that the Fisheries inspectors and the rangers involved would not all be lined up behind trees or buoys waiting to find some poor grandfather on the beach who had not heard about it. Some adjustment period, particularly for minor offences where clearly somebody has not yet understood the changed regulations, would be taken into account.

Clause 43, as read, agreed to.

Clause 44—

Mr RICKUSS (2.57 p.m.): This clause is very similar to the previous one, which dealt with entry or use for a prohibited purpose—in other words, if a person is going into a marine park to do something dishonest. This clause concerns entry or use of a marine park without authority. I notice the maximum penalty is similarly 3,000 penalty units. This is probably more a case of mistaken identity. I was thinking about the gentlemen on Kalpowar outstation, where I think Les Hiddins is with some Vietnam vets. They are there without an authority. They are probably not doing anything prohibited. Will this same process come into effect? I think people will make mistakes. They are going to go into wrong areas. This is probably more relevant than some of the questions asked by previous members simply for the reason that it is without authority. Someone may have driven along the beach and ended up in a marine park. I would like an explanation for that from the minister.

Ms BOYLE: The comments made on the previous clause apply, but it may be helpful to the member to hear that the highest penalties in these circumstances would apply where a person wilfully breaches the authority. 'Wilfully' is quite different from an accidental circumstance, where no penalty might apply other than a caution and some education.

Mr RICKUSS: I can understand that with clause 43, but clause 44 deals with entry or use without authority. The other one was a prohibited purpose. This, to me, implies more than someone mistakenly going into an area and doing something wrong. That is why I am curious. The penalties are exactly the same: $250,000 and $7,000.

Ms BOYLE: I am informed—and this will surely comfort the honourable member—that this would apply in circumstances, for example, where somebody who has not gone through the permit system enters a marine park and proceeds to act as though they have a permit. That is a protection for all those good people and businesses who do the right thing. They are the targets of this section.

Mr MALONE: As I indicated in my speech, there are uninhabited areas on the coastline in my electorate that people visit from time to time which are quite isolated. What intention is there to have some sort of signposting? Cape Palmerston is probably the most accessible, but there are other areas where people could travel for four or five hours—Stanage Bay, for instance—and it would be almost impossible to know whether they were in a marine park or not.

Are there going to be signs on the roads that come into these areas? There are only certain areas where people can drive onto the beach. Is there an intention to signpost those areas? How are people going to be stopped from inadvertently going into the intertidal zone to pump yabbies or whatever, which everybody accepts as a normal course of events?

Ms BOYLE: They are matters of some difficult consideration for the specific marine parks and their plans and not a matter for the structural aspects, which is the bill that we have before us today. It is a difficult decision as to just how many signs are wanted along the coast and how many would be enough. Even if people were prepared to put signs in an area where there has been no history of significant offences or of any damage to the environment, then I think our bias would be not to rush at that; that it is a matter for general education. Industry stakeholders—fishing groups obviously—are more easily accessed to inform them of any changes. It is, I think, as one honourable member used the example earlier, the grandfather and grandchild who may go into an area that they are not familiar with. I reassure the member that the protection of our marine parks is a moving feast in the day-to-day management sense and matters of signage and the like would be addressed locally.

Clause 44, as read, agreed to.

Clauses 45 to 49, as read, agreed to.

Clause 50—

Mr RICKUSS (3.02 p.m.): I am just curious on this one. Under 'Unlawful serious environmental harm' it says—

... likely to cause serious environmental harm to a marine park.

Then the maximum penalty units are mentioned. How can a judgment be made about whether someone is likely to cause environmental harm? It is almost guilt without causing the harm. It just seems a bit of a strange phrase to have in that clause. Also, if the minister goes down the page to (3) (b) (i), it says—

(b) inside the park, if—

(i) there is no zoning for the park;...

How many parks do not actually have zoning? Could the minister see if the officers could answer that for me, please?

Ms BOYLE: The intention, surely, in the first section of clause 50 is in the first line, I might say. Splitting off those last words does not make it so clear. It states—

A person must not wilfully do an act or make an omission that...is likely to cause serious environmental harm...

Again, the serious harm is likely to come from major industries or businesses that operate in the area or go into those waters. It may be that what is done on a large fishing vessel or an oil vessel is a sin of omission, as it were, rather than a direct action. They are surely the organisations that we would be looking for where the action that they take could be so deleterious.

In regard to the zoning issue of the Queensland coast, while I was proud to say earlier today that Queensland has more marine parks than other states and more of our coastline is protected, we are not all the way there yet. Of course, we have state marine parks outside of the Great Barrier Reef region in Moreton Bay, Hervey Bay and Wongarra near Bundaberg. There are state marine parks within the Great Barrier Reef region at Mackay, Capricorn, Townsville, Whitsunday, Cairns and Trinity Inlet/Marlin Coast.

As a government it is our ambition to see border-to-border marine parks. In terms of the Sunshine Coast, the Gold Coast and other areas not yet covered, I am pleased to say: watch this space.

Mr Rickuss interjected.

Ms BOYLE: Yes.

Clause 50, as read, agreed to.

Clause 51—

Mr MESSENGER (3.05 p.m.): Clause 51 states—

Unlawful use of particular words

(1) A person must not use words about an area that is not a marine park—

(a) in a way that is likely to cause a person to whom the words are directed to reasonably believe the area is a marine park or part of a marine park.

There is quite a sizable fine there of 50 penalty units. It seems like an unprecedented clause. Can the minister quote a legal precedent for this clause? Has such a clause ever been placed in another piece of legislation? I can see that our law enforcement officers or our rangers are going to have a devil of a time enforcing this particular clause. I could stand in this House and say that I believe that the marine park is in this area of the coast, be off by maybe 10 or 20 kilometres, and yet the way I read the clause is that I could be up for 50 penalty units. I can imagine that journalists and the media might be up for 50 penalty units if they do not get their facts completely straight.

What degree of accuracy is needed if people are being told, ‘Well, I think the marine park is over on that stretch of the coast,' and the person saying this is out by 10 kilometres or five kilometres? What tolerance is built into this legislation? Is clause 51 going against and limiting our freedom of speech?

Ms BOYLE: It is becoming apparent to me that, while we had some debate earlier on matters of considerable importance—if not directly in the act, nonetheless sincerely important to opposition members—the opposition is now obfuscating and making ridiculous suggestions simply to draw out the business of the House. There are many other bills on the list waiting to be debated. Asking about such tiny matters to pass the time is really unworthy.

In fact, this particular section—and the member's more experienced colleagues in the opposition could have told him—is commonly in legislation. It is in the current act, for the member's information. It is in the Nature Conservation Act as well. It is not to be used for those hypothetically ridiculous circumstances that the member has nominated but relates to, for example, a marine engineering company that may be operating or a tourism company that may be operating which is masquerading with regards to its permits, its qualifications, and what others with whom it is dealing are able to do within the provisions of the act and any specific zoning plans.

Clause 51, as read, agreed to.

Clauses 52 to 59, as read, agreed to.

Clause 60—

Mr RICKUSS (3.10 p.m.): Procedures for entry seems a bit contradictory. In clause (3) it says—

If consent is given, the inspector may ask the occupier to sign an acknowledgment of the consent.

Further down in (6) (b) it says—

... an acknowledgment complying with subsection (4) for the entry is not produced in the evidence;

the onus of proof is on the person relying on the lawfulness of the entry to prove the occupier consented.

It is virtually saying that the officer is going to have to have that entry consented to, but he does not actually have to get it signed to go in. I realise it is a small technicality, but it seems to be contradictory.

Ms BOYLE: We are not at all sure where your difficulty is in that as we read clause 60, (3) stands as part of that. Section (6) relates to complying with section (4) if that has not already been produced in evidence. We do not understand where your difficulty is.

Clause 60, as read, agreed to.

Clauses 61 to 110, as read, agreed to.

Clause 111—

Mr RICKUSS (3.13 p.m.): Clause 111 is another clause we are having a few problems with. It is the proceeding for enforcement orders. Clause 111(2) of the bill, proceeding for enforcement orders, allows another person other than an officer under Queensland marine park legislation, termed 'another person' in this bill section, to commission an offence order against another person or party under the bill. What is even more alarming is that section 111(3) permits this whether or not any right of the person has been or may be infringed by it or because of the commission of the offence. This means that any person may bring an enforcement order against any party under the proposed legislation irrespective of the party's legal rights.

The proposed bill would seemingly be open to contradict the principles of state law and justice giving 100 per cent powers to anyone wishing to commence prosecution proceedings against a particular party under the proposed regulations, despite the party's legal rights.

Ms BOYLE: The contrary is true, might I inform the House, to what the member has just said. This is a way of ensuring that those who do have other concerns in the marine park, other than those who might actually commit an offence or those responsible for charging them with that offence, are able to also enter into the action. This may be, for example, a tourism business that has prided itself on its quality service and operations within the area and who becomes witness to consistent actions. They may be dissatisfied with the level of response by the Environmental Protection Agency and its officers and wish to pursue the matter further. That is as it should be.

In that sort of circumstance a third party should have a right to enter into the proceedings. Nonetheless, when I first became aware of these provisions I too had expressed some concern, in particular in relation to the circumstance that might arise where a business is believed to have breached the rules and be at risk of a penalty and another business may wish to, for competitive purposes, exaggerate or distort that in some fashion. That is why it is important, and I hope will be a reassurance to the member, to know that such matters would go before the Planning and Environment Court. The Planning and Environment Court has a choice, right at the beginning, to toss out any matters brought on by a third party that it believes are mischievous or vexatious. The Planning and Environment Court would be alive to the circumstance of business competitiveness used for ill purposes.

Mr MESSENGER: Minister, I notice clause 111(5) states—

The Minister or the chief executive may choose to be a party to a proceeding mentioned in this section ...

Does the minister or the chief executive have the power to reimburse or take over legal costs of that third party? Can the government pay the legal bills of the third party?

Ms BOYLE: I have checked my impression, which is correct, and that is that the answer is no. While we might join the action we have no intention of or power to take over the costs of the proceedings initiated by a third party.

Mr ROWELL: I am extremely concerned about this particular issue. I have seen the outcome of very similar legislation. I refer to the Environmental Protection Biodiversity Bill. There is also an act in Queensland that has a similar level of connotation to the one we are talking about here. That went through parliament, as I recall, last year.

I am familiar with what happened to a chap who had an issue with some flying foxes. In that situation we saw the use of the third party provision—a very similar situation to what is here—where that third party used Environmental Defenders Office funding to take the person to court. The action that was taken there, where the government itself had the right to deal with the issue, was extremely detrimental to that person.

During the process of developing Port Hinchinbrook there was an enormous amount of angst by environmental groups. They were dead set against it; they used every mechanism. They actually brought students from James Cook University in on buses to fight the issue. I think that was wrong. The dredging was very closely monitored. It was an extremely well-orchestrated operation. The developer went to no end in relation to the development. Action was brought against Cardwell Property Rights, the group that owns Port Hinchinbrook. As a consequence both the federal government and also Cardwell Properties independently stood to lose $500,000 out of the court action. $500,000 is still owed to Cardwell Properties and the Commonwealth government from this particular action. The group went into liquidation; it has no money. This was a vexatious, frivolous dispute which resulted in court action. Those people actually used Environmental Defenders Office funds to finance the action. I believe this clause aids, abets and encourages people who have vindictiveness about issues that they are concerned about, people who are zealots, people who will use rent-a-crowds, people who will go to any lengths to get their point across.

I am extremely concerned that this clause is once again in legislation. The government may not have the capacity for legal action but there is a system whereby a person who has an issue can bring it to the national parks officer or the officer responsible for marine parks and that officer can carry out legal action. They can go to whichever court they like—the Planning and Environment Court or the Supreme Court or, in the case of a federal issue, the Federal Court. I am extremely concerned that this clause is once again in legislation.

It tends to say to people, 'If you want to have a go out there and you cannot get your point of view across to the national parks people or whoever is in charge'—I am not absolutely sure what body will be responsible for marine parks; I guess it will be the EPA—'then take that group or body that you consider to be doing the wrong thing to court.' It is only that person's opinion at that stage. In the interim, if the government decides that it wants to join in the action it can do so. There can be a couple of bites at the cherry.

If somebody reports a particular issue which the government believes is an indictable offence and it is not prepared to take those responsible to court, then I think it is extremely detrimental that we have this particular clause in the bill again. I have seen the outcome of this sort of clause in one particularly bad incident. I am very disappointed that the government has decided to do it again in this legislation.

Ms BOYLE: The member for Hinchinbrook has stated his position on this. This is a matter, as he says, that he has spoken about or been opposed to with regard to other legislation in the past. It is not a position that he takes peculiar to this act but rather in general. He is at odds as these third party provisions were recommended by the Australian Law Reform Commission in 1995. He is correct that they have been incorporated in Commonwealth legislation as well as in other Queensland legislation, including the Environment Protection Act 1994, the Integrated Planning Act 1997, the Coastal Protection Act 1995, the Nature Conservation Act 1992, the Water Act 2000, the Great Barrier Reef Marine Park Act 1975 and, as he said, the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

We would think that if this third party provision was so dreadful, so unreasonable that innocent people were being held up and taken to court unnecessarily and unreasonably, there would be lots of examples that the member could rely on to make his point. I am pleased to say that, since the introduction of these powers in Queensland six years ago, there have been few enforcement orders sought. There have been four enforcement order cases brought by third parties under the Integrated Planning Act 1997—that is, four in seven years. There have been three brought under the Environment Protection Act 1994—that is, three in 10 years. This is in part due to the limited resources, legal expertise and lack of investigative powers of third parties. Should they choose to bring such an action then they have to face the costs and seriousness of attending the Planning and Environment Court.

Further, I remind the honourable member, who I am sure knows, that the court has adequate powers and discretion to deal with proceedings that are frivolous or vexatious or instituted merely to delay or obstruct. Even in the hypothetical situation that a conservation minded person might have no real evidence of unlawful behaviour but simply wishes to be obstructive, and even if that person could have their costs in attending court paid by some somebody else or some organisation, they would then have to go before a senior judge in Queensland and convince that judge that they had some real basis.

I say to the honourable member, 'Let us keep in mind that this only applies where somebody has behaved unlawfully.' Enforcement orders merely reinforce the offence provisions under the Marine Parks Bill. They do not create new restrictions on activities above and beyond that already required by existing legislation. An enforcement order cannot be used to stop or modify a lawfully conducted activity within or outside a marine park. If those people that the member is concerned about are behaving within the law they will be vindicated.

Mr ROWELL: The whole thing is that injunctions can be brought to stop people from doing things but they can be done anyway. That is a legal process. At the time of the issue at Port Hinchinbrook we did not have this type of clause in legislation. The people who bought the action at Port Hinchinbrook probably used some of their own resources. I will not name names for very obvious reasons. I will not say who owns Port Hinchinbrook, who those people were and what group they belong to. I am giving it as a clear example of what can happen.

They used some of their funds and they had some expertise themselves. They certainly held the process up for some considerable time. They then went through a court action. Costs were awarded against them to the extent of over a million dollars. The state was involved, so was the Commonwealth and so, too, was Cardwell Properties. The federal government and state government are owed $500,000 each. The costs were awarded against the appellants in this action. They then went into liquidation. Guess what? They started up under another name. The same old company started up under another name.

I have seen what happened with lychees and flying foxes and a certain person from James Cook University trespassing on a property to gather information. I think the take of flying foxes was managed quite adequately by national parks personnel. When zealots are involved in a process, they would not even lie. In the case of Port Hinchinbrook the state government, not just the federal government, was involved in that process. They were distributing permits and dealing with the situation with flying foxes.

But, no, somebody else had to come along because they had this capacity within the Environmental Protection Biodiversity Bill. What we are doing is providing exactly the same thing here. That is what concerns me. The government is encouraging people of the ilk we are talking about, those who have a bone to pick or a barrow to push, to get involved. They will go to any lengths. They will even get young students from the universities to help.

I am not going to mention my daughter, but she was involved later on. They got kids from the uni and dragged them up to Port Hinchinbrook. One can only surmise what happened to the lecturer at the time who did this—the lecturer who took them up on the James Cook University bus. Are we going to encourage more of this sort of thing? That is what I am asking.

Mr WALLACE: I rise to a point of order. The James Cook University bus has nothing to do with the bill before the House at the moment.

Ms BOYLE: I stand by the bill as it is written notwithstanding the sad tale that the member for Hinchinbrook put before us. I am only aware of the outline of events over recent years at Hinchinbrook, and I know that there are some different versions of events. But, in any case, the point this afternoon is whether this enforcement provision, which is a standard enforcement provision, is in other similar legislation—Commonwealth as well as state—and is appropriate. I say that it is. Further, the fact that it is appropriate is attested to by the extent to which it has been used in those other acts since it has been in place.

Question—That clause 111, as read, be agreed to—put; and the House divided—

AYES, 55—Attwood, Barry, Barton, Beattie, Bligh, Boyle, Choi, E.Clark, L.Clark, Croft, Cummins, English, Fenlon, Finn, Fraser, Hayward, Hoolihan, Jarratt, Keech, Lavarch, Lawlor, Lee, Livingstone, Lucas, Mackenroth, Male, McGrady, McNamara, Mickel, Miller, Mulherin, Nelson-Carr, Nolan, Nuttall, Palaszczuk, Pearce, Pitt, Poole, Purcell, Reilly, Reynolds, N.Roberts, Robertson, Schwarten, Scott, Shine, Spence, Stone, Struthers, C.Sullivan, Wallace, Wells, Wilson. Tellers: T. Sullivan, Reeves

NOES, 21—Copeland, E.Cunningham, Flegg, Hobbs, Horan, Knuth, Lee Long, Lingard, McArdle, Menkens, Messenger, Pratt, Quinn, Rickuss, Rowell, Seeney, Simpson, Springborg, Stuckey. Tellers: Hopper, Malone

Resolved in the **affirmative**.

Clauses 112 to 174, as read, agreed to.

Schedule, as read, agreed to.

Third Reading

Hon. D. BOYLE (Cairns—ALP) (Minister for Environment, Local Government, Planning and Women) (3.37 p.m.): I move—

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

Question put; and the House divided—

AYES, 62—Attwood, Barry, Barton, Beattie, Bligh, Boyle, Choi, E.Clark, L.Clark, Croft, Cummins, E. Cunningham, English, Fenlon, Finn, Flegg, Fouras, Fraser, Hayward, Hoolihan, Jarratt, Keech, Lavarch, Lawlor, Lee, Livingstone, Lucas, Mackenroth, Male, McArdle, McGrady, McNamara, Mickel, Miller, Mulherin, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Pitt, Poole, Pratt, Purcell, Quinn, Reeves, Reilly, Reynolds, N.Roberts, Robertson, Schwarten, Scott, Shine, Spence, Stone, Struthers, Stuckey, C.Sullivan, Wallace, Wells, Wilson. Tellers: T. Sullivan, Nolan

NOES, 15—Copeland, Hobbs, Horan, Knuth, Lee Long, Lingard, Menkens, Messenger, Rickuss, Rowell, Seeney, Simpson, Springborg. Tellers: Hopper, Malone

Resolved in the **affirmative**.

SOUTHERN MORETON BAY ISLANDS DEVELOPMENT ENTITLEMENTS PROTECTION BILL

Second Reading

Resumed from 17 August (see p. 1851).

Mr MALONE (Mirani—NPA) (3.46 p.m.): It gives me great pleasure to speak to this bill today. The southern Moreton Bay islands, at the southern end of the Moreton Bay Marine Park, comprise Russell, Macleay, Karragarra, Perulpa and Lamb islands. As members would be aware, in the 1960s and the 1970s, the southern Moreton Bay islands were subdivided into about 19,000 largely unserviced urban sized allotments. Many investors bought the land sight unseen and most were unaware that some of the land contained environmentally sensitive wetland areas and actually took in cliff faces or was affected by overland stormwater flows and tidal inundation.

The Southern Moreton Bay Islands Planning and Land Use Strategy, commissioned by the state government and the Redland Shire Council in 1999, found that the islands could not sustain their level of development and recommended that the number of lots be substantially reduced. In both May 2000 and August 2003, the Beattie government confirmed that it could not support the compulsory acquisition of island properties, which was contrary to what was concluded by the council in the conservation acquisition strategy. During that period, the Beattie government provided assistance for the implementation of voluntary land amalgamations, restructure, and swap options. The council also established a voluntary purchase scheme and at that stage compensation was between $2,000 and $3,000 for 511 allotments zoned residential A which were claimed to have insurmountable drainage constraints adjudged to prevent the construction of buildings. Understandably, owners of these allotments felt fairly aggrieved about the valuation that they received. I will refer to that point later in my speech.

In October 2003, the council submitted a draft IPA compliant planning scheme to the state government, which made it clear that a number of lots on the islands currently with development rights would be proposed to be included in a conservation zone. The development of a dwelling house on these lots would be inconsistent with the conservation zoning.

This bill will enable the owners of certain lands on the islands to make applications to the Redland Shire Council for approval to construct a dwelling house only for up to 10 years after the new planning scheme comes into effect, which is expected to be towards August 2005, as opposed to the two years in the IPA where the right to build may have been lost under this new scheme. This would apply to residential A, comprehensive development or rural non-urban zoned lots within the conservation zone of the new scheme; of that land, only that prescribed by regulation under the act—and that is obviously to be determined by the Redland Shire Council; owners of the land before the new scheme takes effect; and where the applicant elects that the act applies to their application.

There are instances where the owner will lose the right to build and have no right to compensation under the IPA if the owner elects to proceed under the act and fails to obtain an approval, for example, fails to demonstrate to the council that they can overcome constraints such as drainage constraints or if the owner elects to proceed under the act and fails to commence or complete the construction within the two to four years. That would depend on whether a material change of use was required after the development approval was notified.

This legislation also does not apply to land not prescribed. The council may elect not to prescribe land it wishes to resume under the Acquisition of Land Act; land it determines not capable, on engineering grounds, of development for a dwelling house, such as the 500 that have been identified as having drainage problems; and for any other reason in its discretion. The legislation also does not apply

to owners who sell the land before the completion of construction. In other words, the applicant must also be the owner of the land on the last day of the public notification period of the Redland shire draft IPA planning scheme.

I turn to entitlements to reasonable compensation from the council. An owner is entitled to claim reasonable compensation from the council—the difference between the market value of interest in the land immediately before the change to a planning scheme comes into effect and the market value after the change comes into effect—in the following circumstances under the Integrated Planning Act: a change to a planning scheme; the change reduces the value of the land; the person is the owner of the land at the time the change is made; a development application under the superseded scheme is made to the council; the development application is assessed under the new scheme; and the council refuses the application.

Under this piece of legislation the council will assess applications for development approvals under the superseded scheme, which is good if the council provides development approval for a dwelling house. If, however, the council includes as prescribed land for the act land which, although zoned as residential A, has a drainage constraint and the council is able to refuse the development approval on the basis that the council does not accept that the owner can overcome the drainage constraints, then the development application has not been considered by council under the new scheme and the owner would lose the right to build and the right to compensation as a result of the council having changed the planning scheme. This will not be a problem if the council only prescribes land for the act which it will not refuse approvals for or cannot refuse approvals for.

In July 2003 a landmark decision was handed down by the Land Court in Brisbane to compensate Russell Island land-holder Mike Atkin. The Atkin decision confirmed that, even if land has had a drainage problem and is below the high tide mark, if the land can be treated, either by fill or by piers, the council cannot deny the building approval and, contrary to previous advice from the council, the land has value. With the recent property boom in Queensland, this type of waterfront land could have considerable value. As a result, this has the potential to call into question valuations given to all of the land resumed to date.

While environmental groups, including the Wildlife Preservation Society, have argued that the government's legislation does not adequately protect the islands—and their conservation values—which are situated in a marine park, the issue directly involves the erosion of property rights, a very firm policy taken by the National Party. The state government's decision not to apply the laws to land-holders who own blocks with drainage problems, in contravention of the recent landmark Atkin case, is denying these people a right to develop their land and also to fair compensation. While the decision taken by the state government is an improvement on the proposed plans by the Redland Shire Council, it nevertheless goes against the previous commitments that have been given by the government that no limitations would be placed on land-holders to build on their freehold land.

This legislation will override the move by Redland Shire Council to reduce the number of residents on the islands by banning development within two years in the new conservation zone. Although acknowledging that this is some improvement on the proposals put forward by the council, the opposition will not be supporting the Southern Moreton Bay Islands Development Entitlements Protection Bill 2004. The opposition cannot agree with this bill, simply because it takes away the long-held understanding that when people purchase freehold land, regardless of size, there are rights attached to that land. The property rights of freehold landowners is an issue that, as shown in this case, can affect every Queenslander.

Any perception or assumption that it is only those in the bush who are concerned with property rights is completely mistaken. The reality is that there are a large number of people, many of whom are everyday battlers—many of those are those land-holders out on the Moreton Bay islands—who have had their land rights eroded or taken away completely by this government. Under the stewardship of this government, recent pieces of legislation have stopped land-holders from enjoying the benefits of their investment and management decisions. Land-holders have been denied their right to fair compensation arising from changes to legislation that have impacted on the productive value and the future viability of their land.

The Nationals believe that land-holders and home owners must have security of tenure and require a legislative regime that will ensure they can use their land productively and sustainably. Under the Nationals, a charter of property rights will enshrine the private property rights of individuals when confronted with state government land resumptions or policies which impact on the productive value of private land, taking both vegetation management laws and water allocations into consideration. The Nationals' charter would also place a legally binding obligation on the state government to provide full and fair compensation in cases such as this. The charter would also make it legally binding for the government to exactly spell out to parliament the exact scientific basis on which legislation is based when the laws could be expected to have some impact on the security of a resource and land management.

If members opposite are not already aware—and they should be—the independent Productivity Commission report released in the last couple of weeks vindicated the Nationals' six-year stance in highlighting the need for tree clearing laws to be based on accurate science, to consider economic and social impacts and to take into account regional solutions to regional concerns. The Productivity Commission also stressed that if governments make environmental protection decisions on behalf of the whole community then governments have a financial responsibility to compensate individual land-holders affected by these decisions. This is one of the cornerstones of the Nationals' charter of property rights.

The commission's recommendations that impact statements should be prepared before natural resource management laws are changed also echo a key part of the Nationals' Private Property Protection Bill. The release of this report and the Prime Minister's commitment to pursue this issue through COAG mean that the Beattie government has to face up to many failures that have flowed from its rushed and politically motivated approach to vegetation management in Queensland.

Under this bill if land falls within the category of 'prescribed land' and is proposed for inclusion within the conservation zone as determined by the Redland Shire Council planning scheme, which is yet to be made, people will be entitled to apply to develop their land. However, they will have to do that within a 10-year time frame or lose this right under the bill. If the owner sells the land with only a partially completed house, the development approval will not flow on to the new purchaser. In other words, if a half-built house which has not been finally inspected is sold near the end of that 10-year period, the new owner will have to apply for a new development permit, and there could be some problems with that.

There is little value in onselling the land. In the event a final inspection certificate has not been issued, a subsequent purchaser of the land would be required to apply for further development approvals to complete the construction of the building, as I have just said. If the owner were to pass away prior to a development approval being granted, then the heirs and successors would not be able to build or gain from the land due to the definition of 'owner', which excludes executors, administrators, trustees and mortgagees. This is not what I would consider to be upholding the rights of a freehold owner. Rather, it is attaching a number of strings to the development of this land. Even though this bill goes some way to overcoming the problem, it certainly does not address the concerns we have regarding property rights and the value we place on ownership of freehold land.

For those people who purchased land which has long been judged to have drainage problems, this bill will give them the opportunity during the public display period of the draft planning scheme to convince the Redland Shire Council that they should be able to develop their land. However, this is a protracted process and it will be in the hands of the Redlands shire.

The bill is a fairly complex piece of legislation. As I said, there are some good points to it. The overlying factor is that it does take away the rights of freehold owners. Because of that, the opposition cannot support the bill.

Mr LEE (Indooroopilly—ALP) (4.03 p.m.): I rise briefly to support the Southern Moreton Bay Islands Development Entitlements Protection Bill 2004. I want to put on record that, when the islands were originally subdivided in the sixties and the seventies, this was well before there was an understanding of the obvious physical constraints which would later be understood for development on the islands. Problems would arise that were quite obviously associated with roads, water, sewerage and parkland. This bill goes a long way towards ensuring there is an ecologically sustainable population approved for living on the islands. It is also a bill that ensures mum and dad landowners are not adversely affected. With those few words, I am happy to support the bill.

Ms STONE (Springwood—ALP) (4.04 p.m.): It is a pleasure to participate in the debate on the Southern Moreton Bay Islands Development Entitlements Protection Bill. The history surrounding this bill goes back to the late 1960s. Today this stand-alone bill will put an end to a lot of the negativity and rumours that have haunted one of the most beautiful parts of the world for several decades. As I said before, we can go back to the late 1960s and find land deals that were questionable in relation to ethics. However, it is probably the 1970s and 1980s land deals that received the most attention. Surveyors, developers and real estate agents were running wild, and people who normally would have only been able to pay off the family home in the suburbs had found an island paradise that they were able to purchase. For many it was a superannuation policy, some place to retire or that ideal home by the water to raise a family. Unfortunately, for some it became a nightmare. The land was sold with the promises of a massive infrastructure boost to support the many home sites being sold. Those doing the promising were those not in a position to deliver, and their sales pitch comments have never come to fruition.

If we look further than the glossy brochures, another story of deception emerges. People were buying blocks of land sight unseen; that is true. In those days Virgin and Jetstar were not around. Travelling from other states was not as easily done as it is today. Nor could people just log onto the web, have a look at the site and obtain more information. So it is not surprising people bought sight unseen. After all, they were hardworking, average Australians looking for the idyllic island lifestyle.

Australians are trusting people, and that is an attribute of ours which others around the world admire. Unfortunately, it is also an attribute that can be preyed upon. There were also purchasers who

did go and inspect sites, and they thought they had purchased the land they had inspected only to find out later they had different lot numbers on their titles—and indeed the block they thought they had purchased they had not. For many, they discovered they had a worthless block of land that went under water at high tide.

The promise of bridges, the promise of more infrastructure to support population growth and the promise of high dry land never eventuated, and left average Australian hardworking families with broken dreams and worthless investments. As a kid, I can remember a Gold Coast real estate agent speaking to my own family—to my uncle—about buying some property on Russell Island, how the bridge was going to be built and how it was all going to be like the Gold Coast. Fortunately for my uncle, for whatever reason, he never believed him and did not take up the offer to purchase.

I have had many other people tell me it was quite common to have these sorts of remarks made by some real estate agents during that time. So what was the government of the day doing to discourage this unethical behaviour? Nothing, is the answer. In 1969 Councillor Wood of Redland Shire Council warned the coalition government of the day about the large number of land sales and the detrimental effect it would have on the islands and the Moreton Bay area, and the concern for infrastructure and support needed for a development of this size. In fact, it was after the land sales in the late sixties and early seventies that the coalition government made its decision to hand it over to the local authority. By that time it was too late and the people had been ripped off, and an unsustainable number of allotments with potential development had been sold. So now it was Redlands' problem. The scams continued, and more and more people were ripped off. The government of the day—a coalition government—continued to use the line 'buyer beware' and humiliate those who had bought sight unseen. They offered no consumer protection. 'Buy one lot, get one free' was the sales catchcry. What they forgot to mention was the block of land for free was usually under water.

The promise of development of the islands and the land scams kept rolling on. However, for the government of the day—the National-Liberal coalition—the big issue was street marches. It spent dollars and time on banning street marches. It did nothing for consumer protection and nothing to support Redland Shire Council in planning infrastructure needs for a subdivision of 22,500 lots or the concerns of tidal surge and overland flow affecting blocks that had been sold for development. Nor did it ever display a concern for the environmental impact a development like this would have on the area. The government never gave any support to the need for the reduction of the number of allotments.

It was the pressure applied by state Labor members on this issue that eventually got it investigated—members like the Hon. Tom Burns and the Hon. Terry Mackenroth who kept speaking up for those ripped off by land deals that were done on misrepresentation. In the early eighties a trial took place, but unfortunately due to illness amongst the jury members the trial was abandoned. Blocks of land continued to be sold as a result of misrepresentation. The titles office was under question for its procedures, yet the government of the day still ignored the issue.

The shonky deals continued right up until 1990. Brochures were being distributed in Sydney that offered land deals with, once again, the promise of huge infrastructure gains and bridges. It has only been the Goss government and other successive governments which have looked at this issue with a view to finding an outcome for those people affected. The late nineties saw the SMBI land use study. Lots with drainage problems and conservation value were identified. The need to reduce the large number of small lots in order to ensure a sustainable population was also identified. There is a need to find a balance with this land use study and that of hardworking families that were wronged, and they want the right to build the home they always wanted. Add the council planning and zonal changes and it has all become a very complex issue. What does this bill do? It allows choice for the owners. Definitions of owners and prescribed land are clearly set out in the bill, and so are those choices.

The Redland Shire Council has submitted a draft IPA planning scheme to the state government, therefore, public consultation on the draft scheme needs to take place. During the public consultation period, anyone affected by the draft IPA or this bill can make a submission to the council.

I recently visited some of the islands and saw some of the maps with the allotments clearly marked on them. I could not believe the number of clearly defined small lots being crammed into such a small area. There was certainly no thought put into open space. Every inch was taken up with building allotments. The map very clearly showed just how unrealistic the development proposal was.

This is what the National-Liberal coalition government allowed—large numbers of small allotments without adequate infrastructure with the potential to be developed—and then handed it over to the local authority. It did nothing, and today we see it continue to do nothing. Today we see a bill that will allow for the development to continue. That development will now be better planned and will protect residents and the environment.

Mr HOBBS (Warrego—NPA) (4.10 p.m.): Today I am pleased to speak to the Southern Moreton Bay Islands Development Entitlements Protection Bill 2004. There have been a lot of development problems in this region for some time. I was able to visit these islands and look at a number of issues that existed over there. We certainly put in place quite a lot of policies to help resolve some of those issues.

The previous speaker, the member for Springwood, talked about the fact that the coalition way back was at fault, and I suppose to a certain degree it was with a lot of the developments. That is the way it was in those days. No-one would do that today. Developments certainly would not be done that way today, but that is the way that it was. I guess around the world those same sort of things will be found. Members cannot keep going back and blaming people. We could say that it was a Labor government way back that made all the streets too narrow around all our capital cities, so is it their fault? No, it is not; it is the way it was. It is totally ridiculous, stupid and childish to say—

Mr Malone: Imbecilic.

Mr HOBBS: And imbecilic, as the member for Mirani says, to keep on trying to blame people all the time. It is about time we started to look at some of the facts, try to look at some other solutions and put them in place and look ahead, not back. This is what most of the people on that side of the House have been doing.

I make the point that in 2001 when I was the shadow minister the coalition put forward a proposal to spend $40 million on the bay islands. What did the members opposite put up? Nothing; not one red cent! The member for Springwood certainly did not talk about that; she did not mention the fact that we proposed spending $40 million to try to help this particular region improve the lifestyle of the people in that area. The member probably forgot about it or did not even know about it. She was probably still in short pants—nappies, perhaps.

I will talk about some of the money the coalition was prepared to provide. It was prepared to provide $12 million over three years from the 2001-02 budget year as a subsidy to Redlands shire to assist the shire council's road works capital works program on the southern Moreton Bay islands. A replacement subsidy program was to have been negotiated in the 2002-03 budget year consistent with prevailing costs, conditions and requirements to facilitate forward planning.

The coalition was prepared to provide $125,000—half the cost—to assist Redland Shire Council with the preparation of a statutory land use plan to be produced by the end of the 2002 calendar year; provide $75,000 to Redland Shire Council—half the estimated cost—to help fund a sewerage investigation study; and $150,000 over three years to fund a community development officer for Macleay and Russell islands. That funding was to have been conditional on Redland Shire Council providing the officer at its own cost and from its own resources with administrative support, working accommodation and integrated operations with other Redland Shire Council community and development activities.

Some of the long-term solutions that we needed were to bring together all three tiers of government—Commonwealth, state and local—and the community to achieve an agreed outcome for the southern Moreton Bay islands. Such an outcome had to be consistent with fairness for residents and land-holders, conform to planning and environmental rules, and meet a mutually agreed vision for the future of the islands, which lie within the Moreton Bay Marine Park.

Some areas on the islands had drainage problems. There were about 1,045 privately owned lots which had to be addressed. It was considered that 'new environmental technology solutions may be applicable in some areas'. The Redland Shire Council would not permit residential buildings on any blocks with a drainage problem. One of the major conditions of the coalition's proposal included: 'A solution to this problem delivering a fair outcome to affected land-holders is an essential requirement.'

As to sewerage, Redland Shire Council had estimated the cost of providing sewerage treatment facilities for the islands at about $67.5 million in 2001 dollars. On the basis of construction over 12 years—2006 to 2018—the coalition was prepared to put up a 60 per cent subsidy on that. We were prepared to provide $40 million in total for the development in those regions. That was something. That was a real, sincere package to try to address some of those problems.

This bill before the House today is, in some ways, a solution. However, it does breach the general fundamentals that we on this side of the House—the National Party—stand for, and that is the right to own freehold land. If the community requires land for community purposes, the community must pay. Why should it be that if a person owns something—if the person is a land-holder—that the government can have it? It cannot! It simply does not have that right. The government has to pay for it like anybody else. The government thinks that if people own land it can simply take it. It is not that way. Those days are gone. The government is living in the past if it thinks that is what it should do for the future of this state.

The council and the owners could not agree on what land was suitable for development. That has been an ongoing problem. Some land is clearly not suitable for development, and we all know that. In some instances the residents know that as well. Already there have been quite a few allotments that have been bought back—or whatever terminology one likes to use—from land-holders. A lot of land has been taken over because the rates have not been paid, and some of the so-called compensation rates were very, very low. Anyway, the council has acquired some of that land.

The new proposal refers to another 511 lots. It is really a matter of determining whether the land-holders, in fact, do agree with the proposal. In many instances they would not, and I think that there is

the possibility that councils should allow people to develop those lots of land if they can meet the requirements, particularly in relation to landfill or drainage. If they can get their block to a level that meets those standards that is fine; otherwise, yes, the land-holder does have a problem. That is just the way it is.

The government should be supporting Redland Shire Council to pay the full compensation to acquire any of this land that genuinely cannot be developed and has legitimately been declared not suitable for development. The council should be paying the full market value. That is the principle on the mainland. On the mainland, if a road goes through someone's land or if land has been resumed for any government purpose—hospital or a school—they are paid the full market value of the land. The government cannot rob people. In the past, some of the values for those blocks of land were very low, but they were very low because of the circumstances. However, prices have increased in recent times, and there certainly has to be a reasonable price paid for the effort and the cost that those people have already put into that particular block of land over the years. They have been prepared to pay the rates in many instances and look after it, and I think it is a bit unfair if they have to give it back for a handful of silver.

This legislation excludes executors of wills, administrators and trustees. What about the kids? What about if someone has a family and the parents die and the child is left with the property and is going through that phase? Does that mean the kid is left out? It does, under this bill. It is a bit unfair. What about administrators? There may be a situation where, again, the family could be caught in an administrative situation and the family is left out. Is it fair? Is it fair on the kids? No, it's not! Of course, it's not! It is the same for trustees. There may be a situation where someone has a company structure and the family owns it—the kids own it—or the mother or the father owns it, and they cannot be covered by this legislation as well.

Is there not some knowledge on the other side of the House of the corporate world and how it works? It defies belief that the government can be so cruel to people who have ownership. The government is not allowing the kids to be covered under this particular bill. I am disappointed in this bill. There was an opportunity for this situation to be remedied. The shadow minister has made some very good points. We do not believe that this is the way to go. I must admit that it is a step in the right direction and credit must be given for that, but I do not believe that it is the right solution for that area.

Mrs ATTWOOD (Mount Ommaney—ALP) (4.20 p.m.): Constituents in my electorate have been lobbying me for a number of years over the issue of their property on the Moreton Bay islands. The southern Moreton Bay islands were subdivided into around 22,500 lots in the 1960s and 1970s before coming under the authority of the Redland Shire Council. At this time many people decided to invest their savings in a retirement property on the Moreton islands. The amount they paid for the property did not include services. They expected the value of their property to grow over the years thinking that the Moreton islands would become a popular tourist destination and that properties would be in great demand. However, there was little or no recognition given at the time of purchase to a range of physical constraints to the development such as tidal surge and overland flow or to the islands' future need for roads, water, sewerage and parkland. Consequently, many properties actually decreased in value as they were assessed with a number of these constraints.

The subdivision allowed for a potential population of 33,000. The current population of the islands is approximately 4,000. A resident of the Mount Ommaney electorate, Brian Fuller, and a number of other people formed the Moreton Bay Islands Action Group. Brian became the president of the group and consistently made approaches to my office and to the then minister about the problems being experienced by owners of property on the Moreton islands. The issues were land devaluation—in some cases the rates payable on the property exceeded the current value of the land—properties were assessed as those with drainage problems, and some properties were earmarked for conservation.

The Southern Moreton Bay Islands Development Entitlements Protection Bill has been introduced to allow for the continuation of existing development entitlements to prescribed southern Moreton Bay islands landowners whose rights are proposed to be removed by inclusion of their land in the conservation zone in the Redland Shire Council's new Integrated Planning Act 1997. These development entitlements may be taken up only by owners of these blocks of land where engineering and development requirements contained in the Redland Shire Council's current planning scheme can be satisfied. Those rights will fall away if the land is sold or otherwise transferred.

It was not until May 1973 that the southern Moreton Bay islands were included in the Redland shire. In 1995 the state government funded a joint study with the Redland Shire Council to determine the ecologically sustainable population for the island. It will also identify the most appropriate measures for managing development impacts. The study, the Southern Moreton Bay Islands Planning and Land Use Strategy, was released in January 1999. It recommended a reduction in the number of developable lots by 11,300, approximately one-third, representing a sustainable population of approximately 22,600 and compulsory acquisition of almost 5,500 lots, both for conservation purposes and because many blocks were subject to tidal inundation and flooding. It was as a result of this study that landowners living in my electorate began to contact me and I commenced to make representations to the minister. It is great to

see that the Beattie government has listened to land-holders and taken steps to assist them to develop their retirement blocks. I commend the bill to the House.

Mr McARDLE (Caloundra—Lib) (4.23 p.m.): Consideration of this bill has not been an easy process as it raises two conflicting questions of importance. The bill itself is complicated and, as I stated, contains within it two competing questions: firstly, the question of an immediate resolution for about 500 current title holders directly affected by the bill and, secondly, the principles that have for many years been part of land tenure in this country. As a consequence of these competing interests, and after weighing carefully the issues, we are determined that we cannot support this bill based on the rights that vest in freehold land being too important and historically intrinsic to ownership of freehold land.

The history surrounding this bill is lengthy. However, a brief overview is warranted. In the 1960s and 1970s the southern Moreton Bay islands were subdivided into approximately 22,500 lots and in 1973 the islands were included in the Redland shire. As a consequence of the land use strategy study, released in January 1999, the number of lots that could be developed was reduced by approximately one-third, and a compulsory acquisition of almost 5,500 lots occurred, which has now left approximately 500 lots the subject of this current bill. As a consequence, it is that number of lots that the bill will directly impact upon and, importantly, it is the owners of those lots who will feel the effect of the legislation.

The concern we raise is summed up by considering the impact this bill will have as a precedent on freehold title. Historically freehold land is held by way of grant from the Crown. Yet there is no concept of absolute ownership of land vesting in a person as most people believe. However, the law does recognise the right of persons to hold land under certain conditions. Though there are now only two methods of holding freehold land, we are only concerned here with freehold land that is held in fee simple, which is regarded as the most privileged of all positions allowing persons to treat land as if, in fact, it did belong to them.

Persons in this category have the right to dispose of property during their life or after death through a will and testament. Disposal can take many other forms and can include mortgage and lease. This right is so extensive and ingrained that although the Crown owns the land it cannot acquire it back from the holder of the estate in fee simple without paying adequate compensation.

The High Court in 1923, considering fee simple, said—

A fee simple is the most extensive in quantum, and the most absolute in respect of the rights which are conferred, of all the estates known to law. It confers, and since the beginning of legal history, it always has conferred the lawful right to exercise over, upon, and in respect to, the land, every act of ownership which can enter into the imagination. Besides these rights of ownership, a fee simple at the present day confers an absolute right, both of alienation inter vivos and of devise by will.

Therefore we have legal history that commenced in England flowing through to the present day securing rights inherent in the land which are sustained even though the land is transferred to another party. Of course, the common law has continued to evolve and the decision of the High Court in Mabo modifies the principles of absolute ownership of the Crown. But it was also a determination in Mabo that native title does not have any effect on freehold title.

If we then consider the elements of freehold title, the question becomes what rights exist in freehold land that an owner will be able to capitalise on at their discretion. They include, firstly, an unfettered right to transfer or will the property to any person or entity they desire, such transfer to include the inherent rights in the land earlier referred to; secondly, the right to deal with the land vests in the land itself and not the owner thereof; and, thirdly, the definition of an owner is not restrictive in its meaning.

This bill, however, provides the following: that the transfer of title removes the inherent right to deal with the property—that is, in these circumstances, to build a house upon. Further, it removes the concept of rights vesting in the land itself and places the right in the owner. In effect, a right that existed within the land is placed within the owner, which is contrary to freehold title. It limits the definition of owner to a joint tenant or tenant in common, either legally or beneficially entitled.

Further, a right which exists for a period of 10 years to construct a house is extinguished when a transfer occurs, though the transfer may occur with, say, eight to 10 years left to run. Further, by removal of the right to contract the total rights that exist in the land it diminishes the right of the owner to deal with the land in the state that they purchased it. These inconsistencies are large enough to cause a dangerous precedent. As I have stated, this has not been an easy task. However, the overriding principles are such that we cannot support the bill.

Mrs MILLER (Bundamba—ALP) (4.28 p.m.): I rise in support of the Southern Moreton Bay Islands Development Entitlements Protection Bill 2004. There are a few people in my electorate who have been affected by their ownership of land on these islands. I know of a couple of cases where they have surrendered their land to Redland Shire Council as they were sick to death of paying what they thought were high rates for no benefit year after year after year. The people who bought these blocks were battlers by and large. They could never have afforded a place at the Gold Coast or the Sunshine Coast and they certainly could not have afforded a high-rise unit. All they wanted was a place they could retire to; to build a basic home on a block of land and to look out at the view. Some owners bought their land decades ago and they admit that they were naive in their purchase. Some blocks were under water

with the tides and little thought was given to infrastructure needs like water, roads, sewerage systems and parklands.

At this point I would like to acknowledge the tireless advocacy of one particular person in relation to the Moreton Bay islands—that is, as the member for Mount Ommaney said, Brian Fuller. I can distinctly remember him coming to see me on a number of occasions in relation to these issues. He did so not only on his behalf but also on behalf of his friends who lived in my electorate who were in similar circumstances.

In 1995 a joint study was conducted by the Redland Shire Council and the Queensland government to determine measures for managing development impacts and also the size of the population that would be ecologically sustainable. The study was released in 1999 and it recommended a decrease in the number of developable lots by about one-third and compulsory acquisition of about 5,500 lots.

There was extensive public consultation on the study and its recommendations. It was decided by our government that the mum and dad owners or the individual landowners should be able to continue to exercise existing development entitlements to build a house on the lot, regardless of changes to the council's town planning scheme. All land-holders were advised of the decision. The few people in my electorate who were affected were generally pleased with the decision of the Beattie Labor government. They should remember that it is our government, a Labor government, that brought in this stand-alone legislation to protect their interests.

I remember a few years ago that some people, due to their frustration with the Redland Shire Council, went over to the dark side of One Nation which was promising them everything in relation to the island issues. One Nation was saying that it would fix it. Is it not ironic that it was our Labor government that looked after their interests and at this stage there is only one member of One Nation in this House?

One Nation was out there telling my constituents a load of tripe. It was telling them that it was going to wave a magic wand. In the end One Nation was ineffectual. We have one member of One Nation here now. One Nation caused a real stir in my electorate and I will never forgive it for it. One member of One Nation in this House is too many and I will be glad when we have no members of that horrible party here.

I still feel sorry for my constituents who were sucked in by One Nation's promises and false hope only to be let down by that particular party again and again and again. I am pleased that it is our government, a Labor government, that has looked after the mum and dad landowners. It is our government that listens, consults and delivers.

Mr CHOI (Capalaba—ALP) (4.33 p.m.): I rise to speak in support of the Southern Moreton Bay Islands Development Entitlements Protection Bill 2004. The primary objective of this bill is to provide for special arrangements to ensure that the owners of land on the southern Moreton Bay islands can personally exercise their rights to develop houses on their land, notwithstanding the fact that changes are being made to the Integrated Planning Act 1997 which may affect those rights. Obviously those approvals are subject to engineering consideration and development requirements as set out in the Redland Shire Council current town planning scheme.

In the 1960s and 1970s the southern Moreton Bay islands were subdivided into 22,500 lots allowing for a potential population of 33,000 people. Many investors bought the land sight unseen. Many were unaware that some of the land contained environmentally sensitive wetlands, took in cliff faces and other environmental considerations. Concerns emerged regarding the services and infrastructure on the islands. The private holding of large numbers of properties with drainage problems made replanning of the islands extremely difficult. This has been an ongoing problem for many years between the owners of the properties as well as the Redland Shire Council.

I think the current state government and the Redland Shire Council inherited this problem of poorly planned, ill-conceived proposals and shonky popular deals of the day. So much so that between 1981 and 1983 nine people were put on trial on charges of conspiracy to defraud over the sale of the land. The trial ran for 322 days but was aborted when a juror became ill after two weeks of deliberations.

Not everyone is going to be 100 per cent pleased with this bill. Some would argue that there are already too many houses on the islands and therefore there should be no more development. Some would argue that the property rights of the owners are unreservedly protected and therefore they should have the unlimited right to develop their houses on the island. It is going to be very difficult to please everybody.

This bill provides special arrangements to owners of certain land on the islands to allow them to continue to exercise their development entitlements under the existing planning scheme and to construct their dwelling on their land. This bill applies to a development application for development that would not have required a development permit under the existing planning scheme. The applicants advise the council of their proposal to carry out development under the existing planning scheme.

It is important, given the environmental considerations and the need for additional infrastructure provisions for what will be a very substantial population, that the protection of the islands be balanced. The Redland Shire Council has developed a range of measures designed to achieve positive conservation outcomes on the islands. The impact of the plans for the islands therefore need to be as limited as possible and allow for as much planning certainty for the council and the emerging communities as is possible.

I believe overall the bill strikes a very fine balance in this unique situation between the competing considerations of landowners with a legitimate expectation that they can one day build a house on their own block of land and the need to provide additional infrastructure for a significant population in the future as well as the need to limit the population where possible. The need to protect high conservation value areas and the need to take into account the environmentally sensitive Moreton Bay islands is paramount.

The honourable member for Warrego mentioned that it is a step in the right direction. I say to that member of this House that it is a big step in the right direction and far more than the National Party has ever done for the owners of the islands in the past. I commend this bill to the House.

Mr SEENEY (Callide—NPA) (Deputy Leader of the Opposition) (4.36 p.m.): I rise to make a contribution to the consideration of the Southern Moreton Bay Islands Development Entitlements Protection Bill. As the shadow minister responsible for the carriage of the bill has indicated, we will not be supporting the bill. The bill deals with land titles on the southern Moreton Bay islands. Quite obviously, the southern Moreton Bay islands are a considerable distance away from that area of Queensland that I represent. It is a piece of legislation that I take a particular interest in because it deals with freehold title and how freehold title is treated by the Beattie Labor government.

There is no way that I and the opposition can support a piece of legislation that continues the Beattie government's attack on freehold title and what it means. I have sat here this afternoon and listened again to some of the socialist members of the government talk about the fact that we cannot have absolute ownership of land. One member said that it is impossible to own land unconditionally. That represents the philosophical difference between me and our side and some of the socialists who sit on the other side.

Freehold land title represents just that. Freehold land title has always been the absolute ownership of land. The member for Caloundra gave a very detailed explanation of freehold title rights and what they mean in a somewhat legalistic way. It was a somewhat legalistic explanation but a very good explanation of what freehold land title means.

The other person who once before in a debate in this House looked at the issue of freehold land title was the member for Murrumba. He examined the history of land title. I would like to refer to that again today and continue with the course of examination that the member for the Murrumba started. Freehold land title by its very definition means holding land free of encumbrance. That is where the word comes from. That was the origin of the word in English law. It meant that the land-holder held the land free of encumbrances from the state. It did not mean and never has meant that anyone can do whatever they like on a particular piece of land. All citizens are bound by their common law duty to other members of the community.

That duty to other members of the community does not mean that they give away the right to do whatever they please on the land that they hold free of encumbrance so long as it does not impact on their neighbours and on the rest of the community and as long as it does not transgress on that common law duty to the rest of the community. What has happened in recent years is that the community at large—socialist governments like the Beattie government representing the community at large—has started to want for itself some of the rights that have traditionally been held by freehold land-holders. Owning freehold land gives to the owner a whole bundle of rights—a group of rights—that they can exercise in relation to that land. What has happened in the past is that those rights have been taken away for the benefit of the community. That is the way that the Beattie government has gone, and it has gone that way based on this socialistic philosophy that somehow the landowner does not own those rights. The land-holder has always had those rights. That is the essential meaning of freehold land ownership. Over a period of time we have seen those rights eroded away.

It is in my view fair enough for the community as expectations change and as requirements change to acquire either the land itself in entirety or some of those rights that have traditionally been associated with the holding of freehold land. There are particular circumstances where it is to the benefit of everybody that those rights be acquired by the community. But the essential element that has been missing from that process is the recognition of the moral duty for the community to compensate the individual land-holder who will lose the rights. If we as a community want the benefit of that property—whether it be the property as a whole or one or more of the rights that are attached to that property—then we as the community need to be prepared to purchase the right at the market value. That is the fair and decent thing to do. It is the moral thing to do.

The Beattie Labor government especially has tried to escape that obligation by putting up these convoluted arguments that somehow or other those rights no longer exist, that it has legislated away

those rights, that it has taken them away without providing any compensation or so that it can take the rights without any compensation. That is a repugnant concept that I will oppose, have opposed in this House and will continue to oppose at every opportunity I get. In this particular case, the reason we are here in this parliament today considering this bill is that the Land Court recognised those rights. The Land Court upheld those rights in a case that involved Mr Mike Atkin who was a landowner on the island. I congratulate him for the great effort that he went to over a long period of time to take his case through the legal system and to have the Land Court recognise those rights.

The government's response to that is to come into this House and legislate away the rights of a whole series of other freehold landowners. As the shadow minister went through the detail of the bill, I noted there will be a small group of land-holders who will be able to enjoy those rights that have been recognised by the court because of the action that Mr Atkin took. But this bill essentially takes away that right from a whole group of other land-holders, and the government is going to do that by regulation. We are not even identifying today which land-holders are going to be able to exercise that right that they have always held, that the court found that they have always held in the Atkin case. Essentially, we are going to take away that right from all of those land-holders. That is a totally unacceptable situation and it is something that should be opposed by every member in this House who has any concept or any understanding of the concept of fairness and equity.

However, I fear that this assault on freehold land title will only continue in the future. It is an assault on the very basis of land ownership in Queensland. We saw it at its most obvious with the Vegetation Management Act which caused a huge degree of angst and frustration and still causes a huge degree of anger and frustration in rural Queensland where the rights that freehold land-holders had in rural land-holdings were taken away for the benefit of the community. Very clearly, the community in that case decided that it wanted to use particular areas of that land that was held by land-holders for its own purpose, and that purpose is set out in the Vegetation Management Act as being biodiversity or maintaining ecosystems so that people in the community everywhere can somehow feel good about those areas being there and about that vegetation remaining there.

That is fair enough. If the community decides that through its democratic processes and through the democratic processes that are exercised in this place, then we living in a democracy have to accept the right of the community to make that decision. But along with that decision goes the responsibility to compensate the individual. That was completely missing from the Vegetation Management Act—completely missing—and the compensation provisions that have been put in place are not even called compensation provisions. The government goes to great detail not to call them compensation provisions but to call them some sort of adjustment package—that is the term that is used—simply because it does not want to recognise its obligation to pay compensation to those people who were affected.

So it is with these people in an urban situation on the Moreton Bay islands who find themselves stripped of the rights that they have held in holding that freehold title on those blocks of land. They are in exactly the same situation where the rights that they have held—the rights that were recognised by the court in the Atkin case—are going to be stripped away by this legislation. The government could not win in the court. Those people established their rights in the court of law in the legal system, so the government comes in here with a piece of legislation that will effectively take away those rights that were established in the court of law and not provide the proper compensation to those individuals who have lost the right that they had bought when they purchased that piece of land.

It is a good indication, if any indication was needed, that this assault on property rights that we have seen as a hallmark of the socialist Beattie Labor government is not restricted to rural land-holders. It impacts very directly on rural land-holders, and it has done over a period of years with a number of pieces of legislation. But this assault on freehold property rights by a socialist state government impacts on all Queenslanders. It has the potential to impact on all Queenslanders, and it is impacting in this case on a group of urban land-holders who have quite rightly been described as battlers, as people who sought to establish for themselves a retirement opportunity. I think the member for Bundamba outlined some of those details, and she was right in what she said. Those people made what was for them a huge investment in their retirement opportunities. It was an investment that they could afford, and it was a huge investment for them. They invested in the right to build their retirement home there. That is what they bought. People do not buy a piece of dirt for the sake that it is a piece of dirt. People buy a piece of dirt and invest in that property for the right to build their retirement home. It is that right that has to be protected. It has to be protected at all costs, because it is the essential element of freehold title.

It is that right that every member in this House should protect today by voting against this legislation. I fear that the member for Bundamba does not really understand the concept of freehold land title. She does not really understand the effect that this legislation is going to have on her constituents—on those people who made that investment in those rights. Otherwise she would be advocating, as I am advocating, that every member in this House oppose this legislation today.

I introduced into this House a Private Property Protection Bill and an amendment bill to the Acquisition of Land Act which forms the basis of the National Party's policy position to put an end forever to this assault on private property rights. If those bills had been passed and that legislation was now in

place, the people on the Moreton Bay islands would be a lot better protected from this type of assault on their property rights because they would be guaranteed a proper level of compensation. They would be guaranteed that there would be a proper market based compensation scheme in place. That is the only fair method of compensation.

If the community is imposing that regulation for the community's benefit at the cost of the individual, to establish the worth of the ownership rights of that land before a particular regulation is imposed and the worth of those rights after that particular regulation is imposed and the difference between those two values is what the community owes the individual. That is what happened with the Vegetation Management Act. That is what is happening in this case. The community is imposing a regulation, the community is changing the law for the general benefit, but that general benefit has a cost to the individual and that cost to the individual cannot be expected to be borne by the individual alone because it is not to the benefit of the individual alone; it is to the benefit of the broader community. That is an essential part of the property rights legislation that I introduced into this House and it will remain an essential part of the policy position that we will maintain and take to the next election.

In the particular case that we are talking about today relating to the blocks of land on the Moreton Bay islands, the market value of the land in question was certainly established with the success of the court case that was pursued by Mr Atkin. The market value was certainly established, because it was established that those land-holders had the right to build on those blocks of land if they could solve the drainage problems by filling piers or whatever. They had a right that had been denied to them for quite a number of years, which is why the actions had to be taken in the Land Court to establish that those people had those rights.

The other group of people who have been very much disadvantaged through this whole saga are those who were wrongly convinced that they did not have that right, for whatever reason, by the local council and other players in this saga. That group of people either sold their land or allowed their land to be resumed at a market rate that did not recognise the right that was held by freehold land-holders. So the decision in the Land Court was essentially a very important decision in that it certainly established the right that every freehold land-holder had on the Moreton Bay islands. It meant that the market value of those blocks of land was much more than had been assumed by those who argued that that right did not exist.

That decision also set the market value of those blocks of land, which the community needs to recognise if the right for these people to exercise the right for which they purchased the property in the first place, which was to build a house, is taken away from them. The value of that property has certainly been established by the fact that the court found that that right existed. It is certainly incumbent on the community to ensure that those people are compensated at a level that recognises the difference in the market value of that property when that right is recognised and the value of that property when that right is either not recognised or taken away. That is an extremely important concept.

These islands are not the only place in Queensland where land title structures have caused a large number of problems. This is one example that, because of its size, I guess, has been a long-running saga. But there are a range of areas in Queensland where previous land subdivisions of various types, both urban subdivisions and rural subdivisions, have caused particular problems because of the way in which the land has been subdivided and the land titles have been established.

It is totally unacceptable for any government to try to solve those problems by taking away the freehold rights that have been acquired by the landowners when they purchased those land titles that had been established by the state. That is a principle that applies in this urban situation. It is a principle that applies in a range of rural subdivision situations. It is a principle that applies in some of the soldier-settler schemes where rural areas were subdivided into ridiculously small areas.

This bill is a continuation of the Beattie Labor government's assault on freehold land title. It is an assault on private property owners and it should be opposed by every member in this House. I will certainly be opposing it.

Mrs REILLY (Mudgeeraba—ALP) (4.56 p.m.): I am pleased to rise to speak in support of the Southern Moreton Bay Islands Development Entitlements Protection Bill 2004. One might wonder why the member for Mudgeeraba would choose to speak on a bill that so specifically deals with an issue so far from her electorate.

Mr Lawlor interjected.

Mrs REILLY: For the benefit of the member for Southport, I will explain. Apart from having a personal interest in the area—I grew up in the Redlands and I have long had a fondness for this magical part of the world—the issue of landowners who bought land on these islands was brought to my attention about three years ago by a constituent of mine from Lower Beechmont who, like many hundreds of other people, had purchased a small block of land on Russell Island in good faith and was keeping it for her retirement. She planned to move down from the mountain to the sea to see out her days fishing and walking on the beach in bliss and tranquillity. That was a dream that many people had, but for her it was very quickly shattered by the reality that she had been hoodwinked, sold a lemon and

taken for a ride by shonky real estate marketers and developers who sold her a block that she was told she could not build on. Eventually, it was worth less than the yearly rates that she paid.

Let us have a look at who is at fault here. I have heard a lot of moaning and groaning from the member for Callide who carried on about rights, rights, rights—everybody else's rights and individual people's rights. What about the rights of Queenslanders to sensible, fair, responsible and sustainable planning; to infrastructure; to services; and to the protection of the environment? In 1973 the then government, which was more concerned about the rights of its developer friends and shonky real estate marketing mates, did nothing to make this situation go away or to not exist. In fact, that government supported it, it nurtured it, and it contributed to it.

Back then the Premier at the time—none other than the National Party's guru, Joh Bjelke-Petersen—received a letter from the Australian Council of Surveyors warning him to act and to abort the sale of land on the southern Moreton Bay islands as there were insufficient safeguards for purchasers. That government was told to do something and to act now to make this stop, but that government did not. For two years that government procrastinated and nothing was done. By the time something was done, hundreds of blocks of land had been sold and many hundreds of regular mums and dads had spent their life savings on this dodgy deal.

As a member of the Moreton Bay Islands Action Group, my constituent had fought for many years for a fair outcome. But her case, like many, was trapped in a complex web of deceit and mismanagement which has taken years to untangle. It has taken 30 years to undo the damage done by the then National Party government's inaction. At best, it was inaction and ignorance; at worst, it was nothing more than being an apologist for shonky developers.

Of course, it is the Beattie government that gets the results and puts things right. The Beattie government, in conjunction with the Redland Shire Council, is committed to resolving this longstanding planning and development debacle. This debacle stemmed from a history of inappropriate subdivision which did not take into account the future need for infrastructure, services, open space or environmental protection. It is just one example of the way in which things were done back then, when you had mates in the National Party and they said, ‘Go ahead and do whatever you want.' Sadly, there are many more such examples throughout south-east Queensland, and we are bearing the brunt of those bad decisions or lack of decisions—just a handshake and a 'go ahead and build, sell or do anything without any responsibility or regard for the future' attitude. Nowhere do we see examples of that behaviour and attitude more than on the Gold Coast, but that is a debate for another day.

Looking at the southern Moreton Bay islands of Russell, Macleay, Karragarra and Lamb, it is obvious now—it should have been obvious then—that careful planning for growth and infrastructure development would have been needed. We can tell now; why could they not see then that that was needed to protect the unique location and environment, to provide quality of life for residents and to determine whether these residents were going to have any land to live on or just some land that goes under water at high tide and reappears at low tide.

There are serious issues to be considered in planning for the islands' populations—transport infrastructure, water and energy efficiencies and provision, tourism and employment opportunities and access to services. One of the major considerations, though, has to be the protection of this fragile environment. An unsuitable population level would pose particular threats to seagrass, to dugong and turtle habitats and to water quality in the marine park area as well as cause loss of high conservation areas and sites of cultural significance on the islands.

The purpose of this bill is to address the concerns of landowners who purchased land with an intention to erect a dwelling and live on the site at some time in the future. We have to do that in an environmentally sustainable context. It is absolutely vital, given the environmental considerations and the need for additional infrastructure provision for what will ultimately be a very substantial population, that the protection be balanced.

The Redland Shire Council has developed a range of measures designed to achieve positive conservation outcomes on the islands. Therefore, we need to allow for as much planning certainty as possible. The bill and supporting regulation therefore do not attempt to give development entitlements to people whose land council believes is subject to insurmountable drainage constraints. It limits the ability of people who have an existing development entitlement to take up that entitlement for a set period of 10 years. It does not extend the protections to anyone or any entity who would not be considered a mum or dad landowner who plans to build on their own land a home to ultimately live in—so it does not extend that protection to developers—and it does not prevent council from making the necessary acquisitions for high order public purposes to ensure the physical and mental wellbeing of residents.

Overall the bill strikes an effective balance in this unique situation between the competing considerations of landowners with a legitimate expectation that they can one day build a home for themselves on the islands; the need to provide additional infrastructure for a significant population; the need to limit the population where possible; the need to protect high conservation value areas; and the need to take account of the environmental sensibilities of the Moreton Bay Marine Park.

The circumstances were so unique, in terms of the scale and the nature of the subdivisions that occurred on the islands, that the Beattie government believed a unique response was required. This bill is that unique response. The minister and her staff are to be congratulated for getting it to this stage. I commend the bill to the House.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (5.03 p.m.): The issue of the ability of people who bought land in the Moreton Bay islands area to construct homes and to own that property without any concern as to future development has been around for a long time. I have been in parliament since 1995 and on a cyclical basis people have come in and spoken to me about their concerns in relation to the actions of Redland Shire Council, particularly in sharp focus in terms of their ability to build a house on the land that they bought in the islands.

The previous speaker outlined the background to the matter. I do not think there is any misunderstanding or lack of clarity. The land was subdivided back in the early 1970s and it was subdivided in a way that was unsustainable in terms of both the carrying capacity of those islands and the ability to service the islands. More importantly, it was subdivided in such a way that people were enticed to buy the land sight unseen, and in many instances they did. They did not do the 'buyer beware' type of examination. They did actually purchase land. When they finally came up and had a look, they found that at high tide some of the properties were submerged and that some were completely unusable in terms of their slope or their position on the island.

I can remember the tragedy that unfolded quite a number of years ago when some of these landowners—they were mum and dad investors from the southern states who felt that they had purchased a piece of paradise for their retirement or similar—found that they needed waders to traverse their property. It has been a problem for a long time. The government's actions in endeavouring to address the issues that have faced those landowners are welcome, I am sure.

When we are purchasing property, because it is one of the biggest investments we make as individuals or a married couple—it is one of the biggest investments that we make over time; not just the original purchase price but also the development later on—we are always told 'caveat emptor'. We need to ensure that we have a look at what we purchasing, that we know whether there are encumbrances or that we know whether there are any disadvantageous caveats over those blocks of land.

However much protection is put in place by governments, there will still be those who, often inadvertently, are captured by shonky salespeople or by shonky developers simply because they are by nature trusting people. Some of the folk who sell major assets are able to put themselves forward as very plausible people.

I note that the consultation enunciated in the explanatory notes excludes any of the landowners. Given the organised nature of some of the landowner groups on the islands, it is worrisome to me that the consultation did not include at least one or two of those landowner groups. Perhaps the minister could clarify whether there was a reason the landowner groups were not included.

As a result of the IPA provisions there was a risk that the entitlements of landowners on properties would have those entitlements retained for only a two-year period. That has been extended to a 10-year period. I believe that, in terms of the opportunity for people to understand that there will be a limitation on their ability to develop the property they purchased—again I believe in good faith—stretching it from two years to 10 years is certainly an advantage. It gives people time to financially plan. Prior to this legislation, in theory people owned the properties and therefore had an entitlement to development as and when they wanted to, as anyone who buys a freehold block of land in any part of this state has. These are special circumstances, however, and there certainly are some constraints on the development ability on those islands.

I do have to place on the record my concern over a number of years at the treatment by the Redland Shire Council of landowners who purchased those blocks. As I said, this is an issue that has arisen over a long period of time in a cyclical manner. I would have to say that the information I receive—I have to be honest and say that it is not from the Redland Shire Council or councillors—from landowners who were subjected to its treatment is that the attitude of the Redland Shire Council towards those landowners has at best been intimidatory. Some of the correspondence that was forwarded by the council to the landowners was certainly overly harsh and, I believe, held out in some measure that land purchased by those people which, at least to a lay person, appears to be useable was required to be resumed for environmental reasons, and they were paid a pittance as a result. It was pleasing to see the court case come down in favour of the landowners. I believe that it vindicated in great measure the active role that landowners have played over the years to prove the actions of Redland Shire Council to be wrong.

It is unclear how many people, as a result of this piece of legislation, will have their rights removed for development. I understand it is not because of this legislation. It will, in great measure, be the actions of the Redland Shire Council in deeming certain areas unsuitable for construction that will be the major factor in deciding which properties will be able to be developed or not within this 10-year period. I would seek assurances from the minister that her department will very closely monitor the

actions of the Redland Shire Council in deeming properties unsuitable either for drainage reasons or for other circumstances, with the result being that that land is unsuitable for construction.

I believe the history of Redlands is sufficient to show that they have taken at times an intimidatory role with the landowners. They have at times claimed some blocks of land are unsuitable for construction. Some landowners had engineers' reports that confirmed the land was suitable in terms of drainage and stability of subsoil, but Redland Shire Council at the time took a very administrative role and resumed the properties. The resumption payments which I saw could be called conservative, but I believe they are insulting in the quantum which some of the landowners were paid.

I would seek an assurance from the minister that any decisions which Redland Shire Council might make in deeming properties suitable or unsuitable for housing construction will be very closely monitored and examined in terms of their validity. My criticism is not of anyone specifically on the Redland Shire Council but of the attitude demonstrated by the council over a long period of time. To those landowners who will lose their right of construction, and I understand that the legislation is aimed at mum and dad purchasers as opposed to investors who purchase the land for speculative reasons only—

A government member interjected.

Mrs LIZ CUNNINGHAM: Well, I understand that legislation is only for mum and dad investors. There will be those in that category who will lose out in great measure. It could be said that they have owned the land for 20 or 30 years and have had time to construct their dwelling. All of us here know that, if that 20 or 30 years was a time when they were raising children, putting them through school and perhaps university, there is not much spare money left to build a dream house. But, again, I commend the minister for implementing a 10-year threshold which allows them at least some certainty in terms of planning and construction.

Again, I seek the minister's assurance that her departmental people will keep a close eye on the Redland Shire Council and the manner in which it deems properties suitable or unsuitable for construction. Whilst I do not believe the legislation will make everybody happy, it will give some certainty to those who at the moment are in a vacuum and who are unsure of where they stand in terms of their legal rights. I will be supporting the legislation.

Dr FLEGG (Moggill—Lib) (5.13 p.m.): The Liberal Party is opposed to this piece of legislation. We want to affirm the rights of freehold landowners. There is a basic right that attaches to people's freehold land, and we consider it is wrong to single out a small group and punish or strip them of their rights in order to grab hold cheaply of their land under whatever pretext that is—whether it is to reduce the number of developments that take place or whether it is to include a conservation zone. If there is a community interest in stripping these landowners of their rights, they should be properly compensated in the traditional manner, which means acquiring their property at market value and letting the community bear the burden of the public policy rather than inflicting it upon individual landowners in a disproportionate way.

Reading this bill takes me back to some comedic comments which I have heard: 'We're from the government; we're here to help you.' We even entitled the bill 'Southern Moreton Bay Islands Development Entitlements Protection Bill', and we are actually stripping people of their rights to develop their freehold land and claiming that we are protecting their rights at the same time.

In claiming that this bill somehow or other protects landowners' rights, rights that they currently hold and which they will cease holding as the provisions of the bill apply, let us have a look at the way in which it strips the rights off people. Firstly, it attaches the right to develop the property to the owner, not the property. I am no lawyer, unlike the member for Caloundra, but I do not know of any other precedent for this. The right to build a property or develop a property attaches to the piece of land, not to the person who has the misfortune to own that land. It extends further in that it attaches only to individual owners of the land and not if the owner of the land is a corporation.

This is part of the confusion that this bill is creating. One block of land next door to another will be dealt with differently because somebody has chosen a different structure or a family trust or for other reasons has to own property in a company name. Extraordinarily, to my mind, this bill excludes executors. The provisions do not apply to an executor. Perhaps most amazingly under this bill, the right to transfer the development title is bound to the final inspection of the property, when the last brick and nail are put in. This means that, if somebody has the misfortune to die while building their house with a couple of roof tiles short, their executors and their family lose the right to on-sell this property and have somebody else complete it. That is just extraordinary. It is extraordinary that this government would want to do that to people. Bear in mind the owners of much of this land are retirees. Given that there are hundreds of blocks involved, there is a very high likelihood someone is going to die in the course of building one of these properties. Their executors and their children—whoever takes over the ownership—will be faced with this problem: that is, a partially completed house cannot be sold. This is the state that the government gets into once it starts trampling on people's freehold rights.

I read the minister's second reading speech. Again, 'She's from the government and she's here to help people,' as she strips their rights off them.

Ms Boyle: Add to their rights!

Dr FLEGG: They already have the right to build a house on this land. The right to build does not attach to the block of land, as it currently does.

The minister's second reading speech does shed some light in its confused statements on what is actually happening here. There is reference made to reducing the number of blocks of land that the government and the Redland Shire Council want to see developed on this island, because this is the real agenda behind this bill. The government has a decision backing up the Redland Shire Council. It does not want to put the money into the infrastructure needed on the Moreton Bay islands. It needs to reduce the number of blocks of land, and that is what this bill is about. Any suggestion that it is about conservation value of land is simply a smokescreen to confuse the fact that the government really wants to strip the right to develop off large numbers of blocks in order to save it putting in the infrastructure and seeing this developed.

There is no doubt in my mind, and the Liberal Party believe 100 per cent, that if there is a problem on the Moreton Bay islands because too many blocks have been subdivided it is not the fault of the current owners of these blocks of land. That problem has to be addressed in a way that is fair to those individual owners. If it must be done, the land must be resumed at fair market value.

We are talking about freehold land—the sort of land that your house and my house stands on, Mr Deputy Speaker Fraser. The fact that it happens to be on a Moreton Bay island does not mean that those people are any different from any of us. In fact, I understand the suburb of Mount Gravatt was subdivided at roughly the same time as the Moreton Bay islands. If we wanted to strip the rights off property owners in Mount Gravatt whose properties were subdivided at the same time, honourable members could imagine what the outcry would be.

In this case we are just singling out a minority who do not have a strong voice and making them pay for the mistakes of somebody else and the unwillingness of the Redland Shire Council and the state government to properly resume that property at market value.

The shifting of the right to develop to the owner is a dangerous precedent in this state. The extinguishment of that right after 10 years is arbitrary and, again, a dangerous precedent. There are reasons why owners are not able to build within the 10-year time frame. These people are not a wealthy elite. Many of them are battlers. For many of them it takes a lifetime to put money together to build a house. They are now placed under an arbitrary deadline that in 10 years their rights are extinguished, bearing in mind that that house has to be finished to every tile. I hope they do not get a builder who goes broke near the end of the 10-year period because they may find that they could never get a final inspection on that house.

No matter how much their circumstances change, the people cannot sell the land or the partially finished house, unless they wish to sell it at a basically worthless price to the Redland Shire Council because the act of selling the house has extinguished the rights to it. The people who own this land who may be wishing to build houses have just about lost the right to die because the legislation does not cover the mortgagee, and their family cannot go on and sell the land with the development right attached to it. They cannot sell a partially finished house, even an almost completed house.

I do not think that fair-minded people would believe a situation like that on the Moreton Bay islands can be properly dealt with in any way other than resuming the property at a fair market price. This legislation is so confused that it actually makes a mockery of the concept of a fair market price, because the fair market price can only be determined when the right to develop the property attaches to the property itself because it is the property that is transferred. In this case, what is the fair market price when somebody can build on the property but when it is put on the market the right to that is lost? Even the concept itself becomes hopelessly confused.

We are not denying that there are not some problems on the Moreton Bay islands and that too many blocks have been divided over the years, and I think it would be foolish to conclude that there were no problems on the Moreton Bay islands. That is not what this bill is about. This bill is about putting the burden of paying for those mistakes of the past on a group of innocent bystanders who have acted in good faith and who have bought freehold land with the same expectations, hopes and rights that we had when we bought the freehold land that our homes stand on.

The member for Mudgeeraba made a couple of very cogent points. She referred initially to the fact that she had had contact with constituents who had had problems because they could not build on their blocks. This legislation is not about people who cannot build on their blocks; this is about blocks that are perfectly sound blocks of land, where they can be built on, and where the state government—hand in hand with the Redland Shire Council—is about ripping from people the right to build on those blocks. These are not the blocks which are unsuitable to build on, and that is made very clear in the legislation.

The member for Mudgeeraba made the most cogent point of all, which is that there is a problem for the community; that there is a community good in doing something about the problems on the Moreton Bay islands. Make no mistake, when there is an issue for the community that is for the community good, the underlying principle is that the community as a whole pays for it and that we do not shift the burden to a small group of people who are not part of what has caused the problem.

In relation to the rights of people to develop their freehold land, the courts in Queensland have been a lot fairer to them than what this piece of legislation is going to be. I echo the comments of the member for Gladstone, who said that the council should not be permitted to summarily deem blocks of land as unsuitable for construction simply so that it can get its hands on those blocks of land at a cheap price.

This bill is all about reducing development on the Moreton Bay islands to save the cost of infrastructure on those islands. It is absolutely hypocritical to claim that this is to do with the conservation value of that land. A reading of the minister's second reading speech makes very clear what the agenda of this bill is.

In concluding I say that it is totally unreasonable to shift the burden of the mistakes—mistakes that were approved of by the authorities in Queensland decades ago—onto a small group of individuals. We are adamantly opposed to that sort of practice, and we are very concerned that having set as an example the trampling of the development rights of owners of freehold land as a precedent in this case we will see that precedent used on other occasions if the government is allowed to get away with it without strong opposition being expressed to it. We are opposed to this bill.

Mr ENGLISH (Redlands—ALP) (5.25 p.m.): I strongly support the Southern Moreton Bay Islands Development Entitlements Protection Bill 2004. The bill arose out of a complex and lengthy history of planning and development matters affecting the four southern bay islands—Karragarra, Lamb, Macleay and Russell.

During the 1960s and 1970s the islands were subdivided into 22,500 mostly small lots. Areas were subdivided even though tidal inundation and stormwater overland flow occurred there. Around 5,700 lots were affected in this way. In addition, very little provision was made for infrastructure and service provision as part of the subdivisions, and areas with environmental significance were not protected.

Many lots were sold to people who had not fully informed themselves of the shortcomings that applied to the subdivisions and the limitations that may apply in terms of being able to build a home. The islands were only included under the jurisdiction of the relevant local authority, Redland Shire Council, in 1973, and what a hospital pass that was by the National Party government!

Recognising that there were significant planning problems on the islands, in 1995 the state government jointly funded a study with the Redland Shire Council which resulted in the release in 1999 of the Southern Moreton Bay Islands Planning and Land Use Strategy. Let us look at the time line here. The islands were subdivided in the 1960s and 1970s under the National Party. Twenty years later, under a Labor government, finally the planning shortcomings of that era began to be addressed. It is ironic to hear members of the National Party stand up here and show concern. The National Party had more than 20 years in government—between its election in the sixties and when it was thrown out in 1989—to take action. Its commitment is proven by its lack of action.

The Southern Moreton Bay Islands Planning and Land Use Strategy determined an ecologically sustainable population for the island and outlined how best to manage future development impacts. It found that there should only be a population of about 22,600 people living on the islands, which equates to about 11,300 house lots. One way of achieving this—which was proposed in the strategy—was compulsory acquisition of almost 5,500 island lots. The state government then considered the findings of the strategy based on extensive public consultation and a set of modified implementation measures that finetuned the recommendations, and the strategy was released.

On 29 May 2000 the state cabinet adopted the modified implementation measures. These measures included a commitment by the state government that mum and dad landowners should be able to continue to exercise their existing development entitlements to allow them to build a home on their island if Redland Shire Council's future Integrated Planning Act planning scheme attempted to take away that right. The right to build would be subject to the usual engineering and development requirements that existed. This commitment would apply until the land was transferred.

The council's statement of proposals for the islands was released in May 2002. It was a preliminary consultation document designed to assist in the process of drafting the IPA planning scheme. That included a conservation acquisition strategy, or CAS. There appeared to be a need to protect existing development entitlements in accordance with the government's commitment, since council sought at the end of the day to compulsorily acquire a number of lots for conservation purposes. The CAS was revised by the council in December 2002. In August 2003, after reviewing all of the evidence and engaging in relevant consultations, the state government decided to broadly support the strategy and to provide up to half a million dollars to assist with voluntary land exchanges and

purchases. In addition, the government stated that it did not support compulsory acquisitions carried out under the council's CAS and it reaffirmed its commitment from May 2000 to protect the existing development entitlements of landowners on the islands.

In October 2003 the Redland Shire Council submitted its proposed draft IPA planning scheme. It confirmed that many of the lots that were previously zoned to allow a home to be built on them would now be zoned conservation and that homes would no longer be supported by the planning scheme. Accordingly, at this time the need for the state government to take action to give effect to its commitment was established.

Upon reviewing the different ways in which the government's commitment to landowners could be fulfilled, the state government determined that the most effective and efficient way would be by stand-alone legislation for the islands. A regulation to the bill will list the lots to be protected. The lots cannot be determined with certainty until the IPA planning scheme is approved for adoption by the Hon. Desley Boyle, Minister for the Environment, Local Government, Planning and Women. The Redland Shire Council has until 31 August 2005 to adopt its IPA planning scheme. Therefore, the regulation may not be finalised until shortly before then.

The government does not consider it necessary or appropriate for the regulation to list lots that are clearly suffering such severe drainage constraints that no house could possibly be built on them. Therefore, landowners who are potentially protected by the proposed legislation should find out—if they do not already know—whether the council considers that their lots have insurmountable drainage constraints. If that is the case but they feel that it may not be correct, they can take steps to demonstrate to the council's satisfaction that their land does not have such constraints. A submission to the council establishing a development entitlement lodged in response to the notification of the IPA planning scheme can be considered by the council and the state government and a determination made relating to the inclusion of the land in the regulation.

The following categories are potentially protected by this bill and are included in the regulation: land which is currently zoned residential A, rural non-urban or comprehensive development, and land that the Redland Shire Council is proposing to rezone wholly in the conservation zone. These landowners must be able to establish an existing development entitlement—that is, they must meet the normal engineering and development requirements enabling the construction of a dwelling house. At the same time, they must be people who, solely or as a joint tenant or a tenant in common, are legally or beneficially entitled to possession of an estate of freehold land immediately before the end of the consultation period for the Redland Shire's IPA planning scheme. This does not include mortgagees, trustees, administrators or executors.

It is expected that the council will publicly notify its IPA planning scheme for 60 business days from when it is released, hopefully, in October of this year. This gives landowners on the islands an opportunity to make submissions to the council. They could challenge the conservation zoning that purports to take away their right to build a home and/or they could show that there are no insurmountable drainage problems affecting their land.

It is important to realise that the Redland Shire Council still retains its responsibility to decide if a house can be built after an application is submitted by an owner, as defined in this bill and as prescribed in the regulation. Essentially, the bill enshrines in law the person's right to make a development application under the current planning scheme under which his or her land is zoned residential A, comprehensive development or rural non-urban. The right of anyone listed in the regulation to bring a development application continues for 10 years after the Redland Shire Council adopts its IPA planning scheme. Council cannot refuse to consider the application under the current planning scheme.

For those people who are not included in the regulation, the usual rule under IPA that a development application can be brought under the old scheme for two years after the IPA scheme is adopted continues to apply. However, the council can decide that it does not wish to assess the application under the current scheme. If it does so, the council is potentially liable for compensation if the applicant can demonstrate that they had an existing development entitlement.

Anyone included in the regulation who does not wish to use the provisions in this bill does not need to do so. In that case, he or she, as well as people not included in the regulation, may be able to demonstrate that they are entitled to compensation under IPA if council uses the IPA scheme to make its assessment. If an owner's application is rejected by council or has conditions attached which are considered unreasonable, he or she is also able to take the matter to the Planning and Environment Court, which is the independent body established to resolve disputes about planning and development matters. If an owner wishes to sell their land to someone who is not an owner, the home must be completed; that is, a final inspection certificate under the Standard Building Regulation 1993 must have been issued. Otherwise, the purchaser may not be able to finish building the house since the building permit will have lapsed and the new planning scheme provisions will apply. I believe this bill will be welcomed by many landowners, who have been given hope by the government's commitment of May 2000 to protect existing development entitlements on the southern Moreton Bay islands if they are removed in the future.

In summary, it is important to explain that, following the Redland Shire Council's new IPA plan, if the government did nothing then within two years of that new IPA plan coming into effect, people would lose their development rights. The government is legislating to protect those development rights for 10 years. The National and Liberal parties will not support this bill, so they are saying that they want those development rights wiped out in two years. I and this government will stand up for the mum and dad landowners even if the National and Liberal parties will not. To have those development rights wiped out in two years is farcical and I will not support that. I will defend them.

I should mention that there are members of the environmental movement in my electorate who are not happy about this bill. They would prefer that those development entitlements be wiped out within two years. I do not think that is fair. I have been lobbied by Brian Fuller and Ian Olsson, who are both lovely, caring gentlemen. They are disappointed that this bill removes the entitlement after 10 years. They would like to see a change in the definition of owner and they would like to see the time frame pushed out. However, this bill is about striking a balance, about giving certainty to people where uncertainty has existed for the last 30 or 40 years. I believe that this bill strikes a good balance between the environmentalists and the people who want unlimited, unfettered development entitlement rights. This bill is about protecting the mums and dads. I commend the bill to the House.

Hon. D. BOYLE (Cairns—ALP) (Minister for Environment, Local Government, Planning and Women) (5.37 p.m.), in reply: I appreciate the contributions of members on this important bill, which increases and expands people's rights in a difficult situation with a dreadful history in the southern Moreton Bay islands. I am pleased to say that I have had occasion to visit the southern Moreton Bay islands in the last few months and I understand—even if just from pictures—why people were so eager to buy up the lots. It a very beautiful part of the world. Nonetheless, it is very difficult to manage. We are assisting those mums and dads whose land is developable and who should have an extended right to build what is for many of them their dream house.

May I briefly address some of the issues raised during the second reading debate. The member for Mirani raised various issues, including that the bill takes away the rights of freehold landowners. In fact, this is not the case. The bill does not take away any rights. The bill in fact extends the rights by extending the period in which an owner can lodge a development application. The planning scheme under IPA is what may or may not take away development rights. The planning scheme is of course perused by the council, not the state government. In the particular area of the southern Moreton Bay islands, when the planning scheme goes on display it will be two kinds of zoning changes that may be of particular interest, and that is to discover which lots are believed to be drainage affected and those which the council may choose to have zoned as conservation.

The member for Mirani also raised the issue that people may lose their rights to compensation if their development application is refused. It is proposed that the act will apply only to land which is reasonably capable of being developed for residential purposes and this will be reflected in the regulation.

It should be stressed that the act contains an extra option for landowners and does not prevent them from using the existing superseded scheme and compensation arrangements if they wish as they are already entitled to and as others are around the state of Queensland under IPA. Because of the nature of the current Redlands planning scheme, any application for a dwelling house assessed against that scheme would be approved.

The member for Mirani was further concerned about compensation. I am indebted to my colleague from Redland shire for reinforcing the fact that the bill does not affect any current rights to compensation under IPA. The two potential avenues written into the act are available for landowners whose interests are affected by a new planning scheme. Owners of land affected by the bill will be able to pursue these avenues if they wish. What we are doing is ensuring that for those who want to build on their land—where the land can be built on—they will have not two years to do so but 10 years to do so.

The member for Mirani and also the member for Warrego raised the issue of the definition of owner and heirs not being able to exercise the rights under the bill. An heir would be entitled to the rights conferred under the bill so long as that person is a beneficiary entitled to an interest in the land according to the will.

The issue of privately owned companies and spouses or resident dependent relatives of an owner not being covered by the bill's protection was indeed a difficult matter. Our decisions have been made on the following basis. Using the term 'individual' in the definition of owner in the bill precludes any corporation from using the provisions of the bill. In addition, spouses or dependants of landowners are not covered by the bill unless they are joint tenants or tenants in common with a person, for example, a spouse who is defined as an owner under the bill.

There is no practical method to ensure that if development entitlements are exercised by a corporation the corporation is essentially the same as that which was in place at the time it was determined to be an owner under the bill. In the case of spouses, this would have opened up a debate about who should be considered a spouse for the purpose of this legislation. The ultimate definition would have been arbitrary and could have involved evidentiary considerations as to whether someone is

living in a de facto relationship with an owner. We decided that the best way forward was to recognise existing owners as they are now. In the great number these will be the mums and dads who bought the land, had a dream and whose dream we are protecting.

There were concerns also expressed about the regulation prescription. In fact that is not correct. Regulation is determined by government whereas it is the Redland Shire Council that will determine the planning scheme. It is under the draft planning scheme that the prescribed lots will be put on public display and then finally determined following the public submission period.

I will clarify that the Queensland Land Court decision of Atkin v. Redland Shire Council does not affect the bill. That was a decision in relation to the drainage on affected lots. It was a decision that has undoubtedly been taken into consideration by the council in terms of its further action through the planning scheme. It is not a decision that is relevant to the lots that we are protecting under this bill.

I thank the member for Springwood for her support for the bill and for her emphasis on the benefits of the bill and the support of her constituents. I recognise the contribution made by the member for Warrego. He asked what happens if parents die. I am able to reassure him, of course, that so long as the will reflects the passing of property from a parent to a child—that is, they are a beneficiary under the will—then their entitlements as an owner will, under this bill, continue. The member for Warrego also asked what money has been put forward for the Redland Shire Council to assist with issues on islands. I am pleased to say that in relation to the land impacted by the conservation zone in the planning scheme that this government has made available $500,000 to assist the council in the purchase of affected lots and to assist with transfer duties for an exchange of affected lots with council owned lots. I am advised that about 80 percent of these transactions have been completed and that this money will be claimed by the council by December 2004.

I thank the member for Mount Ommaney, who spoke of the many SMBI landowners in her electorate. I know of the support she has offered them over the years. I recognise the contributions during this debate by the members for Caloundra and Callide, both of whom clearly have not read the bill. They used the opportunity to have a general rave about matters that are not in fact covered by this bill. They demonstrated their ignorance of matters that are covered by the bill. They raised the issue that the bill removes the right for the owner of freehold land to deal with their property. This is not correct. I encourage them to go back and look inside the bill.

I thank the member for Capalaba for acknowledging that this legislation is a big step and an important step. I acknowledge his support and his interest on behalf of his constituents. So far as the member for Bundamba is concerned, I say that I appreciated her reminder of the battlers who purchased the land—the very people who have brought us to introducing this bill into the parliament; a bill which I hope will be passed shortly. She reminded us too—and I support her—of the strong advocacy over many years of Mr Brian Fuller. I join her in commending him for his efforts on behalf of SMBI landowners.

I thank the member for Mudgeeraba for her contributions and her apt descriptions of how beautiful and how special these islands are from an environmental perspective and her calls for balanced and environmentally sensitive development. I thank the member for the Gladstone for signalling her support for the bill, a recognition of the importance of the history and of the advantage being created by this bill rather than the disadvantage. I assure her that detailed consultation has been done over many years by the council, by ministers in the state government and members of parliament through newsletters to owners and through the drafting of the bill.

We have particularly targeted landowner groups. It is of amazement to me that she should have been informed otherwise. This is not indeed in line with the information I have on the extensive years of consultation that have been undertaken. Nonetheless, I take on board her comments about the Redland Shire Council in times past and whether it has been genuine and proper in its understanding of the importance to landowners of being able to build on their land if possible considering the drainage and the engineering limitation there may be. I assure her that I will do as she requested and that is to monitor the public display period of the council's planning scheme to ensure that, after the public display period, the council does properly take into account all of the issues raised in the submissions and ensure that when that draft planning scheme is returned to the state government for its second state interest check that that is thoroughly and proper done with the interest of land-holders who have that dream clearly in the forefront of my mind.

I thank the member for Moggill for his attempt at a contribution. He clearly had not read the bill. The bill does not reduce the number of blocks on which an owner can build. That is quite incorrect. It will increase the number of lots which might otherwise have been reduced by the new planning scheme as embodied by the council. He said that the bill excludes executors. An executor who has an interest in the property should not in our view be able to benefit from the advantages conferred by the bill. However, a beneficiary of an estate who is the owner could potentially also be an executor and he or she would be able to use their lot and build their home.

The member for Moggill suggests that residents should be compensated by acquisition of land and fair market value. Again, I state that the bill does not prevent owners seeking compensation which

will be based on fair market value as prescribed under the Integrated Planning Act. He also suggests that the extinguishment of rights after 10 years is arbitrary. He clearly has much to learn. The extinguishment of the rights after 10 years is not in fact certain. The reason that the government was required to pick the period of 10 years as an extension from the present two years is that all regulations are required to be reviewed after 10 years. It will then be a matter for the council of the day and the parliament of the day as to whether they may in fact wish to extend their rights a further 10 years.

I do thank the member for Redlands, whose electorate covers the bay islands. He has been a stronger supporter of his constituents on the islands. He has written to me on numerous occasions and I am sure to former ministers. I know he has taken a strong interest in this legislation. I appreciate his summary of the bill, which we will vote on tonight, and I do value his support as a step in the right direction.

In closing, I recognise the tremendous contribution that has been made by two of the planners of the Redland Shire Council, Mr Steve Hill and Mr Wayne Dawson. They have been strongly supported by Mayor Don Seccombe and I recognise the tremendous efforts and hours that they have put in. I also want to put on the record my absolute admiration for and appreciation of two of the senior planners in my department, Colin Cassidy and Sue McCafferty. They, too, have made a very significant contribution on this bill, as they do on many of the matters before Planning in the state of Queensland. I do hope that all members will support this bill.

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

AYES, 53—Attwood, Barry, Barton, Beattie, Bligh, Boyle, Choi, E.Clark, L.Clark, Croft, Cummins, E.Cunningham, English, Fenlon, Finn, Fouras, Fraser, Hayward, Hoolihan, Jarratt, Lavarch, Lawlor, Lee, Livingstone, Lucas, Male, McGrady, McNamara, Mickel, Miller, Mulherin, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Pitt, Poole, Purcell, Reilly, Reynolds, N.Roberts, Robertson, Schwarten, Scott, Shine, Spence, Stone, Struthers, C. Sullivan, Wells, Wilson. Tellers: T. Sullivan, Reeves

NOES, 19—Copeland, Flegg, Horan, Knuth, Lee Long, Lingard, McArdle, Menkens, Messenger, Pratt, Quinn, Rickuss, Rowell, Seeney, Simpson, Springborg, Stuckey. Tellers: Hopper, Malone

Resolved in the **affirmative**.

Consideration in Detail

Clauses 1 to 10, as read, agreed to.

Schedule, as read, agreed to.

Third Reading

Bill read a third time.

ORDER OF BUSINESS

Hon. A.M. BLIGH (South Brisbane—ALP) (Leader of the House) (5.59 p.m.): I move—

That government business order of the day No. 3 be postponed.

Motion agreed to.

NATURAL RESOURCES LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 17 August (see p. 1841).

Mr SEENEY (Callide—NPA) (Deputy Leader of the Opposition) (6.00 p.m.): I rise to make a contribution to the consideration of the Natural Resources Legislation Amendment Bill 2004. The bill before the House that has been introduced basically deals with routine amendments to several acts in the Natural Resources and Mines portfolio. However, I am aware of an extensive amendment that has been circulated by the minister in recent days that was not introduced into the House along with the bill, and it is a very different matter to the bill that has been introduced.

Once again we see the government introducing a bill to the House and then attaching to it an extensive amendment to another piece of legislation that has nothing at all to do with the bill, and so it is with this amendment. The extensive amendment that has been introduced to the House to be considered along with this bill is an amendment to the Vegetation Management Act 1999. As most members in this House would know, I and the opposition have vigorously opposed the Vegetation Management Act from its introduction and we have opposed every bill that has come into this House amending it in the five years since 1999. Similarly, we will be strongly opposing the amendment that the minister has introduced into this House at the last minute attached to the Natural Resources Legislation Amendment Bill.

In my consideration of the bill before the House, I will deal with the legislation and the amendment separately, because they are very different. I regret that the government has once again sought to make a mockery of this parliament and the traditional processes of this House by introducing the bill and the amendment in this form. However, that is the way that it is before the House. It certainly is a regrettable situation, but because the government has introduced it in that way, I will deal with the bill and then I will deal with the amendment.

The bill, as it was introduced by the minister, is fairly routine and contains a number of amendments to the natural resources legislation, which I and the opposition would be prepared to support if they were to be considered by themselves. These amendments include changes to the Surveyors Act to keep the previously appointed surveyors board in place until the new board is appointed under the new act, which commenced on 1 August. The bill also amends the Valuation of Land Act to correct out-of-date terminology and to provide clarification in certain instances. The example given in the explanatory notes is where land owned by a government owned corporation is leased, the lessee is the owner under the Valuation of Land Act and is responsible for paying rates. In this case, a valuation is provided to the lessee as the owner responsible for the rates. As the minister stated in his second reading speech, the existing definition of ‘owner' in the act requires that this same valuation be provided to the GOC, but this is redundant as the GOC is not responsible for the rates. Thus the amendments refine the terminology in the act.

It is timely and appropriate to once again put on record some comments regarding the absolute mess that the government has made of what used to be the valuer-general's department and is now the valuation service, which is part of the Department of Natural Resources. I can remember when the valuer-general's department was a very highly respected unit in the government. It was held in very high regard by land-holders and especially by local authorities because it is on the valuations that that department did that local authorities across the state set their rates. Of course, the other main use for the valuations that that department did was for the state government to impose land tax.

Earlier this year, the state government was unable to provide those valuations to local authorities. Rather than address the problem within the valuations service of the Natural Resources Department, the government actually came into this House with a piece of legislation that excused the department of its obligation to provide those valuations. So the government maintained its billing of local authorities for the costs of those valuations, but it used its numbers in this place to ensure that it did not have to provide the service for which it was requiring local authorities to pay. I can assure the government members and the minister in particular that that has not been forgotten by the local government community in Queensland. It certainly has not been forgotten by the Local Government Association. I know that when I visit some of the local authorities within my electorate that issue is almost always raised, and raised with an expression of anger and an expression of frustration that they have been forced by the Department of Natural Resources to continue to pay that valuation fee and that the government has not provided the valuations for which they are being asked to pay.

Some 12 local authorities cover the electorate of Callide. Those councils do a great job in maintaining and administering their communities. Those councils also play a very important role in terms of the economies of those communities. The focus of almost all of those councils is to provide a service to their ratepayers in an economic way. They go to great lengths to keep their rate charges at a level which makes it possible for businesses to operate in their communities and makes it attractive for people to move to those communities, because the cost of the services that are provided and paid for through the local rates is kept to a minimum. Every one of those councils has had to deal with this impost that has been put upon them by the state government quite unfairly and unjustly. They have been required to continue to pay their valuation fees, even though they have not been provided with a valuation by the state government. Certainly, the minister has not even attempted to explain to local authorities whether or not the issues that caused this problem within the office of the valuations service within his department has been addressed.

So here we see before the House this amendment bill that sets out to make a few small changes, but there is certainly no indication within this bill that the big problem relating to the administration of the Land Valuation Act is being addressed by the minister or by the government. I can assure the minister that I will continue to raise that issue on behalf of the local authorities not just in my electorate but across Queensland. They certainly will not forget what happened last year and they will not look kindly upon having to pay next year for a valuation that again they do not receive. It was unacceptable to do it once. It will be even more unacceptable if they have to do it again.

The other main amendment contained in this bill changes the Land Protection (Pest and Stock Route Management) Act 2002 to provide an amnesty period for illegally held pests to prevent people from dumping their illegally held pests into the natural environment for fear of prosecution. It is regrettable that the natural environment of Queensland and Australia has been severely impacted by a range of pest species that were released from domestic situations. The most infamous example is the Queensland cane toad, which was brought into Queensland as a biological control agent for cane grubs and was released into the environment. It has become a huge pest.

Mr Hopper: Foxes.

Mr SEENEY: A range of other domestic or non-native animals have been released and have become major pests. As the member for Darling Downs points out, foxes are another good example. They have caused enormous damage to the natural environment. Of course, the problem is not limited to those high-profile examples. At the moment within my electorate there is a major effort to contain the spread of tilapia, which was introduced here as an aquarium fish. It is one of a number of aquarium fish that have been released into the natural environment and that cause enormous environmental damage as they compete with native species.

There is also a long list of plant species that have been released from the domestic environment into the natural environment and have become pests. Most land-holders know of these and they spend a lot of money trying to control garden plants that have been released into the natural environment and have become pests.

This bill provides an amnesty period for people to surrender illegally held pests in order to discourage them from dumping them in the natural environment. The amendment was sparked by the discovery of a red-eared slider turtle in north Brisbane. This particular turtle is a native of the Mississippi Valley area of the United States, but it is now a well-established pest throughout the world. It was nominated in the top 100 of the world's worst invaders by the World Conservation Union. This is a good example of how a relatively harmless, innocuous species in the domestic environment can become a major pest if it is released into the natural environment. The DNR fact sheet describes this particular turtle as very aggressive. It says that it will outcompete native species for food and for space in our waterways and lake systems and that large specimens can inflict a painful bite. There is great concern over the potential for red-eared sliders to carry new diseases and pathogens that could kill our native turtles and other aquatic wildlife. As such, this turtle is a class 1 declared pest and it is an offence to sell or keep these animals without a permit.

The government has obviously learnt from its experience with this turtle that the best approach would have been to declare an amnesty on the turtles so that people who were keeping them as pets could surrender them without fear of prosecution. Thus, the amendment in this bill will allow amnesties to be declared in similar situations that may arise in the future and also allow people to take declared pests to the Queensland Museum or the Queensland Herbarium for identification, which is currently not permitted. This is a concept which I believe needs to be encouraged—the concept of providing an amnesty and therefore providing an opportunity for people to surrender these non-native species rather than be faced with the encouragement to release them into the natural environment.

It is easy to understand that a lot of these particular species are kept as pets. In most cases an attachment develops on the part of the person who keeps the animal as a pet. They certainly find it difficult to come to terms with destroying that particular animal when they discover that it is a declared pest or they have to dispose of it for some other reason. There needs to be a system that encourages people to surrender these animals to a place where they can be properly disposed of—where they can be disposed of in a way that does not provide a threat to the natural environment. That system needs to be in place and it needs to be publicised widely enough to ensure there is no encouragement for people who have a fish species, or a turtle species in this case, to think that their pet, for whatever reason they have to get rid of it, would be best released into the local stream. I think good intentions have driven people to do that in the past, but we have an obligation to sell the message that that is an environmentally irresponsible thing to do. Not only is it environmentally irresponsible; it has the potential to be very environmentally damaging. There is a range of examples to illustrate that—the tilapia fish is a good one—the good intention behind the release of these animals not only is environmentally irresponsible but also has the potential to create huge environmental damage. That is an educational challenge.

Mr Palaszczuk interjected.

Mr SEENEY: I take the interjection of the Minister for Primary Industries, because I have seen some of the material that the department has published, in relation to fish especially. Coming from a background of a native fish stocking association—I was a member of one—I support all of those people in my electorate who continue to stock our native impoundments. One of the difficulties they have is in dealing with this issue of domestic fish that are released. Carp is another great example of a non-native fish that has gone on to become a huge environmental pest that has caused an enormous amount of damage.

While it is easy to think of environmental damage as destroying vegetation or as something very dramatic when it is seen in television news footage, there are other things that are not nearly as dramatic but have the potential to cause every bit as much or much more environmental damage.

This bill also makes changes to the Land Protection (Pest and Stock Route Management) Act. I take this opportunity to talk about another pest that is wreaking havoc right across the state and is becoming a particularly major problem for a large number of Queenslanders. I was particularly interested to hear on the news this morning the member for Moggill talking about wild dogs in the western suburbs of Brisbane. It is an issue that has been a great problem for quite some time for those

of us who represent western electorates. I know that my colleague and friend the member for Darling Downs has a particular interest and some particular expertise in this area. The minister may well like to take that on board, because I think the member for Darling Downs could certainly inform the minister to a very great extent about this problem.

The problem of wild dogs—they are wild dogs more so than dingoes—is in the main one of domesticated dogs that have interbred with the dingo. In some cases it is very difficult to find a purebred dingo. Most of the dingo population does consist of crossbreeds—dingoes crossed with wild dogs. That has brought about its own particular set of problems, because it has changed the nature of the wild dogs. The crossbreed dogs certainly have a very different nature, in a lot of cases, from that of the native dingo. A report prepared for the Department of Natural Resources, which is yet to be publicly released, has found that wild dogs are costing Queensland at least $33 million a year in control costs. That is a heck of a lot of cost to be visited upon Queensland livestock owners, because most of that cost is in livestock losses and in the spread of disease.

I would suggest that is a very conservative estimate, with the real figure likely to be much higher. While I am sure that report has looked at the costs incurred by livestock owners across rural and regional Queensland, I wonder whether the cost and the impact which the member for Moggill was talking about this morning in the western suburbs of Brisbane are factored into that report. I think not. For no other reason than that, I would suggest that the figure of $33 million would have to be seen as very conservative.

This report has not yet been released by the department, and it is a question for the minister as to why that is the case. Most stakeholders in this issue know that the report has been prepared for quite some time but it has not yet been released. I hope by the end of this debate one of the things we can establish is why that report has not been released and when it is going to be released. The report is titled *Economic assessment of the impact of dingoes/wild dogs in Queensland*. The report was completed by consultants Rural Management Partners some months ago and was due to be released in July or August, but for some reason here we are at the end of September and the minister has still not publicly released the report, despite the details of the report being reported in some of the state's major media.

The report estimates that each year feral dog attacks on sheep and cattle cost producers $18.3 million in direct livestock losses. That is only one of the costs. Further, it is estimated that $9.5 million annually is lost due to the spread of disease in the cattle industry, as feral dogs are almost solely responsible for the spread of a number of diseases in cattle. The cost of controlling feral dogs through baiting, fencing and trapping is estimated in the report at $5.4 million. Interestingly, the report found that the state government funds only about 30 per cent of the total control costs, with the rest borne by producers and ratepayers, which in dollar terms equates to about $1.5 million a year.

The report also states that feral dogs are playing a big part in forcing producers out of the sheep industry and reducing the ability of graziers to alter their property mix of sheep and cattle. Queensland's sheep flock has fallen from 11 million in 1998 to close to five million today. While there are a number of factors—including the drought and wool prices—that have contributed to this fall, the impact of wild dogs on Queensland's sheep numbers would have to be one of the main contributing factors.

Producers leaving the sheep industry can also have a flow-on impact on employment in rural communities. I know there are some communities in western Queensland, especially within the electorates of the member for Gregory and the member for Warrego, that have had a major impact because of the decline in the sheep industry. That impact on employment in rural communities can force families to leave rural towns. As the report states, 'Greater specialisation in cattle means less diversification and a corresponding loss of protection against risk.'

This has certainly been reinforced by industry associations. Agforce's Pest, Animal and Plant Committee chairman and Quilpie sheep farmer Stephen Tully told the *Sunday Mail* earlier this month that in areas such as Blackall and Charleville about 70 per cent of farmers had given up on sheep, and wild dogs are to blame. Seventy per cent of producers in that particular area have found the burden of wild dogs and dingo hybrids too much to bear for their business, and they have given up on sheep. The consequent flow-ons to communities in that area are a major issue for those communities.

The report prepared for the government highlights the case of a Boulia grazier who exited the sheep industry because in his area isolation made it imperative to breed his own replacements. However, breeding became untenable three years ago when the lamb rate dropped from nearly 70 per cent to 35 per cent due largely to the predations of wild dogs. The *Queensland Country Life* reported earlier this year that during a three-month period in 2002 some 200,000 sheep were lost in the Blackall district when several sheep properties were converted to cattle properties. The article went on to state, ‘The depth of the impact on Blackall was best measured in the school's roll call, which recorded the loss of 70 children from the district during the same period.' That is a great indicator of the impact which a declining population has on rural communities. When the labour intensive sheep industry and the jobs that are created by it are closed down because of something as simple as the control of wild dogs within a particular area, the impact is felt by the whole community. It is a flow-on effect: as those jobs leave

those communities, so the people leave with them. The resultant situation is the local school losing 70 children over a period of time.

While these wild dogs have had the most economic impact in rural areas, there is a growing problem right throughout the state, including the outskirts of Brisbane and areas on the Sunshine Coast and the Gold Coast. Many residents are concerned not only for their pets' safety but also for their own safety and that of their children. Many of these issues were highlighted this morning by the member for Moggill in a media report. In almost semi-suburban areas packs of wild dogs are causing grave safety concerns for people's domestic pets and for domestic livestock in those areas. Not only that, as the member for Moggill pointed out, the problem has got to the stage where people are starting to fear for their own safety and especially the safety of children.

The report which the Department of Natural Resources prepared and has not yet released quotes the example of a strawberry farmer near Brisbane who has suffered financial losses totalling approximately $30,000 caused by wild dogs chewing poly drip lines and lay-flat rubber hoses that he uses to water his crops. That illustrates that this is a problem not only for livestock owners and certainly not only for people who run sheep. There is a range of ways in which these wild dogs cause financial losses and problems for land-holders in domestic situations.

The issue recently reared its head in Townsville following wild dog sightings at Pallarenda Park, adjacent to the public boat ramp. Townsville councillor Jenny Hill has been quite outspoken in the local media about the Beattie government's ‘slack pest animal management practices' in relation to the town common, which she said has become ‘a refuge for pigs, wild dogs, mosquitoes and weeds'. Councillor Hill and others in the council are understandably enraged by the fact that the state legislation protects dingoes when they are in the town common but when they leave the town common and enter public areas such as Pallarenda Park these animals then become wild dogs under the land protection act and, as such, are the council's problem.

Members of this House may recall that, when the original bill for the land protection act was debated two years ago, I moved an amendment to ensure that the state government is obligated to clean up national parks and state forests which were typically ignored by the Beattie government. It is a ridiculous situation that exists at the moment. The state government can force land-holders to clean up pests and weeds on their land while avoiding any responsibility to control pests and weeds on state-owned land. The state, as the biggest land-holder of all, has no obligation to meet the same standards of care and the same duty of care as it imposes upon all of the other land-holders within the state. As I said at the time, it was a ridiculous situation. It remains a ridiculous situation. The consequences of that ridiculous situation are being visited on all land-holders who are neighbours of the government in a range of situations. Those situations range from remote land-holders who border the government in a national park or a state forest right through to the people in Townsville City Council whom I referred to earlier who border the state as a land-holder and who are faced with the same problems.

The state government has to be accountable to clean up its own backyard and to control these feral pests and animals in the same way it expects land-holders to do so. It is patently clear that the Beattie government is not doing enough to ensure pest animals and weeds generally, but the problem of wild dogs in particular, are managed properly in Queensland, with criticism coming from all quarters, and that criticism is growing.

Earlier this month at the Local Government Association of Queensland annual conference in Mackay delegates voted to fight for greater state funding to tackle the pest animals and weeds problem. The *Townsville Bulletin* of 2 September, said that the LGAQ executive director, Greg Hallam, and his organisation had called on the state government to commit an extra $5 million to reintroduce essential programs for the control of weeds and feral animals. What was the government's response? The press release stated—

It will be considered as part of the budget process.

A typical non-committal Labor government brush-off! I am aware that the department has began a push to get more land-holders to take part in wild dog baiting programs. While education is welcome, clearly there is more to be done.

The other issue that illustrates the amount of money that the government has put into education rather than proper control measures is the issue of dingoes on Fraser Island. I am sure that every member in this House, and most Queenslanders, will remember the tragedy of the young boy who was killed on Fraser Island by a number of wild dogs. He was tragically killed after warnings had been ignored that the problem was getting to the point where it was presenting a danger to visitors to that island.

I wonder whether the government will take any greater heed of the warnings that are being sounded now about the dangers of wild dogs in the semiurban areas on Brisbane's outskirts and semiurban areas in places such as Townsville. I wonder whether it will take any more notice of those warnings than it took of the warnings that were sounded long and loud about the issue of dingoes on Fraser Island. The current Attorney-General was the Minister for the Environment in those days, and I

remember the issue being raised in the parliament. I remember the government's own Department of Environment had prepared a report—which was ignored—about the issue of the danger that the dingoes on Fraser Island were presenting to visitors.

I visited Fraser Island a couple of weeks ago. It was interesting to see the extent to which the government has gone with its education programs, its 'dingo-aware' programs. Huge amounts of money have been spent on that education process on Fraser Island when the better option would have been to control the problem a lot more directly and ensure that dingoes do not present a danger to the people who visit Fraser Island. Fraser Island is a remarkably impressive place. It is a great place to visit. Many tourists visit there every year, and we should encourage that. But when people visit there they can be put in danger. When I was there a couple of weeks ago I observed situations where dingoes were stalking young children. The problem is still there. No amount of education will solve the problem. There needs to be some direct action taken to solve the problem.

It would be remiss of me not to again mention the issue that I have raised in this House on behalf of my constituents in the past of the relocation of those dingoes from Fraser Island. There is a considerable body of evidence to suggest that the department's solution to the problem on Fraser Island has been to relocate those dingoes to other places within the state. It is something that subsequent ministers have consistently denied. They have consistently denied that any of those dingoes have been relocated. The government has consistently denied that it has done that.

I think there is sufficient anecdotal evidence and sufficient evidence out there in the communities that are located in that general area to suggest that if the ministers do not know about it then it is certainly something that their department has been doing without informing them. There is no question in my mind that it has been happening. There is too much evidence to deny that it has been happening. It may be that the ministers have not been told about it. It might be another Energex situation where the advice never made it to the ministers. There may well be another dead letter office between the department and the ministers. There is a considerable amount of evidence—

Mr MICKEL: I rise to a point of order. My point of order is this—

Mr Seeney: You can't take a point of order from there, old mate.

Mr MICKEL: I am acting Leader of the House.

Mr Seeney: Come on, play by the rules. You can't take a point of order from there.

Mr MICKEL: What we have heard is another slur on the departmental officers within the Department of Environment. The honourable member has produced no evidence at all—

Mr DEPUTY SPEAKER (Mr Fraser): Order! There is no point of order.

Mr MICKEL:—for that slur he has cast upon them.

Mr SEENEY: I thank the minister for the break. I needed a drink. That was all the minister's interjection was any good for, because there is no doubt that evidence exists that—

Mr MICKEL: I rise to a point of order. I again call on the Deputy Leader of the Opposition to produce the evidence. He says there is evidence. If the department is going to be slurred like this—

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

Mr MICKEL:—then the member should be producing evidence.

Mr SEENEY: I would suggest to the minister that he should get on the speaking list and put his point of view. The anecdotal evidence exists in any number of incidents where apparently wild dogs that have become used to human contact have been found in suspicious numbers, shall we say, in areas where they never existed before. While one or two such sightings may be dismissed as rumour and speculation, the number of times that I and other members have been contacted by constituents living in places around the forestry areas west of Gympie, around the forestry areas out further west in Mundubbera and Eidsvold and down as far as the Darling Downs with anecdotal evidence about the existence of these dogs in those places suggests that there is some basis for the concern that Fraser Island dingoes are being relocated to these areas rather than being dealt with as the problem that they are on Fraser Island. These are people who know and understand the bush, and they know and understand the difference between what is a traditional dingo that they are used to and a group of dogs that turn up which are obviously used to human contact. While the minister may continue to deny it, it is an issue, and it is an issue that illustrates the government's—

Mr MICKEL: I rise to a point of order. When I was the Environment Minister I was aware that something like 60 dingoes were dispatched on Fraser Island, were put down, and that was because of the hard work of the rangers.

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

Mr Hopper: Get on the speaking list.

Mr SEENEY: Yes, get on the speaking list.

It illustrates, if any illustration was needed, the government's reluctance to deal with the problem. I think the Fraser Island situation illustrates how the government is reluctant to deal with the problem. It relocates the problem somewhere else. It puts some money into an education campaign rather than deal with the problem. That is a characteristic of the government's approach to the problem of feral pests and animals right across the state. When there is an issue with national parks and forestry areas, it is exactly the same thing. The government deals with the periphery of the issue. It refuses to be a responsible land-holder and deal with the issue as it should be dealt with.

I am aware that the department has begun a move to get more land-holders to take part in wild dog baiting programs. While education is welcome, there is more to be done. The people the department needs to get involved in wild dog baiting programs are the people who manage the vast areas of national park. Almost without exception, the only involvement they have is doing some token baiting around the edges. That does nothing to reduce the impact on local land-holders.

The government has been stripping funding from pest and weed management for years and now a significant funding injection is needed, not just token gestures and educational brochures. I would like to quote from one of the government's own documents, a glossy brochure that was released with the 2004-05 state budget which espouses some of the budget highlights for western Queensland. This brochure, of course, has the mandatory photo of a grinning Peter Beattie adorning the front page. The government states that within the western Queensland region, it will spend an estimated $397,000 for fire, weed and feral animal management. That is less than $400,000 to control feral animals and weeds in a region covering well over half of Queensland. According to the map on the brochure, it stretches from Thargomindah and St George in the south, out to Birdsville in the west and up to Normanton in the north.

The real kick is a few lines down. The brochure notes that the Beattie government will be providing $147,000 for a wild dog dreaming viewing platform in Lawn Hill National Park. If the government cannot control wild dogs, if it cannot meet its responsibilities or be a responsible land-holder and control the wild dogs, it will provide a pretty platform to sit and watch them. That is the government's approach: build a viewing platform to provide an opportunity to watch the problem. Paltry spending on such a massive problem is another example of the Beattie government's neglect of the people of western Queensland and of the wedge that this government is constantly driving between city and country Queenslanders.

There are a number of recommendations made in the report and they will be seen when the report is finally released. Those recommendations deal with the economic impact of wild dogs in Queensland, which this government cannot ignore any longer. For example, reference is made on page 39 to the West Australian Agriculture Protection Board panel's evaluation of that state's wild dog control program. Their key recommendation was—

The medium to long-term management of wild dog numbers in Western Australia will require a move away from the present over reliance on aerial baiting and a return to the sustained widespread deployment of all available control techniques used in combination.

Those available control techniques include ground baiting, aerial baiting, trapping and shooting—techniques that land-holders are familiar with and have been using for generations to control this problem right across Queensland. Clearly, this combined approach also needs to happen in Queensland.

While the department's report states that 10/80 baiting is the most potent and popular weapon in the fight against wild dogs, it is clear that much more needs to be done because baiting alone will not solve the problem. The report states that the amount of money spent on control is low relative to the cost impact and that for every dollar spent on control measures about $5 are lost due to degradation, disease and other direct losses. It goes on to state that, 'The disparity begs the question why more money is not spent on control.' This is the government's own report. It is becoming obvious why it has not been released. It is becoming obvious why the minister is sitting on this report.

It is very important that sufficient resources and staff are dedicated to combating this increasing problem and that those staff are located in the regions not just in central head offices. The report states—

There exists an ongoing need to ensure that the placement and funding of these officers is commensurate with the wild dog incidence and its impact in particular regions.

At the moment, councils or local government authorities across rural and regional Queensland are doing the lion's share of work in the control of wild dogs. An interesting table appears on page 25 of the report. It shows that seven rural shires in western Queensland spend an average of just under $100,000 a year on the control of wild dogs. That is a very significant amount when one considers the size of those shires and their low ratepayer base, with only a few thousand residents. When one compares this with the state government's $397,000 expenditure on fire, pest and weed management for western Queensland, it highlights how little interest the Beattie Labor government has in tackling the realities of this problem.

The department's report makes the point that it is becoming increasingly difficult to secure the services of people who are skilled as doggers or trappers to shoot those wild dogs that will not take baits. The *Courier-Mail* recently reported that many graziers are forming syndicates to pay the few remaining doggers in Queensland up to $500 a scalp because they are losing so many sheep. The dogs are doing a lot of damage. The report also highlights the fact that bounties still have a role to play and it includes a range of measures that cater to a range of circumstances. The bounty payments are directly proportional to effort. There can be little doubt that most payments would go to the people who are in the most financial need and who have the necessary bush skills to make a success of that type of venture.

The report goes on to state that, providing an efficient collection system is established, a bounty would furnish the means for gathering data on the incidence and nature of the movements of wild dogs and would add to a knowledge base that would allow the problem to be controlled. The report also highlights the need for better coordinated control programs and suggests the introduction of an industry and government backed accreditation scheme for animal pest controllers based on pest management principles.

I take this opportunity to call on the state government to start showing some real commitment and to take some responsibility for tackling the growing problem of wild dogs in Queensland. I call on the government to heed the warnings, not to ignore the warnings as it did in relation to Fraser Island which resulted in tragic circumstances. Listen to the people who are expressing concerns. We need a significant increase in funds and a willingness to consider a range of control measures, including a state government funded bounty, if we are serious about putting a lid on the growing menace of wild dogs, the destruction of livestock and domestic animals, and the threat to human life—not only in far flung western areas but also in urban areas near Brisbane and other major regional areas.

In the time left to me, I want to address the amendment circulated by the minister in anticipation of moving it during the consideration in detail of this bill. As I said at the start of my contribution, this amendment was not part of the bill and it has no relationship to the other issues that are dealt with in the bill. However, the government has taken the opportunity to move this amendment during the consideration of the bill. It is of itself a very significant issue and it needs to be addressed. It is an amendment which the opposition will certainly not support. If the bill is put to the House with this amendment, the opposition will not support it. There are two reasons for this. Firstly, there is no way the opposition will support the passage of this amendment, either on its own or attached to any other bill; secondly, we do not believe that it is an appropriate way to consider legislation within this House to attach a major amendment to a piece of legislation with which it has no relevance.

The amendment seeks to amend the Vegetation Management Act 1999. Most members have heard me speak in this House a number of times about the Vegetation Management Act. Suffice it to say, in summary, that everything I have said about the injustice and the unfairness of that particular piece of legislation remains as current today as it was when I first began to talk about it in this parliament in 1999. The Vegetation Management Act will be remembered by rural and regional Queenslanders as the Beattie government's biggest act of bastardry. There is no question about it; no other single piece of legislation has caused the degree of anger and frustration across rural and regional Queensland as the Vegetation Management Act and all its various amendments. That comes as no surprise to those of us who understand the impact this particular piece of legislation has had and continues to have on rural and regional landowners.

It is inherently unfair. It is inherently unjust. It will never be accepted as either fair or just in its current form. About two weeks ago we saw the infamous ballot conducted. It set out to establish which land-holders were going to be lucky enough to be able to proceed with their property management plans to some extent. Their hope of proceeding with plans, their hope of a sustainable future, their hope of achieving sustainable management on their properties all came down to a crazy lucky dip. It all came down to a crazy situation where the government drew numbers out of a hat to establish who could have a sustainable future and who could and who could not proceed with their plans.

It is a crazy situation that was always going to be unfair. It was made even more unfair by the application to be included in the ballot which was horrendous. It was made deliberately difficult to try to limit the number of people who would take part in that ballot. I actually saw the application form and tried to assist some of my constituents with the process. I can say without any exaggeration at all that I believe that that process was made as deliberately difficult as possible to ensure that land-holders were discouraged from making those applications.

We are also beginning to grapple with the realities of the government's so-called adjustment assistance. Adjustment assistance is something that the government has sought to make political capital out of just as it is has sought to make political capital out of the whole Vegetation Management Act in its various guises. The government's whole approach to vegetation management has been driven by its political imperatives. It has never had anything to do with sensible land management. It has never had anything to do with achieving sustainable land management.

The amendment before the House tonight is exactly the same. The amendment before the House tonight is about the political ends that the government has pursued since 1999. It has nothing to do at all with assisting land-holders to achieve sustainable outcomes.

One of the great tragedies of the whole vegetation management debacle has been the breakdown in relationship between the natural resources department representing the government and land-holders. It has certainly reached a point now where that relationship is one of fear and suspicion and loathing and hatred. It is understandable, given the approach of the government.

Its approach has been one of command and control. The best-funded section within the Department of Natural Resources is the compliance section. The compliance officers have been recruited from a range of areas. I know at the least some of them are former police officers. I know that at least one of them is a former police detective whose sole role is to try to prosecute land-holders for any suggested deviation from the command and control system that has been put in place.

We see the ridiculous situation where the government is spending public resources on spy satellites to spy on land-holders and to monitor vegetation on far-flung properties. It is spending taxpayers' money using the big brother approach of the eye in the sky to watch land-holders rather than use those available resources to solve the ever increasing crime rate in a whole range of other areas.

If there was as much effort put into controlling the illicit drug trade the community would be much better served. This is an indication of the government's approach. This is an indication of the approach that it has taken to Queensland land-holders. It is the very reason that the relationship has broken down to the extent it has.

The unfairness of this approach is certainly carried through in the government's compensation package. It is not a compensation package. It does not call it a compensation package. It calls it an adjustment package. But the unfairness of that has been carried through and land-holders are starting to grapple with that unfairness now.

It is incredibly unfair that that adjustment package is only available to people who have been impacted by the legislation prior to the latest amendment. Anyone impacted since then has been left to carry the can alone. In effect, that means that Queensland land-holders who have endangered vegetation on their land are left to maintain that area at their own expense. They are left to pay the rates at their own expense. They are left with a property that they cannot develop and can never develop under this regime. They are left with that burden and have no chance of getting any assistance from the government.

The government has put in place these restrictions for the benefit of the whole community. It has put in place these restrictions because, in their view at least, it is something the community wanted. The community wanted this vegetation retained. It is completely impossible to argue—and we have seen that illustrated in this parliament in debate after debate—that if the community benefits from the retention of that vegetation, from the locking up of those particular areas of land, then it should be prepared to pay for the economic loss that that causes individual land-holders and they should be prepared to pay the ongoing costs of the upkeep of that area.

Let me turn to the amendment that will come before the House that has been circulated by the minister. This amendment certainly illustrates the government's political approach. What this amendment does in short is prevent land-holders from meeting the objectives that the government sets. This amendment prevents land-holders from adjusting their application to meet the government's benchmark.

That is a ridiculous proposition. If the government was serious about obtaining good outcomes from the vegetation management regime, if it was at all serious about achieving good outcomes for land managers and land management—the things that it talks about—it would be prepared to work with land-holders to achieve those outcomes, it would be prepared to work with land-holders to allow them to adjust their applications to achieve the outcomes the government wants, whether it is biodiversity or the wildlife corridors or the retention of certain areas.

This amendment prevents land-holders from doing that. It was brought about, once again, for political reasons. For political reasons the government is setting itself to complete this project at the end of December 2006. That is just before the next state election. That is why it has chosen that date.

It wants to have the political credit of ending broadscale land clearing in Queensland just before the next election so that members like the socialist lefty from Indooroopilly can once again circulate in his electorate, as he did last election, with a whole lot of misleading information about land development and land management. No member in this House knows less about vegetation management than the member for Indooroopilly. No member in this House spent more money last election circulating information about this within the electorate.

That is an indication of the way that this issue has been used as a political one. This amendment tonight will ensure that the government can meet its time line. It will mean that land-holders will not have

the opportunity to lodge appeals. They will not have an opportunity within that appeal process to modify their applications so that they can meet the government's objectives and obtain a good outcome.

If this government was at all serious about obtaining good outcomes, it would be encouraging land-holders to do the very thing that this is stopping them from doing. This amendment more than anything else illustrates the government's hypocrisy, illustrates the hypocrisy of those opposite and illustrates the complete falseness of the government's approach towards vegetation management, and so it has been since 1999. We will oppose this amendment, just as we have opposed every other attempt to take away the property rights of Queensland land-holders. We will oppose this amendment, just as we have opposed every other attempt to turn this issue into a political football, to use vegetation management in Queensland as some sort of a political point scoring opportunity, to use this issue as an opportunity to drive wedges between the Queensland community—

Time expired.

Debate, on motion of Mr Mickel, adjourned.

SPECIAL ADJOURNMENT

Hon. R.J. MICKEL (Logan—ALP) (Minister for Energy) (7.00 p.m.): I move—

That the House, at its rising, do adjourn until Tuesday, 19 October 2004.

Motion agreed to.

ADJOURNMENT

Hon. R.J. MICKEL (Logan—ALP) (Minister for Energy) (7.00 p.m.): I move—

That the House do now adjourn.

Termimesh

Mr HOPPER (Darling Downs—NPA) (7.00 p.m.): Presently on the Termite Action Group, TAG, web site located at www.termiteactiongroup.com is a press statement that states in part—

Termimesh is not a product upon which the building consumer can rely on to protect their home against termites. The product is inherently flawed—as is the lack of warning to building consumers of consumer information advising of the product's limitations.

The TAG web site provides access to a document purported to be the West Australian Chemistry Centre ASTMB 117 testing of the Termimesh product which is addressed to the inventor of the Termimesh product, Mr Vic Toutounzis, as the Managing Director of Termimesh Australia at that time. The document from the West Australian Chemistry Centre was signed off by Mr G.W. Richardson in his capacity as Acting Chief of the Materials Science Laboratory and Dr L.C. Yap as the materials engineer on 25 February 1991, around about the time that this product was commercially launched into the marketplace. The document states under the heading 'Accelerated Corrosion Test'—

Samples of stainless steel wire mesh 'Termimesh' were exposed to continuous salt fog at 35 degrees Centigrade in accordance with ASTMB 117 standard for 1500 hours to assess the corrosion resistance of the material. The effect of other materials in contact with the Termimesh was also assessed.

The document goes on to make some further statements, which I will quote. Under the heading 'Sample Materials in Close Contact', there is a statement for the visual examination of the samples at 1,000 hours for bricks and Termimesh sealed in a cement mortar system. It states—

The portion of the Termimesh sandwiched between the brick and cement-mortar mixture was tarnished.

It further stated that—

The exposed mesh surface in contact with the brick showed rusty stains.

The statement at the end of 1,500 hours was again that the portion of the Termimesh sandwiched between the brick and cement mortar mixture was tarnished and that the exposed mesh surface in contact with the brick showed rusty stains. There appears to be testing done on a metal clamp known as Tridon used with the Termimesh system. The following statement in the report concerns this product. It states—

The stainless steel clamp Tridon showed poor corrosion resistance to salt fog corrosion. Brown rust was observed.

The report further states under the Heading 'Conclusions' that when the Termimesh was stressed in tension rusty stains formed stress corrosion on the sample. The report does state, however, that the Termimesh showed no observable sign of corrosion when tested alone. However, in going to the Termimesh web site at www.termimesh.com I find under the testimonials a statement attributed to the ASTMB 117 testing undertaken by the West Australian Chemistry Centre stating—

The sample and Termimesh in cement-mortar showed no observable signs of corrosion.

There is further testing on www.termiteactiongroup.com web site performed by ETRS and a corrosion report that demonstrates the failure of this product due to the effects of crevice corrosion. It would appear that this product was poorly researched by many entities and that the premise that stainless steel does not rust was accepted as a matter of course without ever being challenged. This in turn has left many building consumers and homeowners totally unprotected against termites.

Time expired.

Gold Coast Hospitals

Mrs CROFT (Broadwater—ALP) (7.04 p.m.): During the 2004 campaign, the Beattie government made a commitment to establish a new emergency department, coronary care and intensive care services at the Robina campus. As part of a significant upgrading of nursing positions across the state, the Beattie government will fund an additional 97 nurses over the next three years at the Robina Hospital to work in these new units. This is a commitment of more than $16 million to the Gold Coast and will assist in meeting the increasing demand for emergency services in our fast growing region. Over the next three years the Beattie government has also allocated $7 million for the cardiac catheter service at the Gold Coast Hospital. Planning and design of the Gold Coast catheter service is well advanced for the service, which will allow cardiologists to closely assess the finer details of a patient's heart. This service will provide information about the structure of the heart and its valves, the pressure in the chambers and the amount of oxygen in the chambers to the expert staff at the Gold Coast.

This Labor government has also committed $6.3 million to open eight additional chairs at the Gold Coast renal service for patients to receive this treatment locally. These extra chairs will be provided at the Robina Hospital and there will be expanded services at the Gold Coast Hospital. The new service will operate up to six days a week and will be able to provide up to two dialysis sessions per chair per day. The expansion of this service is further evidence of this government's commitment to provide additional services close to where people live. The development of the service at Robina will enable the establishment of a centre based self-care dialysis service under which patients who are able can manage their own dialysis.

Earlier this year, Queensland Health and its partners made major inroads into reducing category 1 and 2 waiting lists. Since this government was returned in February, an additional 4,793 Queensland patients have undergone surgery on top of normal surgery performed as part of the government's $20 million elective surgery program. I am a passionate defender of the health services provided on the Gold Coast and have been active in ensuring that we receive our fair share. Through my work with the Minister for Health, this year I have successfully lobbied for over $200,000 to improve our local Home and Community Care services in Broadwater and for $300,000 to establish a birthing centre at the Gold Coast Hospital. Through delivering our commitments over the next three years, the Beattie Labor government will make a significant difference in the quality of services enjoyed by Gold Coast residents. I am proud to play my part in ensuring that this occurs.

Kingaroy Railway, Centenary

Mrs PRATT (Nanango—Ind) (7.07 p.m.): Kingaroy has for some time experienced an air of expectation and excitement. Parade floats had to be prepared, functions and exhibitions organised and every business, school and the entire population became involved because there was a party to be had. Kingaroy has recently celebrated 100 years of the railway coming to what in those early days was more frequently known and referred to as 'the bog'. Although Kingaroy, as it was later to be known, was and still is a very dry place and water supplies are limited—almost non-existent—on the rare occasions it did rain it became an impassable swamp. Sometimes if you are very quiet, you can still hear the curses of the teamsters as they got bogged while logging as they went through the area.

At the time the town of Nanango was the major centre, but the area surrounding 'the bog' was attracting settlers because of its valuable timber reserves while others valued its rich red soils, which everybody here knows grow peanuts. It was during the early 1900s that a fledgling agricultural industry began. It had a lot of names at the time. It was called the paddock. It was called Carrollee after the first settler. His name was Dan Carroll, so it was thought to be named after him and the River Lee in Ireland. Reenlee was another option for similar reasons, but eventually it became known as Kingaroy.

On 19 December 1904 the first train actually rolled into Kingaroy and played what could only be called a major part in the tiny settlement's future. There was a great celebration at the time, as there was recently. The railway connected this tiny settlement to the outside world—namely, Gympie and the port of Maryborough. It provided not only convenient passenger transport but, most importantly, access to domestic and overseas markets for the timber and agricultural products of the area. The area prospered. Then in 1908, only four years later, a visitor, in the course of describing the town and its progress, wrote that they found—

A progressive town with 4 hotels, a police station, with a Court House, a first-class Post and Telegraphic office, chemist, saddlers, wheelwrights, baker, butcher, numerous stores, boarding houses, refreshment rooms, dress-makers, milliners, and one whole paraphernalia of a thriving township, including a local Brass Band.

The centenary of the Kingaroy railway which was held very recently continued for a whole week and culminated with our annual picnic in the park, which featured James Morrison, who drew record crowds to the town. The students from Kingaroy State High School had a unique opportunity to actually play with James Morrison, and I believe that it will be something that they will carry with them for the rest of their lives. The centenary showcased our wines, gold medal cheeses and olives, which I invite all members to come and try—

Time expired.

Gold Coast Hospitals

Mr POOLE (Gaven—ALP) (7.10 p.m.): In the 2004-05 budget, the Beattie government continued to invest in the health of Gold Coast residents, with a record Health budget of $5.13 million. That budget includes $600,000 allocated to beginning work on the new emergency department and intensive care unit at the Robina Hospital. As members could imagine, it is not an easy process. The services will be introduced over the next four years at a total cost of $9.5 million. High-dependency and coronary care services will be established followed by the opening of a 20-bed medical ward. In 2005-06, the new emergency department will be opened, which will treat about 30,000 people a year with about 3,000 admissions a year. Full intensive care services are scheduled to begin the following year.

The cardiac catheter laboratory at the Gold Coast Hospital has been allocated $2.5 million this financial year. Heart disease has been recognised as a significant problem in communities across Australia, with the Queensland government investing $7.5 million in cardiac care across the state this financial year. The Beattie government also allocated $300,000 towards a new birthing centre at the Gold Coast Hospital out of this year's budget.

The Gold Coast health service district also benefits from upgraded medical equipment across the district. More than $1.8 million will be spent at the Gold Coast Hospital. The new equipment includes a new CT scanner for the hospital's radiology department at a value of $1.4 million. Other equipment being purchased as part of the capital and equipment funding includes new operating tables, new ventilators, and new surgical equipment.

Earlier this year, Queensland Health and its partners made major inroads into reducing category 1 and 2 waiting lists. Now it has its sights set on making an impact on the non-urgent cases, that is category 3. Since this government was returned in February, an additional 4,793 Queensland patients have undergone surgery on top of the usual surgical workloads as part of the governments $20 million elective surgery program. After the success of the elective surgery program in the first half of this year, an additional $40 million has also been allocated to continue to tackle elective surgery waiting lists. The $40 million will be spent on an additional 1,000 eye operations and 300 joint replacement operations for the people of Queensland.

Earlier this year, the Minister for Health advised that part of the job of ensuring that Queensland's Health system remains one of the best was not just the responsibility of one person or the job of health staff or management; it was also the responsibility of every member in this House on behalf of our constituents. In my own electorate, many community groups have benefited from funding under the Home and Community Care—HACC—program. Organisations such as St Luke's Nursing Service received almost $200,000 to provide allied health care for the people of the Gold Coast. The Nerang Community Respite Care Association received additional operating funding of more than $25,000 to provide support services to help frail aged people and people with disabilities maintain independence in their own homes. The Gold Coast members and I will continue to work for the people of the Gold Coast, working for better health for them as well as for all Queenslanders.

Mater Children's Hospital; Kendell Family

Mr COPELAND (Cunningham—NPA) (7.13 p.m.): My attention has been drawn to the Kendell family's repeated requests for a state government investigation into the treatment of their son as a public patient at the Mater Children's Hospital in Brisbane. For a number of years, the Kendell family has been seeking a formal investigation and, more recently, sought the assistance of the member for Pumicestone to pursue this matter on their behalf with the current Minister for Health.

Members will recall that, as a consequence of the totally inadequate answer by the former Minister for Health to a question asked by the Member for Maroochydore, Mr and Mrs Kendell exercised their right to a citizen's right of reply, which was tabled in August this year. At this juncture I must add that Mr and Mrs Kendall raised this issue with a former federal Health Minister, the Hon. Michael Wooldridge, back in 2001. For some two years the former state Health Minister was fully aware of the concerns that the federal minister raised. It is unfortunate that her arrogance at that time did not allow a proper investigation.

The Kendell family received a statement of admission and apology from the Mater, which was published in part in the *Courier-Mail* on 21 July 2000. In documentation forwarded to me, Mrs Kendell outlined the following—

... citizens have no legally enforceable right to access a public hospital for medically required treatment. Instead citizens must rely solely upon the Queensland government enforcement of the Medicare principles under the Australian Health Care Agreement to protect citizens' rights of access to a public hospital for medical treatment.

Further, Mrs Kendell stated—

Although this matter involves serious breaches of the Patients Charter of Rights, evidence of deliberate denied access to care has huge implications for the rest of us and strikes at the fundamental core of political governmental health policy commitments, which the Health Rights Commission admitted extends well beyond its jurisdiction.

Mrs Kendell's statement also drew my attention to the fact that allegations of refused or denied access, as being the primary issue of complaints, increased dramatically to approximately 240 in the Health Rights Commission's 2002-03 annual report. Such complaints should send a strong signal to the government to review this issue and hold health facilities and agencies accountable, particularly to maintain the integrity of the Medicare principles.

Only the Queensland Health Minister has proper jurisdiction to conduct a formal investigation into complaints of this nature, and I urge him to take action and have this issue investigated as a matter of urgency. As the Minister for Health, he should understand the significance of and uphold the principles of Medicare. He has no other alternative.

Mr J.H. Mills

Mr MULHERIN (Mackay—ALP) (7.16 p.m.): I rise to speak on the significance of one of Queensland's latest historical books, *A Photographic Record of Colonial Queensland: The Work of John Henry Mills: Professional Photographer*, by Cairns based author Lyall Ford. Mr Ford, an accomplished historian, has created a snapshot of Queensland's pioneering heritage, capturing the spirit of early Australians in a photographic record that pays tribute to the works of his great-grandfather, John Henry Mills.

Although John Henry Mills was fondly remembered as a goldminer in an obituary that appeared in Mackay's *Daily Mercury* newspaper in 1919, he was, in fact, one of Australia's first professional photographers. As a travelling photographer, Mr Mills created a valuable visual record of life in the new colony of Queensland. It is fortunate that a great deal of his work has been preserved in private collections and libraries, yet much of his work has not been recognised. His work has been used, but no tribute has been paid to him.

Mr Ford's book is set to change that. It contains a selection of more than 100 photographs taken by Mr Mills as he tramped across and rode the dusty dray tracks with his mobile darkroom recording the trials and tribulations of Queenslanders from the early 1870s. The photographs range from all over south, central and north Queensland between 1872 and 1918 and include a few photos recording the devastation of and destruction left in the wake of the 1918 cyclone that hit Mackay.

The book is also an historical record of life in the once booming goldmining town of Mount Britton, south west of Mackay between 1881 and 1908. The promise of finding gold and new opportunities lured Mr Mills and his business partner at the time, Albert Reckitt, to the settlement in 1881. Over the next quarter of a century Mills recorded the life and death of Mount Britton through the lens of his camera. He returned to Mackay in 1908.

Mr Ford, a native of Mackay, is a qualified historian who has self-published several books as a result of 25 years of research into his ancestry. His love of Queensland's history developed as a result of travelling, much like his great-grandfather, around the state to fulfil work commitments. *A Photographic Record of Colonial Queensland: The Work of John Henry Mills: Professional Photographer* is supported by Sydney businessman Kevin Maloney, whose passion for history has assisted the establishment of the Pioneer Tracks of Queensland Photographic Gallery at the Marley Accommodation Centre at Nebo. More than 100 of John Henry Mills' photographs take pride of place at the gallery and it is such genuine support by Mr Maloney that has afforded Mr Ford's book much potential for success.

Preserving Queensland's history for future generations has great significance, providing the opportunity for reflection and inspiration for both young and old. In the words of Clive Moore, Associate Professor School of History, Philosophy, Religion and Classics, University of Queensland, in the foreword of the book—

The photographs selected survey colonial Queensland with images that provide a window into the state's past.

Mr Moore states they are images largely forgotten, such as those of Dr Handt on the Mount Britton goldfields, Hyland; an early settler in Stanthorpe in his humpy; and Mackay sugar planter and pioneer, John Spiller, living in a grass-thatched roof house. I agree with Professor Moore that these photographs should be available to all Queenslanders and Australians, and preserved on the public record. I ask the Speaker of the House to accept this signed copy of Mr Lyall Ford's book for placement in the Parliamentary Library and encourage all members of parliament to discover this wonderful and important collection of historical photographs.

Coolangatta Special School

Mrs STUCKEY (Currumbin—Lib) (7.19 p.m.): Residents of the Coolangatta area in the Currumbin electorate have joined together in an expression of close-knit unity to fight against any residential development on the Coolangatta Special School site on Kirra Hill. A petition signed by 2,883 people was tabled in parliament on 29 September this year requesting that this magnificently positioned site be preserved for community benefit once the school vacates the site for a new facility, as outlined in this year's state budget.

In 1919 the site was classified as reserve for the state school and was set aside under trusteeship of the Secretary for Public Instruction in Queensland. In 1988 the Department of Natural Resources received a letter from Gold Coast City Council, following representations from Coolangatta residents, requesting the site be amalgamated with the reserve for parks and gardens, which is held in trust by the Gold Coast City Council. This request was rejected.

In December 2002 a letter to the Department of Natural Resources from the Department of Education requested it repeal the reserve and issue a deed of grant for freehold title. In June 2003 the deed of grant was issued to the Department of Education. Education Queensland states that its reason for converting this land and other properties was due to technical change in line with government policy. Despite looking through the minister's press releases and *Hansard* reports since 2001, I cannot find any mention of this rezoning policy. Hence we have a highly suspicious group of concerned residents contacting me on an almost daily basis to find out what is happening to this site.

The Education Minister has accused me of scaremongering—an accusation I resent. As an advocate for children and adults with disabilities, I am well aware of the special needs of children and their families who attend this school, and I am keen to see them receive a new purpose-built facility on a more suitable location in the Currumbin electorate than the current site on Kirra Hill.

The fact remains that the Education Department has allocated funds for a new school due to be built within the next 18 months, yet it cannot or will not identify the site for it. Indecision about the future location for this school is of considerable concern to parents, as it is to local residents. Conditions and resources at the current site are deplorable, so the sooner the new facility is built the better.

Until the government can come forward with a definite location for the new school and a guarantee that this site will not be sold for residential development, the general public will remain suspicious of its intent. Residents have made it abundantly clear to me that they will continue to lobby me as their elected representative. They have formed a campaign committee, as a result of a public meeting in August, to provide a united front and be the voice of the community. It is my responsibility to bring their concerns to the attention of the government. Rather than accuse me of scaremongering, the Education Minister would be wise to listen to the public well of discontent regarding the future usage of this site and respond to the community's concerns.

PRD Airlie Beach Triathlon

Ms JARRATT (Whitsunday—ALP) (7.22 p.m.): It is my pleasure to rise to inform the House of another exciting event that has occurred recently in my electorate of Whitsunday. The PRD Airlie Beach Triathlon was held on 12 September. I was honoured to represent the Premier at that event. Fortunately the Premier was not asked to compete in the event but merely to perform some official duties such as to fulfil the role of official starter for the race, which I performed with some degree of efficiency, I believe.

The Airlie Beach triathlon dates back to 1999, when it had 85 competitors. This year saw 150 athletes compete in the triathlon and 68 juniors compete on the Saturday. Many of those competitors came from interstate and further afield. It was great to see a large number of locals included in the field. I congratulate in particular Christie Leet from PRD Realty who not only stood behind the event by sponsoring it but also participated and performed quite admirably.

This year the triathlon was supported by the state government through $22,750 in funding from the Queensland Events Regional Development Program. This funding was really welcomed by the Airlie Beach triathlon club, which hosted the event and coordinated the huge army of volunteers, along with the police, SES, Zonta and the many other groups that helped coordinate and make sure the day went really well.

I congratulate Wendy Downes, the president and race director. She is a woman of extraordinary energy and has a great can-do attitude. It is no wonder that the event was such a success under Wendy's guidance. On the day Wendy spoke about how the Regional Development Program helped to expand their capacity to advertise the triathlon more broadly than ever before and thereby attract a large field of competitors to the event.

The importance of events such as this stretches beyond the day itself. I heard a lot of people saying that they cannot wait to get back to Airlie Beach for a holiday. The value to tourism in areas such as the Whitsundays is extremely important.

The Queensland Events Regional Development Program, first introduced in 2001, has been expanded with the Premier's recent announcement that there will be $6 million over the next three years to support regional events. This is a great thing in areas such as the Whitsundays. We of course have other events supported through this program, including the Hog's Breath Race Week and the Bowen fishing classic. I encourage all groups and event organisers to apply for this really fantastic source of funding to help support their events.

Finally, I must say how much I welcome the Premier's recent announcement of the community cabinet to be held on 31 October and 1 November in my electorate—the first since 2000. I encourage all constituents from my electorate and beyond to apply to see the Premier or members of his cabinet.

Social Infrastructure

Miss SIMPSON (Maroochydore—NPA) (7.25 p.m.): This morning the Premier talked about the importance of social infrastructure. He talked about the capacity that is needed. That is certainly something on which we all agree. I suspect that he was trying to take focus away from the fact that this government has not invested in hard infrastructure to the degree that is required for the growing population. Under the coalition, 28 per cent of the state budget was being spent on infrastructure. That has fallen to only 20 per cent of the state budget under this Beattie Labor government, despite the growth in our population. That has had a huge impact.

Let us look at the balance of the figures and at the social infrastructure issue. It seems strange that the Premier wanted to make a great fanfare about social infrastructure and the support of his government. Yet in the last few months we have seen a change in contracts with a number of community groups. These contracts mean, particularly in the health arena, that local community groups will no longer be delivering key services directly to those local communities unless they go back and negotiate a contract with the successful tenderer. That is a statewide tender. This has happened in a number of areas.

I really question why the state government has gone down this path. Tenders have been let to organisations that had no prior arrangements and no prior contracts with the local community groups that previously were doing that work. The local community groups are still expected to deliver those services but only after they have gone back and entered into negotiations with the successful tenderer. It is strange, it is bizarre and it has damaged that social infrastructure that the Premier was talking about this morning.

I have a great deal of admiration and respect for the hard work of the volunteers and the staff of a number of organisations. I mention in particular SCIVAA, which is an intravenous drug awareness organisation on the Sunshine Coast. It deals with tough issues and it deals with people who are in tough places in their lives. Their courage in the care of those people has to be commended. I feel very strongly that the way its contract has been dismantled by the state government is most unfortunate. It has caused a great deal of distress in the community and there is a great deal of concern that it will not be able to deliver to the extent it could before.

In recognising social infrastructure we have to recognise that there needs to be a review of the way those contracts are let so that probity is still met but that there is not this process that results in great organisations, widespread through the community, doing the on-the-ground work, finding that they are kicked in the guts a few years later and that their volunteers potentially will be lost.

Logan City Community; Shailer Park State High School

Ms STONE (Springwood—ALP) (7.28 p.m.): In the 25 years that Logan has been a separate local government, hardworking and dedicated people have been building a community that helps and encourages one another. They come from organisations large and small, from private or government funded services, and many of them are volunteers. So it was extremely important that these people, who have built our city into a great community, were acknowledged. Logan City Council recently held a 25th anniversary thanksgiving concert for the people who have been at our service when we most needed them. I had the great pleasure of being a part of that concert and acknowledging the great people of Logan.

Who am I speaking about? Individuals and groups at the grassroots of our community—firies, ambos, police, SES volunteers, Lions, Rotarians, Apexians and of course Zonta women. They are in play groups, P&Cs, P&Fs, church committees, Neighbourhood Watch, neighbourhood centres, the local radio station, the scouts, the guides, sports teams, senior citizens groups, Meals on Wheels, choirs and orchestras. They are the chamber of commerce and Logan businesses large and small. For 25 years they have been at the grassroots, shaping our Logan community. I thank and congratulate them on a job well done. I extend to Logan City Council hearty congratulations on its 25th anniversary and look forward to the next 25 fantastic years in Logan.

Shailer Park State High School also celebrated its 25th anniversary. The attendance of past principals and foundation students made the celebrations very special. A PowerPoint presentation of

photos and historical information about the development of the school brought laughs and fond memories to the audience. It also provided a great deal of local history that will be passed on for many years to come. I congratulate all those involved in organising this wonderful celebration and extend my best wishes to Shailer Park State High School for another successful 25 years.

Over the past 25 years there have been a lot of changes to Logan City. These changes have been in both infrastructure and the complexion of our society. In 1993 the Chung Tian Buddhist Temple was constructed. Since then over 100,000 people have visited the temple. In Logan's 25th year, the Chung Tian pagoda foundation laying ceremony recently took place. The proposed seven-level pagoda will be the only structure of its kind in Queensland. The ground floor will be open to all visitors and will incorporate three halls to be used for worship and traditional Buddhist rituals and practices. The temple is host to many cultural, educational and community programs and provides serene, peaceful enjoyment for all.

Logan City is home to people of 160 cultures living together in harmony, and this is something that all residents should be proud of. The members for Woodridge, Logan and Mansfield are in the chamber with me tonight, and I know that they join me in congratulating Logan City on being 25 years young.

Motion agreed to.

The House adjourned at 7.31 p.m.

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