Selected highlights of the 1993 Queensland Cabinet Minutes

Mabo decision – interim administrative procedures post 30 June 1993

While the robust public debate on the *Mabo* decision proceeded in Australia in 1993 the Queensland Government had to continue its public administration of land and mining tenures in a legal and valid way. To do this they developed procedures during 1993 to implement the principles of the *Mabo* decision.

On 28 June 1993 Cabinet decided (Decision 02983) to note that:

- grants or dealings in land may only validly proceed to finality past 30 June 1993 without a native title process where there is a legal right to the grant or the dealing; or
- subject to Commonwealth approval, where the holder of an existing exploration permit has a legitimate expectation, based on substantial exploration activity, to progress to a mining tenement; or
- there are documented commitments from the Crown or its agents to the issue of a grant and any dealings consequential to the grant; and
- the Office of Cabinet was to be the lead agency in relation to implementing the Queensland response to the Mabo decision.

Departments were required to identify all the grants and dealings that would not be complete by 30 June 1993. Administrative procedures consistent with the agreed national approach to *Mabo* were to be in place by 31 July 1993.

QSA, ITM 410020, S142 – T3993 – B99.00000 (Decision 02983, Submission 02868).

Native title claim to Comalco's mining leases at Weipa

On 30 June 1993 the Wik People lodged a native title claim in the Federal Court claiming the land around Weipa, the inter-tidal zone sea, and the seabed, together with all the minerals in those areas.

The Wik Peoples claimed that the mining leases are invalid because:

- of the operation of the *Racial Discrimination Act 1975* (Cth);
- the grant of them was beyond the power of the State of Queensland; and
- in granting them the State of Queensland failed to observe procedural fairness.

Comalco's interest at Weipa constituted a significant project for Queensland and Australia, contributing approximately $1.1 billion to the Queensland economy annually and employing 740 people. Downstream processing contributed a further $700 million.

In response to the claim Cabinet decided on 26 July 1993:

- to urgently develop legislation (either through the Commonwealth or Queensland special legislation) to remove uncertainty surrounding Comalco's mining leases; and
- that Authority to Prepare special legislation be approved to remove any uncertainty surrounding Comalco's mining leases, including their validation; and
- conferral of a right to compensation and a mechanism to claim compensation on persons whose rights were affected by the validation; and
- special legislation would not be required if a rapid resolution of native title issues were achieved; and
- issues concerning continuation of native title rights consistent with operation of mining leases be addressed prior to the Authority to Introduce Legislation Submission. (Decision 03044).

John Ralph, Chief Executive of CRA Ltd of which Comalco was a subsidiary, stated publicly that the Wik People's claim threatened Comalco's proposed investment of $1.75 billion in the purchase of the Gladstone Power Station and construction of a 200,000 tonnes/pa third aluminium smelter at Gladstone.

He indicated that that uncertainty would need to be resolved by 31 December 1993 if Gladstone's projects were to proceed. John Ralph had written to the Prime Minister on 7 July and the Premier on 21 July in those terms.

The passage of the *Native Title Act 1993* (Cth) in December 1993 validated the leases and overcame the requirement for special legislation.

QSA, ITM 410081, S142 – T3993 – B102.00000 (Decision 03044, Oral Submission by the Premier).

Protection of whistleblowers

The Memorandum on a possible Whistleblowers Bill had been brought to Cabinet by the Premier and was considered on 18 October 1993 without any definite decision on the various options.

After the delivery of the Fitzgerald Inquiry Report the Queensland government had introduced interim Whistleblowers legislation in the *Electoral and Administrative Review Act 1989* and the *Criminal Justice Act 1989.*

The Electoral and Administrative Review Committee's (EARC) proposed Whistleblowers Protection Bill would have expanded the range of whistleblowers' disclosures for which protection would be provided for any conduct constituting an offence, including substantial waste of public funds and activities endangering public health and safety. The bill would also protect private employees disclosing illegal conduct within their organisations. (Decision 03222).

There were uncertain resource requirements in EARC's proposals. There had been no representations from the public or the unions about the need for widened legislation.

QSA, ITM 410259, S142 – T3993 – B110.00000 (Decision 03222, Memorandum 03102).

Vocational education, employment and training

An Information Paper noted by Cabinet on 19 July 1993 outlined the achievements and challenges encountered in the Ministerial Council on Vocational Education, Employment and Training (MOEVEET) meeting and the Ministerial Council for the Australian National Training Authority (ANTA) on 1 and 2 July 1993 in Perth. (Decision 03019).

The ANTA meeting endorsed client focussed 'Priorities for 1994'. It recommended that relevant state departments liaise on the level and content of training activity. Eighty percent of ANTA growth funding was determined according to each state's projected share of the national population aged 15-60.

States were required to maintain their effort on the national vocational and education training system to 1992 levels in real terms. ANTA was requested to expedite work on performance measures as an alternative assessment.

MOEVEET endorsed a model of standards in vocational education and training as part of a national qualifications framework linking vocational education and training to the school and higher education sectors.

The Ministerial Council endorsed the review of the National Training Board review which recommended flexibility and less intrusion into industry relations issues. They endorsed the first stage of the National Management Information and Statistical Systems to focus on collection and analysis of statistical standards.

Employment related key competencies arising from the curriculum were referred back to the states on the advocacy of the conservative states (New South Wales, Victoria, Tasmania, Western Australia and the Northern Territory) who held the majority at the meeting. The Commonwealth Minister for Employment, Education and Training, Hon Kim Beazley MP reacted to that by indicating that the Commonwealth could consider the use of tied grants in education and training unless there was state compliance with the national curriculum.

QSA, ITM 410056, S 142 – T3993 – B101.00000 (Decision 03019, Submission 02904).

Tree clearing on leasehold land in Queensland

On 13 September 1993 Cabinet requested a fundamental review of tree clearing on leasehold land by Office of Cabinet and Departments of Lands, Environment and Primary Industries. (Decision 03159). An Inter-Departmental Review Group noted that there were similar issues and concerns about clearing on freehold land. There were many complex issues with freehold land and Cabinet desired to proceed in a staged way with leasehold land first.

This was a significant proposal to protect vegetation on leasehold land, reversing a more than a century old government policy of improvements to land being by clearing vegetation.

On 6 December 1993 Cabinet decided that a process of more effective management of tree clearing on leasehold land be endorsed; and that drafting instructions for a Land Amendment Regulation 1993 under the *Land Act 1962* be approved. (Decision 03382).

The purpose of the new tree clearing management regime was to protect:

- restricted vegetation types, areas of high nature conservation value including riparian lands and areas of heritage value;
- lands vulnerable to degradation;
- important tree resources for timber production and bee keeping;
- water catchments; and
- scenic, visual landscape values.

Drafting instructions to implement these purposes were to be presented to Cabinet in April 1994.

QSA, ITM 410196, S142 – T3993 – B107.00000 (Decision 03159, Submission 03040).

QSA, ITM 410419, S142 – T3993 – B118.00000 (Decision 03382, Submission 03261).

Starcke pastoral holding acquisition and environmental protection

The Queensland Government decided to acquire *Starcke* pastoral property on Cape York in September 1993 to prevent subdivision of 24,464 hectares of freehold land owned by prominent Cairns real estate developer, George Quaid. He had advertised the 225,116 hectares property overseas for sale for $18 million, and this attracted substantial public criticism in Australia.

The government acted quickly when Cabinet decided on 6 September 1993, following the Premier's oral submission, to have a report done on the environmental values and to acquire the whole property with payment of compensation after checking on the validity of the freeholding. (Decision 03148).

A systematic survey of vegetation had been carried out by PJ Stanton and DG Fell over the previous 12 months indicating features of considerable scientific interest in the northern section of the Laura Basin. They believed that the rainforests of the area are part of a biogeographically distinct province with its own suite of species with a number new to science. They were seeking to define an area for a national park including these species and the Battle Camp sandstone formation on *Starcke* station.

Cabinet ultimately decided on 13 September 1993 to use special legislation and to obtain Commonwealth Government funding support. (Decisions 03174 and 03175). A specific area was to be gazetted national park under the *Nature Conservation Act 1992* and the balance gazetted as vacant crown land available for claim under the *Aboriginal Land Act 1991*.

QSA, ITM 410185, S142 – T3993 – B107.00000 (Decision 03148, Oral).

QSA, ITM 410211, S142 – T3993 – B108.00000 (Decision 03174, Submission 03055).

QSA, ITM 410212, S142 – T3993 – B108.00000 (Decision 3175, Submission 5036).

Introduction of a new offence of stalking in the criminal code

The Government had sought submissions on proposed reform of the Criminal Code and decided to address the issue of stalking. To achieve this in Queensland it was necessary to incorporate it into the Criminal Code. Cabinet decided on 8 November 1993 to amend the Criminal Code to this effect. (Decision 03262).

The purpose of the amendment was to proscribe conduct carried out by a person which would have the effect of causing a potential victim to become concerned that they or their dependents may become the target of violence. It was not gender specific. It was intended to cover behaviour beyond domestic disputes but not to cover behaviour in an industrial or political dispute carried out in the public interest.

To establish the offence the following elements would have to be proven: a course of conduct involving two or more incidents, which the offender intends that the victim be aware of, and which the victim is aware of; and which would cause a reasonable person in the victim's circumstances serious concern that an act of violence may be committed against the victim or to the victim's property or some other person about whom the victim would be expected to be concerned, or that other person's property.

The proposal was developed in conjunction with the Women's Policy Unit, The Queensland Police Service, the Domestic Violence Resource Centre, and the Women's Legal Service.

QSA, ITM 410299, S142 – T3993 – B113.00000 (Decision 03262, Submission 03142)

Proposed new rent policy for public rental tenancies

The Minister for Housing, Local Government and Planning submitted proposals to Cabinet on 15 November 1993 on management of rent levels for public rental tenancies and assessment of tenants' income. The proposed changes resulted from a major review of housing policies in 1991-2, canvassing issues of eligibility, entitlements and rent. One disadvantage found in the system was the mandatory requirement to regularly report increases in income so increasing the rent, which discouraged tenants from earning extra income and created a 'poverty trap'.

The department was seeking to move to market value rent levels. They proposed a public information strategy on the changes which would not come into effect until mid-1994.

The Treasury Department opposed the timing of the implementation of the proposed changes because it conflicted with the Industry Commission's Inquiry into Australia's public housing policies due to report in November 1993. They were concerned that the recommendations would impact on the negotiations for the renewal of the Commonwealth – State Housing Agreement due for renewal in 1995. The department's response was that they were dealing with rent setting not funding models.

Cabinet made a very detailed decision, setting the maximum rent at the market level for each property, with:

- rent reviews conducted every six months with increased income between reviews not having to be declared;
- rent increases would be introduced in stages and rent reductions would be passed on immediately; and
- progress with implementation was to be reported to Cabinet at the end of April 1994. (Decision 03303).

QSA, ITM 410340, S142 – T3993 – B115.00000 (Decision 03303, Submission 03183).

Establishment of a rail taskforce

The likelihood of rail closures had been reported in the press on 6 July and the *Courier Mail* on 9 July listed various lines targeted for closure. It caused vociferous opposition in rural Queensland.

In response, on 26 July 1993 Cabinet decided that a Rail Taskforce be established to review the future operation of the lines with terms of reference including review of current use of the lines, forward projections on their use, potential for increased community and industry use of the lines, recommendations on targets for future use and subsidy levels for the lines and management of changes, and to make progressive reports on the issues to Cabinet. (Decision 03045).

The Taskforce had a wide-ranging membership including industry representatives: the Deputy Premier (Chair), Minister for Transport, Ian MacFarlane (Queensland Grain Growers Association), Warren McLachlan (Cattlemen's Union), Trevor Campbell (Railways Union), a union representative nominated by Trades and Labour Council, and Greg Hallam (Queensland Local Government Association).

The Taskforce was to be supported by officials from the Office of Cabinet, Office of Rural Communities, Treasury Department, Department of Transport, Queensland Rail, Department of Primary Industries, selected by the Deputy Premier. The Chair was to consult with members of the Premier's Rural and Northern Taskforce and other relevant members of the Legislative Assembly.

QSA, ITM 410082, S142 – T3993 – B102.00000 (Decision 03045, Oral Submission by the Premier).

Queensland Native Title Legislation in response to the Commonwealth Native Title legislation

After the High Court of Australia delivered its judgement in the *Mabo* case on 3 June 1992 the Queensland government sought to implement it. Central to Queensland's response was a concern to abide by the *Racial Discrimination Act 1975* (Cth). Doubts arose about the validity of titles issued since 1975 and about processes for future grants. A Native Title Taskforce was established within the Office of Cabinet to develop native title policy and to negotiate with the Commonwealth Government in its development of native title legislation for all of Australia.

Cabinet had previously considered the implications of the *Mabo* decision for the state of Queensland in several contexts:

- on 26 October 1992 on implications of *Mabo* for land use (Decisions 02476 and 02746);
- 7 June 1993 on the Commonwealth 's *Mabo - Principles,* considered as the basis of a proposed national response to *Mabo* (Decision 02811);
- 15 June on the outcome of the discussion of the Commonwealth's *Mabo - Principles* at the Council of Australian Governments meeting on 8-9 June 1993 (Decision 02877);
- 28 June 1993 proposing a Queensland Government policy position for administering land and resource tenures based on principles of procedural fairness post 30 June 1993 (Decision 02984); and
- on 26 July 1993 regarding the native title claim by the Wik Peoples to Comalco's Mining Leases at Weipa. (Decision 03044).

On 29 November 1993 Cabinet approved preparation of a Native Title (Queensland) Bill for immediate introduction into Parliament after consideration by caucus. By having its own Act Queensland could implement the Commonwealth native title legislation without importing it into Queensland legislation.

The Queensland legislative response was designed to:

- validate any dealing that may be invalid due to the existence of native title;
- give effect to the Commonwealth legislation as it applies to past and future land grants and dealings in Queensland; and

- comply with the Commonwealth legislation in order to gain accreditation for approved alternative state processes.

The Commonwealth government led a process of national consultation on the content of the Native Title Bill 1993. In reliance on the race and external affairs powers, the government introduced the Bill in the House of Representatives on 16 November 1993 and it passed through that House on 25 November 1993.

Mining and agricultural industry bodies expressed reservations about aspects of the Commonwealth legislation but acknowledged the legal requirements to implement it.

QSA, ITM 410395, S142 – T3993 – B117.00000 (Decision 3358, Submission 03237).

Public information paper on the *Mabo* decision

On 28 June 1993 Cabinet endorsed the Information Paper on the *Mabo* decision that had been submitted by the Premier. Cabinet decided that it be distributed widely in Queensland. (Decision 02983).

The Information Paper listed tenures where the Queensland Government believed that native title had been extinguished:

1. Freehold land (i.e., privately owned land); and
2. Leasehold land, including:
    - Pastoral Leases
    - Agricultural Farm Leases;
    - Auction Purchase Freehold Leases;
    - Grazing Homestead Freehold Leases;
    - Perpetual Lease Selections;
    - Special Leases Purchase Freehold;
    - Grazing Homestead Perpetual Leases;
    - Non-Competitive Leases (Perpetual);
    - Special Leases; and
    - Miners Homestead Leases and Miners Homestead Perpetual Leases.

The Paper indicated that native title was extinguished over 91% of Queensland's land surface.

The paper provided guidance to land holders and investors, but it was a guide only and was inconclusive in that the grant of pastoral leases in Queensland was held by the High Court of Australia in the *Wik* case in 1996 not to have extinguished native title.

QSA, ITM 410021, S142 – T3993 – B99.00000 (Decision 02983, Submission 02868).

Relocation of the old Port Douglas courthouse

Cabinet decided on 24 May 1993 that the old Port Douglas courthouse be relocated to the Police Reserve with the exact position to be determined after further discussion with the Douglas Shire Council. (Decision 02887). The State Government was seen to be playing an active role in preservation of the heritage values of the courthouse.

The heritage listed Port Douglas courthouse was believed to be the second oldest timber courthouse in Queensland, having been built in 1879 to serve the new town of Port Douglas which served the newly discovered Hodgkinson Goldfield.

The building was moved in 1962 onto the property of the Port Douglas *Court House* Hotel. The owner of the two hotel parcels of land sold them and the one with the old courthouse on had a stipulation in the contract that it be removed by 30 June 1993.

On 3 October 1988 Cabinet had decided (Decision 55250) that the Police Reserve at Port Douglas not be offered for sale, during the tourist boom in the area at the time. The Douglas Shire Council desired that the courthouse building be removed to the police reserve.

There was $60,000 of funding for the removal, available under the Commonwealth Government's 'One Nation' fund established by the Prime Minister, Paul Keating when he was elected.

QSA, ITM 409924, S142 – T3993 – B95.00000 (Decision 02887, Memorandum 02773).

Parliamentary committee reform

An Information Paper about Parliamentary Committees was presented for Cabinet on 29 November 1993 for noting. (Decision 03347).

In 1989 the Fitzgerald Commission of Inquiry recommended the introduction of a comprehensive Parliamentary Committee system in the Queensland Parliament which had only ever had committees for management of the Parliament, other than the Public Accounts Committee established in 1989, and select committees between 1860 and 1922, with very few thereafter.

The Parliamentary Committee for Electoral and Administrative Review (PCEAR) recommended establishment of Legal and Constitutional, Public Sector Review, Members' Ethics, six Estimates Committees, and a Scrutiny of Legislation Committee replacing the Subordinate Legislation Committee.

PCEAR recommended that the new Committees be established by statute and have between five and nine members with political parties represented in proportion to their level of representation in the House.

It also noted that the broad issues raised by the Electoral and Administrative Reform Commission and PCEAR reports were to be debated in the Legislative Assembly on 1 December 1993. The Parliamentary debate was expected to be wide ranging and lead to a resolution noting the EARC proposals.

The Cabinet Submission recommended that a Parliamentary Committees Bill be introduced to Parliament early in 1994. The results were not a rigorous implementation of all of the Fitzgerald and PEARC recommendations.

QSA, ITM 410384, S142 – T3993 – B117.00000 (Decision 03347, Submission 03227).

Future use of former State Archives building, Annerley Road, Dutton Park, and use of Old State Library, William Street, Brisbane

In the process of deciding the future of the Boggo Road Gaol site the Government also needed to determine the fate of the old State Archives building opened in 1968. The Government desired to maximise their financial return in the new Boggo Road Complex. (Decision 02592 on 14 December 1992).

On 25 March 1991 Cabinet directed the Administrative Service Department (ASD) to seek Expressions of Interest for the total redevelopment of the Boggo Road Gaol site (excluding the historic Division 2). (Decision 01108).

Cabinet decided on 2 August 1993 that the old State Archives Building at Dutton Park be excluded from the Expressions of Interest for the Redevelopment of the Boggo Road Complex and was to be made available to the State Library of Queensland for storage. The Old State Library in William Street was to become the property of Administrative Services Department for re-tenancy. (Decision 03059).

The State Library had accepted responsibility from the Parliamentary Library for microfilming Queensland newspapers and this could be done in the old State Archives Building which was suitable for storing library collections including archival film.

Meanwhile ASD supported reuse of the Old State Library Building by Jupiters Casino which was compensation for delayed opening of the casino because of the need for fumigation of the old Treasury Building (for West Indian Termites).

QSA, ITM 410096, S142 – T3993 – B103.00000 (Decision 03059, Submission 02941).

Lang Park redevelopment

Lang Park was established in 1914 on the site of the former North Brisbane Cemetery. It has been the home of cycling, athletics, rugby league and soccer. The lease of the park was taken over by the Brisbane Rugby League in 1957 and became the home of the game in Queensland. The Brisbane Broncos left Lang Park in 1988 over an issue of sponsorship by a separate beer company to the nearby XXXX brewery, but returned later.

In 1993 the State Government decided to convert Lang Park into a multi-purpose venue for international standard sport, recreation and entertainment. Queensland Crushers Rugby League team were leasing the ground for their home games.

On 6 September 1993 Cabinet approved a grant of $5 million to the Lang Park Trust from the Sport and Recreation Benefit Fund, and further loan opportunities and conditions were to be discussed with the Treasurer and the Minister for Tourism, Sport and Recreation. The estimated redevelopment cost was $15 million and various government agencies expressed doubt about the Lang Park Trust's ability to achieve its goals. (Decision 03146).

Cabinet considered the Lang Park Trust finances again on 29 November 1993 when the first stage of the redevelopment, the reconstruction of the Frank Burke Stand at a cost of $15 million was being planned. It was funded from government and Lang Park Trust Reserves. (Decision 03350).

Redevelopment of the southern and northern stands came later from Trust operating revenues.

Today Lang Park (renamed Suncorp Stadium in 1994) hosts State of Origin rugby league matches, World Cup events, rugby union and musical shows.

QSA, ITM 410183, S142 – T3993 – B107.00000 (Decision 03146, Restricted Submission 03208).

QSA, ITM 410387, S142 – T 3993 – B117.00000 (Decision 03350, Submission 03230).

Redevelopment of Laguna Lookout, Noosa National Park

Cabinet addressed the issue of proposed redevelopment of Laguna Lookout in Noosa National Park on 16 August 1993 after a developer had sought to construct a restaurant there.

Two issues in the Noosa Shire intersected here - the iconic nature of Noosa and people's desire to protect it, and an earlier government policy to have private developments in national parks. The government in 1993 had to navigate a path out of the controversy.

In 1986 expressions of interest were called for the development and operation of a kiosk/tea house at Laguna Lookout. Noosa Summit Pty Ltd was selected as the preferred applicant in 1987 by the previous government and had the support of the then Noosa Shire Council. The proponent expanded the project scope and spent between $200,000 and $500,000 on a conceptual design for a restaurant on the site. This was reined in by the Minister for Environment and Heritage during negotiations for a special lease over the land. This process was not completed.

There was intense local opposition to the restaurant proposal in the national park. The then current Noosa Shire Council also opposed the project as a restaurant in that location was not permitted under the Noosa Shire Town Planning Scheme.

The project did not proceed further.

QSA, ITM 410120, S142 – T3993 – B104.00000 (Decision 03083, Submission 02965).

Industrial relations reform

On 28 October 1993 the Commonwealth Government introduced the Industrial Relations Reform Bill into the Federal Parliament, embodying the principles of enterprise bargaining and implementing several of the International Labour Organisation Convention minimum conditions.

On 8 November 1993 the Queensland Cabinet decided to announce its general support for the Commonwealth Government proposals, and its intention to legislate similar minimum entitlements to all employees in Queensland through the Queensland Industrial Relations Commission and to harmonise provisions to encourage and facilitate enterprise bargaining.

Cabinet approved preparation of a submission for a bill to amend the *Industrial Relations Act 1990* (Qld) to provide minimum employment conditions, facilitation of flexible arrangements a role for unions and the Industrial Relations Commission, and sanction of a free bargaining period in good faith. All awards and industrial agreements were to contain local flexibility clauses, certified agreement provisions to harmonise with the Commonwealth changes and a minimum of 100 members for registered organisations of employees. The comparable state legislation was to add in current non-award employees. (Decision 03288).

QSA, ITM 410325, S142 – T3993 – B114.00000 (Decision 03288, Submission 03168).

Implications of the Mabo decision for land use in Queensland

On 3 June 1992 the High Court of Australia delivered its judgment in *Mabo v the State of Queensland,* holding that certain land in the Murray Islands is subject to native title. The decision had a profound influence on land administration and resource management in Australia.

By early 1993 the impact of the Mabo decision on Queensland public administration and legal processes had become clearly evident. The Government had established an Interdepartmental Working Group in November 1992 to manage and develop policy for all approval processes and grants of land tenure. (Decision 02476).

On 8 March 1993 following an oral submission by the Premier, Cabinet:

- reiterated the requirement for departments to consult the relevant Interdepartmental Working Group in relation to policy proposals or implementation of programs which may raise issues concerning native title; and
- decided that an appropriate strategy for achieving increased certainty of land tenures in Queensland would require a concerted effort at commonwealth and state levels.

QSA, ITM 409783, S142 – T3993 – B89.00000 (Decision 02746, Oral Submission by the Premier).

Health services for multicultural Queensland

This Information Paper was introduced on 22 February 1993 by the Health Minister advising of arrangements for the Department of Health to commence a major policy review to develop a Queensland Ethnic Health Policy. It was a high priority in the department's corporate plan as an important signal of the Government's commitment to participation by ethnic communities in policy development.

The strategy and timelines included distribution of a 'Health Services for a Multicultural Queensland' plan to stakeholders for comment; public workshops in Brisbane, Gold Coast, Sunshine Coast, Rockhampton, Townsville and Cairns (but not Toowoomba with a sizeable African refugee population, or Mareeba and Stanthorpe with large Italian speaking populations) in the following months; engagement of bilingual consultants; and compilation of a green paper for Cabinet's consideration.

The Health Department believed that ethnic health policy arose out of exploration of the organisation of the health system in relation to culture.

The Office of Cabinet briefing paper noted that fiscal restraint was necessary and that expectations and costs should be moderated to avoid further cost pressures on key health delivery areas. There had been disagreements between the State and Commonwealth governments about funding of language interpreters.

The Minister for Health withdrew the submission and the topic languished other than inclusion as a goal in the department's corporate plan. (Decision 02723).

QSA, ITM 409760, S142 – T3993-B88.00000 – Decision 02723, Submission 02617.

Great Barrier Reef World Heritage area

Cabinet considered the 25-year strategic plan for the Great Barrier Reef World Heritage Area (GBRWHA) presented by the Minister for the Environment and Heritage on 8 November 1993 at the Proserpine meeting.

GBRWHA had been declared on 26 October 1981. The long-term protection of the reef had been advocated by the Queensland Department of Environment and Heritage since 1988. The strategic plan covered the GBRWHA, certain Queensland islands and marine parks and other inshore waters, intertidal areas, and estuaries.

The plan was developed after consultation with more than 60 Commonwealth and State agencies, Local Government; industry and user groups and Aboriginal and Torres Strait Islander groups. Aboriginal groups declined to support the plan until the Commonwealth Government's response to the Mabo decision was clear. The plan was supported by the Great Barrier Reef Marine Park Authority.

Department of Minerals and Energy did not oppose the prohibition on petroleum exploration as they believed there was little prospect of locating deposits. There were strong differences of opinion on mining and petroleum exploration in the GBRWHA between conservation groups and the Queensland Mining Council.

The proponents of the strategic plan believed that the plan would facilitate tourism and the harvest of marine resources, and that shipping and boating along with areas of high use or conservation value could be controlled under management plans.

Cabinet endorsed the 25-year strategic plan and prohibited petroleum exploration and mining anywhere within the area. Indigenous People's sites of significance were only able to be impacted if the people desired it and native title rights were to be protected. (Decision 03289).

QSA, ITM 410326, S142 – T3993 – B114.00000 (Decision 03289, Submission 03169).

Aldoga state development area at Gladstone

Gladstone had developed as a major industrial centre in Australia with the aluminium smelter, power station, coal port, railways, and associated support facilities.

Cabinet decided on 24 June 1991 that a series of environmental, economic and engineering studies be undertaken to define land suitable for the development of major industries in the Gladstone region. (Decision 01325). The Aldoga development area was a result of those studies.

On 15 November 1993 the Premier and Minister for Economic and Trade Development introduced a submission for the declaration of a State Development Area at Aldoga 20km west of Gladstone. Aldoga was the preferred site for industrial development as concluded in the Gladstone Industrial Land Study done over 20 months at a cost of $1.8 million. The acquisition of 6,800 hectares at a cost of $7 million was to be undertaken by the Co-ordinator General under the *State Development and Public Works Organisation Act 1971*, which was used as the vehicle for major state developments in Queensland. The Coordinator-General was charged with the responsibility of preparing a Development Scheme for approval by Governor-in-Council and further submissions for consideration for the management of the area, provision of infrastructure and funding. (Decision 03291).

Common buffer areas, waste storage areas and industrial services corridors could be obtained effectively under the State Development Act.

Government was seeking to offer a range of practical and non-financial incentives to companies operating on the land as environmental and social impact studies would have been done for the land. This would be an important marketing tool to attract industry to Queensland.

QSA, ITM 410328, S142 – T3993 – B114.00000 (Decision 03291, Submission 03171).

Freedom of information amendments

Exemptions from opening under Freedom of Information legislation for records that have been considered in Cabinet has been a controversial and contested legal area. Amendments were being proposed by the Queensland Government in November 1993.

- Problems addressed in the proposed amendments had been identified since the passage of the *Freedom of Information Act 1992* (FOI), although the Electoral and Administrative Review Committee Report leading to the Act acknowledged the need to preserve the convention of collective and ministerial responsibility balanced against the public interest in ensuring government accountability.
- There had been a case, Fencray and the Department of Premier, Economic and Trade Development, in which the Information Commissioner decided to release half of a Cabinet Submission on the grounds that the material was merely factual in nature. This stimulated government to amend the Act.

The objectives of the submission were to clarify the original intention of the Cabinet exemption in s.36 of the Act and determine whether its coverage should be extended; to give the Information Commissioner discretionary powers in relation to notification of reviews; and allow for partial transfer to other agencies of FOI applications.

Cabinet decided (Decision 03227) that the following types of documents should qualify for Cabinet and Executive Council exemptions in sections 36 and 37 of the Act:

1. documents submitted to Cabinet/Executive Council whether or not they were created for that purpose;
2. documents created for Cabinet/Executive Council but never submitted and the sponsoring Minister no longer had an intention of proceeding;
3. briefing notes for Ministers about matter to be considered by Cabinet/Executive Council;
4. the words, ‘merely factual or statistical,’ be replaced by ‘merely statistical, scientific or technical’ in subsections 36(2) and 37(2) and continue to allow the exemption to apply to the whole Cabinet submission or Executive minute; and
5. that authority be given for the drafting of a Freedom of Information (Amendment) Bill;
6. that consideration be given to including a preamble to the amendment bill affirming the Westminster principle of confidentiality of Cabinet Government; and
7. a submission on arrangements for a two-year review of the FOI Act be forwarded to Cabinet by March 1994.

QSA, ITM 410265, S142 – T3993 – B111.00000 (Decision 03227, Submission 03108).

Cape York Peninsula land use strategy (CYPLUS) project

The Queensland Government’s determination to protect the environment was clear in numerous Cabinet Decisions in 1993.

One of these was the Information Paper submitted to Cabinet by the Premier on 1 November on the Cape York Peninsula Land Use Strategy (CYPLUS)**.** (Decision 03249).

CYPLUS was a joint State/Commonwealth project to provide the basis for ecologically sustainable resource use and management of Cape York Peninsula. It had originated in a report to the state Government by engineers, Connell Wagner in 1988-9 which highlighted data deficiencies and identified a range of future issues.

Cabinet agreed on 27 August 1990 (Decision 00644) that there would be no moratoriums on development while CYPLUS project work was underway. This did not prevent pastoralists' perceptions that land use decisions were being slowed or held over pending completion of the CYPLUS project.

Cabinet considered the project again on 27 May 1991 (Decision 01282), agreeing to seek the Commonwealth Government's commitment to funding on a 'dollar for dollar' basis for the project to be done in three stages - data collection (by December 1994), land use strategy and strategy implementation. The Commonwealth and State governments developed terms of reference between June and December 1991 and an announcement was made on 20 January 1992 indicating that $9 million was allocated for the project.

On 11 February 1993 the Premier endorsed arrangements for stages 1 and 2, including an Inter-Governmental Management Committee and Community Advisory Committee. Departments of Family Services, Housing, Local Government and Planning were to be included with the Queensland Department of Primary Industries and the Coordinator General, together with the Commonwealth Department of Primary Industries and Energy and the Aboriginal and Torres Strait Islander Commission. The Premier added the condition, 'On the basis that care and thought are given to operation of (the) Community (Advisory) Committee so it doesn't bog down the process and result in having to debate every stage in the public arena.' The Commonwealth Government agreed to these arrangements on 12 May 1993.

QSA, ITM 410286, S142 – T3993 – B112.00000 (Decision 03249, Submission 3129).

The Commonwealth's principles for a national response to the *Mabo* decision

On 7 June 1993 the Queensland Cabinet decided that, based on its consideration of the Commonwealth's document entitled *Mabo Principles*, and recognising the fluidity of the positions of the Commonwealth, State and Territory Governments, the Premier was authorised to negotiate with the Heads of Government at the Council of Australian Governments Meeting on 8 June 1993, to maximise Queensland's interests in the determination of a national response to the *Mabo* decision. (Decision 02926).

The submission provided a very thorough coverage of the issues. It captured the essence of the Prime Minister's statement on 27 October 1992 that the High Court's historic decision was a threshold and positive one for the nation. It gave Australia the opportunity to address the fundamental issue of the place of Aboriginal and Torres Strait Islander traditional rights and the place of Aboriginal and Torres Strait Islander peoples in contemporary Australia.

The submission placed the 11 *Mabo Principles* of the High Court judgment which the Commonwealth Cabinet had endorsed on 1 June 1993 as the focus for dealing with native title in Queensland, and these principles became the foundation of the Native Title Bill which was presented to the Commonwealth Parliament and enacted as the *Native Title Act 1993.*

The Queensland Government also recognised that the financial impacts for the state in responding to the *Mabo* decision would be considerable in the long term.

QSA, ITM 409963, S142 – T3993 – B97.00000 (Decision 02926, Restricted Submission 02811).

Development of the Australian Workers' Heritage Centre at Barcaldine

The centre was established by the Tree of Knowledge Development Committee Inc and opened by the Prime Minister and the Premier in 1991 to commemorate the centenary of the shearers' strike and the significance of Australian political history.

There had been three previous Cabinet decisions affecting the site:

- approval in March 1990 that surplus buildings at Barcaldine State School be offered to Barcaldine Shire Council for use in the new centre and an allocation of $385,000 for feasibility studies for the centre. (Decisions 00219 and 00251); and
- the March 1991 decision to relinquish part of the school reserve in favour of the Tree of Knowledge Development Committee Inc as a Reserve under the control of the Barcaldine Shire Council. (Decision 01096).

The submission on 30 August 1993 was made by Tom Burns, Deputy Premier, Minister for Administrative Services and Minister for Rural Communities. Cabinet approved development of the Australian Workers Heritage Centre as outlined; requested Government departments and agencies to contribute by providing expertise and surplus materials; and allocated $200,000 towards stage 1 of the project. (Decision 03127).

Cabinet made it very clear that the centre was to honour all working people. It also promoted the Matilda Highway and Western Queensland job opportunities through tourism.

QSA, ITM 410164, S142 – T3993 – B106.00000 – (Decision 03127, Submission 03009).

Review of Archives legislation

The Electoral and Administrative Review Committee and Parliamentary Committee for Electoral and Administrative Review presented their reviews of the *Libraries and Archives Act 1988* on 16 June 1992 and 27 November 1992 respectively. Archives had been previously provided for legislatively since 1959 under Part IV of the *Libraries Act 1943.*

In its 1990 review the Public Sector Management Commission (PSMC) recommended that Queensland State Archives (QSA) be administered under its own legislation and that its resources be increased. It was transferred from Premier's to the Administrative Services Department (ASD) in 1991. A new building was opened for QSA at Runcorn on 20 January 1993. Options for new legislation were developed by a working group consisting of representatives from ASD, Justice and Attorney General, Treasury, Premier's, the State Archivist and Office of the Cabinet. All departments and PSMC were consulted on the proposed options. Cabinet decided on 17 May 1993 (Decision 02869) to defer consideration of options for the review of Archives legislation until completion of the PSMC review of ASD. The PSMC's November 1993 Report indicated support for the preferred options proposed by ASD and Premier's Department.

Cabinet decided on 13 December 1993 not to support an independent authority for Archives; that, in respect of regional repositories, Archives provide prioritised services within its budget; and that further analysis of the issue of the role of the Archives in Records Management be presented to Cabinet in March/April 1994.

QSA, ITM 409906, S142 – T3993 – B94.00000 (Decision 2869, Submission 02757).

QSA, ITM 410438, S142 – T3993 – B119.00000 (Decision 3401, Memorandum 3280).