

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**WEDNESDAY, 16 OCTOBER 1968**

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**WEDNESDAY, 16 OCTOBER, 1968**

Mr. SPEAKER (Hon. D. E. Nicholson, Murrumba) read prayers and took the chair at 11 a.m.

**AUDITOR-GENERAL'S REPORT**

**LOANS SINKING FUNDS**

Mr. SPEAKER announced the receipt from the Auditor-General of his report on the operations of the various sinking funds of the State for the year 1967-68.

Ordered to be printed.

**QUESTIONS**

**STATEMENT BY CHAIRMAN OF DISTRICT COURTS ON CIVIL LIST CASES**

Mr. Tucker for Mr. Houston, pursuant to notice, asked The Minister for Justice,—

(1) Is he aware of the recent statement by the Chairman of the District Courts regarding lack of co-operation in having civil cases heard promptly?

(2) If so, to avoid wasting the time of Judges and to lessen the work of court staff and, overall, not add to the costs of the public engaged in such litigation, what action has been or will be taken?

*Answers:—*

(1) "Yes."

(2) "There has been public correspondence in this matter. I am waiting to see the effect of it before taking further action."

**PRIVATE TOUR OF INSPECTION OF WACOL PRISON**

Mr. Tucker for Mr. Houston, pursuant to notice, asked The Minister for Justice,—

(1) On the evening of October 8, did the Comptroller-General of Prisons conduct a party comprising males and females through Wacol Prison? If so, for what reason and on whose authority?

(2) Was the visit organised by the Young Liberals Party? If not, by whom?

(3) Did the party inspect the cells while prisoners were undressing to retire for the night? If so, why was the privacy of the prisoners invaded?

*Answers:—*

(1) "Yes. On that evening the Comptroller-General of Prisons accompanied by the Superintendent of Wacol Prison, Mr. Whitney, conducted a mixed party of young adults through the prison. The request for this inspection was made by Mr. W. Hewitt, M.L.A., on behalf of one of the young adult groups, the Carina branch of the Young Liberals and whose members were introduced to the

Comptroller-General as such by Mr. Hewitt. Mr. Hewitt accompanied them to the prison but left shortly after the visit commenced and before it was completed. The Comptroller-General of Prisons granted authority for this visit when approached by Mr. Hewitt, subject, of course, to the approval by myself, to whom Mr. Hewitt made the appropriate representation."

(2) "Mr. Hewitt contacted the Comptroller-General of Prisons personally, obviously on behalf of his branch."

(3) "This party inspected two empty cells in the presence of the Comptroller-General and the superintendent of the Wacol Prison about 8.30 p.m. The usual lock up time is 9 p.m. The Comptroller-General went ahead of the party and noticed that some cells were occupied and the occupants were in bed. He took this action to ensure that no prisoner was undressing and no prisoner had his privacy disturbed. Some prisoners were in bed and no prisoner was disturbed nor was the privacy of any prisoner invaded. In fact, the group walked past approximately six cells of 240 to reach the two unoccupied cells which were inspected."

LONDON MARKET SUGAR PRICES

Mr. Tucker for Mr. Houston, pursuant to notice, asked The Minister for Primary Industries,—

(1) What was the sugar price per ton on the London market for each month from January to September, 1968?

(2) What was the price in September of 1966 and 1967?

Answers:—

(1) "The London average raw sugar price quotations for the months of January to September, 1968, were as follows:—

Month 1968	c.i.f. London £ Sterling			c.i.f. London \$ Australian (equiv.)
	£	s.	d.	\$
January ..	23	18	5	51.46
February ..	23	10	0	50.56
March ..	22	0	10	47.42
April ..	20	9	9	44.08
May ..	21	8	2	46.06
June ..	20	11	2	44.23
July ..	19	5	2	41.44
August ..	18	3	2	39.07
September	16	19	0	36.47 "

(2) "(i) London average c.i.f. price September, 1966, was £14 16s. 5d., equivalent to \$A31.88 (\$A37.05 pre devaluation). (ii) London average c.i.f. price September, 1967, was £16 18s. 7d., equivalent to \$A36.42 (\$A42.33 pre devaluation)."

COURSES NOT COMPLETED, UNIVERSITY OF QUEENSLAND

Mr. Ramsden, pursuant to notice, asked The Minister for Education,—

Further to his Answer to my Question on September 19 regarding "drop-outs" from the University of Queensland,—

(1) Was the statement that the pattern in 1964, 1965 and 1966 would be similar to that of 1967 and 1968 an assumption based on the similarity between those two years' records or was it based on an examination of the records of the earlier years?

(2) As there was no reference to failures in examinations, how many students in each of the three categories failed to secure passes in their years' assignments in each of the years under question?

(3) Are records of these matters kept as a routine practice by the University and, if not, why not?

Answers:—

(1) "The University has advised that the statement on cancellations on September 19, 1968, was based in part on a belief that factors likely to cause cancellations had not changed over the period 1964-1968, and on the similarity of the figures for 1967 and 1968. A revision of record keeping arrangements in the past two years made it possible to obtain the information for 1967 and 1968 that cannot readily be obtained for the earlier years."

(2 and 3) "No record is kept by the Central University Offices of the number of students who failed to complete the year's assignments. This is regarded as the responsibility of the Lecturer or Department; the results of the year's assignments are taken into consideration in assessing the examination results at the end of the year."

PRE-NURSING COURSE IN SECONDARY SCHOOLS

(a) Mr. Bromley, pursuant to notice, asked The Minister for Health,—

Referring to the joint statement by him and the Minister for Education as reported in *The Courier-Mail* of October 2, headed "New Pre-nursing Course Next Year",—

(1) (a) How many meetings did the senior officers of his Department have with the senior officers of the Education Department, (b) who were the officers concerned and (c) what qualifications in the field of nurse training did they possess?

(2) In view of his Answer to my Question on September 11, when he said that the Nurses' Board is responsible for recommending changes in nursing curricula,

was the board consulted prior to the scheme being finalised and announced? If not, why not?

(3) Was the proposal recommended and approved by the recently appointed curriculum sub-committee?

(4) Has the Royal Australian Nursing Federation been consulted about the training course and procedure? If so, did the federation approve of its introduction?

(5) What guarantee is there that the scheme will provide more and better trained nurses?

(6) Will the students after completing the course be bonded for service in hospitals?

(7) If this is a pre-nursing course, why does it include some of the first-year training material?

(8) (a) If the course has some merit, why is it not given to all intending nurses, (b) does the course in effect mean there will be two levels of entry into the nursing profession and (c) what disadvantages will prospective nurses have in continuing to Senior as far as the scheme is concerned?

(9) Will the girls receiving certificates after completing grade 11 special course and entering the nursing profession be exempted from the examinations in their first year and consequently do more ward or other work in lieu of the subjects?

(10) Has the federation expressed the view that only a major review of the profession would solve the problem of recruitment and the retention of nurses in the health service?

(11) Is there a waiting list for nurses in Brisbane's major hospitals?

*Answers:—*

(1) "(a) 3. (b) and (c) The Deputy Director-General of Health and Medical Services; the Under-Secretary, Department of Health; the Assistant Under-Secretary and the Adviser in Nursing."

(2) "The proposed course does not involve any amendments to the nursing curriculum."

(3) "See Answer to (2)."

(4) "No."

(5) "Many girls who are drawn to nursing as a career complete Junior at 16 years or 16 plus. The present accepted age to commence nurse training is 17 years. During this gap in time numbers of them take temporary positions in offices and elsewhere, but as the waiting months pass, become so involved that they never return to their original ambition to train as nurses. It is to bridge this gap, to retain and stimulate their interest, and, at the

same time, to give them an early start with their theoretical studies for first year that this course has been designed."

(6) "No."

(7) "See Answer to (5)."

(8) "(a) The course is something new and has been introduced on an experimental basis in 1969. (b) The regulations prescribe conditions of entry into the nursing profession. No change in the regulations is proposed. (c) Students at high schools will continue to be urged to proceed to Senior standard with all its attendant advantages. This course is designed to retain and stimulate an interest in nursing and encourage further secondary school study amongst girls who do not wish to proceed to Senior."

(9) "The matter of recognition of anatomy and physiology, nutrition and hygiene in the special course for registration purposes was referred to the Nurses' Board of Queensland for consideration. I am sure the Honourable Member will be as pleased as I was to learn that such recognition was granted unanimously. This unanimity was particularly gratifying as it indicated the approval of the three nominees of the Royal Australian Nursing Federation on the Board. These included the president and immediate past-president of the Federation."

(10) "The R.A.N.F. sought the appointment of a committee to investigate nursing generally."

(11) "Princess Alexandra Hospital, yes; Royal Brisbane, no."

(b) **Mr. Bromley**, pursuant to notice, asked The Minister for Education,—

Regarding the joint statement by him and the Minister for Health as reported in *The Courier-Mail* of October 2 headed "New Pre-nursing Course Next Year",—

(1) Will students receive scholarships or financial assistance whilst attending grade 11?

(2) Why were Corinda, Kelvin Grove, Salisbury and Rockhampton high schools selected for the post-Junior course?

(3) Who were the senior officers of his Department who selected the course?

(4) As this appears to be a new development in secondary school studies, was the Board of Senior Secondary School Studies consulted on the scheme or did the board, under paragraph 47, "Functions of the Board", Education Act of 1964, exercise its authority to consider and agree to this and therefore decide upon its implementation?

(5) If the Senior Studies Board was by-passed in the decision to offer the course, what was the reason?

(6) Has the board considered other pre-vocational training courses in grade 11? If so, what are they?

(7) Why was it decided to include the choice of typewriting or science B in the course when science B is obviously more analogous to nursing?

(8) Are teachers who are qualified to teach the subjects, nursing, introductory, nutrition and hygiene readily available?

(9) Will students assimilate fully the theory of the course whilst not undergoing practical experience?

(10) Was the Queensland Teachers Union consulted prior to the decision to offer the course? If not, why not?

*Answers:—*

(1) "Students will be eligible to receive the same form of assistance as other students enrolled in grade 11."

(2) "This is a pilot course which has to be tested in large schools; these were selected in different areas of Brisbane and in a provincial city."

(3) "The Deputy Director-General of Education, the Director of Secondary Education and the Principal Guidance Officer."

(4) "The Department has been conducting a Post-Junior Office-training Course for some years. Hence the introduction of this course at the post-Junior level does not represent a new development."

(5) "The Board of Senior Secondary School Studies has, to date, confined its deliberations to courses leading to the Senior examination. Moreover, the Board's functions are advisory and the implementation of a course is the responsibility of the school authority."

(6) "No."

(7) "A proportion of the students will have obtained passes in science B, which covers physics and chemistry. These students, having no typewriting skill, would benefit from the opportunity to learn typewriting. Those students who studied commercial subjects for Junior will need some instruction in physics and chemistry as a foundation for nursing studies."

(8) "Yes."

(9) "This is not a course in nursing, but one which is considered suitable for those who desire to enter the profession. Practical experience in nursing is not necessary for success in the proposed course."

(10) "No. It is an experimental course which has been discussed with the principals of the schools concerned."

#### DEVELOPMENT OF ROMA STREET MARKET SITE

**Mr. Lickiss**, pursuant to notice, asked The Minister for Local Government,—

(1) Has his attention been drawn to *The Courier-Mail* of October 14, wherein it was stated that tenders with proposed plans have been called and submitted for a section of the Roma Street area known as the old markets site?

(2) Are the plans part of an integrated plan for the development or re-development of the Brisbane inner-city area?

(3) Has the area been tentatively set aside as a site for an Arts Centre and, if so, will the present proposals conflict with that purpose?

(4) Has any other site been set aside for an Arts Centre under the Town Plan and, if so, where is it located?

(5) As a co-ordinated plan for the re-development of the Roma Street area generally could make possible the desirable separation of people and traffic known not to be possible in piece-meal development, will he intervene where necessary to ensure the proper integrated development of this and other parts of Queensland's capital?

(6) Does the Government accept that it has an over-riding responsibility to ensure the adequate planning of our capital?

*Answer:—*

(1 to 6) "The land in question is a reserve for park under the control of the Brisbane City Council as trustee."

#### PROPOSED AMENDMENTS OF LIQUOR ACTS

(a) **Mr. Coburn**, pursuant to notice, asked The Minister for Justice,—

(1) What are the names of the individuals and/or organisations that have made representations to him, either in personal interviews or by correspondence, requesting that (a) hotels within the Brisbane city area be permitted to trade for certain specified intervals on Sundays, (b) trading hours for hotels, cabarets and night clubs be extended, (c) the age for legal drinking in licensed premises be reduced to eighteen years, (d) the number of restaurant licences be greatly increased and (e) the sale of alcoholic liquor in the foyers of picture theatres during intermissions be permitted legally?

(2) What are the names of the individuals and/or organisations that have made representations to him, either in personal interviews or by correspondence, requesting that each or all of the concessions in (a), (b), (c), (d) and (e) of Question (1) be not granted legislatively?

*Answer:—*

(1 and 2) "I do not propose to indicate Government policy in Answers to Questions. The necessary information will be made available if and when the Liquor Acts are amended."

(b) **Mr. Dean**, pursuant to notice, asked The Minister for Justice,—

(1) Is he aware of the report in *The Sunday Mail* of October 6, headed "Teenage Drink Clamp—New laws might limit liquor at private parties"? If so, will legislation to stop underage drinking at private parties be included in new liquor laws being framed for Queensland?

(2) Does he intend to make it an offence for anyone to serve liquor to those under the legal age?

(3) Will he give power to the police to take action after an accident to place a charge against adults who had provided young people with alcohol? If not, why not?

*Answer:—*

(1 to 3) "I am aware of this report. I do not propose to indicate Government policy in Answers to Questions. The necessary information will be made available if and when the Liquor Acts are amended."

#### FISHING BY JAPANESE INSIDE THREE-MILE LIMIT

**Mr. Houghton**, pursuant to notice, asked The Treasurer,—

(1) Is he aware that early in September a Japanese fishing vessel, inside the three-mile limit, set long lines from Point Lookout north of Brennan Shoals and then anchored for the night off Cape Moreton?

(2) Is he aware that a large portion of the line was abandoned, leaving it adrift about Point Lookout and Cape Moreton?

(3) Is he also aware that amateur anglers took at least 600 lb. of reef fish from the abandoned lines?

(4) Will he have the matter investigated and report to the House what action has been taken to prevent a repetition of such an incident by foreign fishing boats?

*Answer:—*

(1 to 4) "The only incident of which my Department has knowledge is a report received by the Boating Patrol on September 7, 1968, through Brisbane Water Police relating to a Japanese long-line located seven miles off Cape Moreton. The line was picked up by the motor vessel *Leilane*. This vessel's master reported to the Boating Patrol that the line was less than the customary length of a Japanese long-line and its hooks were not baited.

It is the view of my officers that the line was a section which had broken away from a Japanese long-line and had drifted in-shore. There has been no report of any Japanese fishing vessel being sighted fishing within the 12-mile limit in this area. Arrangements have been made with the lighthouse keeper at Cape Moreton and the Pilot Control Station at Caloundra to report any sightings of foreign fishing vessels fishing within the 12-mile limit."

#### DISPOSAL BY FISH BOARD OF PRAWNS FOR CRAIG MOSTYN & CO.

**Mr. Houghton**, pursuant to notice, asked The Minister for Labour and Tourism,—

(1) Does the Fish Board process prawns for Craig Mostyn & Co?

(2) Is the price paid for Gulf prawns 25 cents per lb., cartage 10 cents per lb. and processing approximately 20 cents per lb., making a total of 55 cents per lb.?

(3) Are the prawns then sold on behalf of Craig Mostyn to overseas buyers for \$1.20 per lb., thereby making a handsome profit of 65 cents per lb.?

(4) If so, why does not the board purchase the prawns direct and then sell them to overseas firms, thereby enabling the profit to be used for the benefit of the industry in general?

*Answers:—*

(1) "Yes."

(2 to 4) "Apart from a charge for processing, the costs to Craig Mostyn & Co. are not known to the Fish Board. The final price and the profit are also unknown to the board."

#### RE-NAMING OF MARABOON DAM

**Mr. O'Donnell**, pursuant to notice, asked The Minister for Local Government,—

Regarding the re-naming of Maraboon Dam,—

(1) Who was responsible for the proposal to the Queensland Government?

(2) Was the Emerald Shire Council consulted? If so, was it given time to consider the full significance of and the possible repercussions from the proposed alteration?

(3) Does he know that "Maraboon" was regarded as very suitable because it was Aboriginal, meaningful, euphonious, impersonal and non-political?

(4) Is he aware that commercial enterprises and community organisations have gone to considerable expense to incorporate "Maraboon" in advertisements, brochures, etc.?

(5) Is he also aware that petitions are being signed in the Central Highlands in order to retain the name?

(6) Will he consider the suggestion that the present title be retained for the Dam and that the observation site be named "Fairbairn Lookout"?

Answers:—

(1) "Myself."

(2) "No."

(3) "The term "Maraboon" is, on the advice of the Place Names Committee, an Aboriginal term meaning "Black Duck." It has no local meaning or significance."

(4) "No official advice has been given by commercial enterprises and community organisations."

(5) "No."

(6) "No."

FOUR-LANE SECTION, SANDGATE ROAD

Mr. Melloy, pursuant to notice, asked The Premier,—

(1) Is the four-lane highway on Sandgate Road from Virginia to Deagon scheduled to be constructed in special stages? If so, are timetables in the stages being adhered to?

(2) Has he had any reports on the obvious delays and periods of inactivity on the work?

(3) If there are no specific stages scheduled, what is the basis of the time factor, when will work on the project be accelerated and when will the project be completed?

Answers:—

(1) "Yes. First stage (Downfall Creek—Zillmere Road) now under construction is expected to be completed as planned. Work is about to start on the alteration of services to enable the second stage (Zillmere Road—Rogan Road) to be put in hand. It is hoped to call tenders for this stage during this financial year. Commencement of third stage (Rogan Road—Board Street) including two bridges on Cabbage Tree Creek will commence when second stage approaches completion."

(2) "Yes. Some delays were caused by land acquisition problems and some by problems of drainage."

(3) "See Answer to (1) and (2)."

HOUSING COMMISSION HOUSES

Mr. Sherrington, pursuant to notice, asked The Minister for Works,—

(1) In each of the past five years, how many homes have been constructed by the Queensland Housing Commission in (a) the metropolitan area and (b) country areas?

(2) Of these, how many have been (a) sold, (b) let and (c) provided for industry?

(3) What are the names of the companies for whom homes have been constructed?

(4) What is the present number of applications before the Commission for rental accommodation in each of the priorities?

Answers:—

(1)—	"Metropolitan	Country
1963-64 ..	1,066	810
1964-65 ..	933	811
1965-66 ..	665	1,037
1966-67 ..	561	1,082
1967-68 ..	706	1,010
	<hr/> 3,931	<hr/> 4,750"

(2) "Sold 4,578; Let 3,217; Let to industry 886."

(3) "Central Queensland Salt Industries Limited; Agricultural Requirements; Amagraz Limited; J. Holland and Co. Pty. Ltd.; Riley Dodds Australia Pty. Ltd.; Thiess Peabody Mitsui Coal Pty. Ltd.; Utah Development Co.; Clyde Engineering Co. Pty. Ltd.; Press Etchings Pty. Ltd.; Underwood (Australia) Sales Pty. Ltd.; Napier Brothers Limited; Hyne and Son Pty. Ltd.; Titanium and Zirconium Industries Pty. Ltd.; Consolidated Rutile Limited; Smorgens Overseas Pty. Ltd.; Mullers Industries Pty. Ltd.; Haughton Sugar Co. Ltd.; Queensland Alumina Limited; Murphyores Incorporated Pty. Ltd.; Martin Reed Electrics; Western Air Navigation Limited; Union Oil Development Corporation; Wilson Hart and Co.; Thiess Callide Coal Pty. Ltd.; Mount Isa Mines Limited; Bush Pilots Airways Limited; South Burnett Meatworks Co-operative Association Limited; Tancred Brothers Pty. Ltd.; Proserpine Co-operative Milling Association Limited; Morris Woollen Mills Pty. Ltd.; Central Queensland Fabrications Pty. Ltd.; Defiance Milling Co. Pty. Ltd.; Queensland Co-operative Milling Association Limited; Roma Meatworks Pty. Ltd.; Titanium Alloy Manufacturing Co. Ltd.; Toowoomba Foundry Pty. Ltd.; and also Capricornia, Central West, and Mackay Regional Electricity Boards; Northern Electric Authority; T.A.A.; and Wheat and Cotton Boards."

(4) "100 points 148; 80 points 42; 60 points 110; 40 points 1,512; nil points 2,448."

PRICE OF MILK IN NON-RETURNABLE  
CARTONS

**Mr. Sherrington**, pursuant to notice, asked  
The Minister for Primary Industries,—

(1) Will the price of milk to the consumer rise three cents per pint following the introduction of the non-returnable milk carton? If so, what statistical information is available to justify the increase?

(2) Is it intended to completely eliminate the returnable glass containers or will they still be available to customers?

*Answers:—*

(1) "No. The present fixed retail price of bottled pasteurised milk in Brisbane is 9 cents per pint. Homogenised pasteurised milk in non-returnable cartons is 11 cents per pint."

(2) "It is not intended to eliminate the returnable glass containers. Consumers will be able to choose between returnable or non-returnable containers."

INCLUSION OF MT. ETNA CAVES IN  
NATIONAL PARK AREA

**Mr. Sherrington**, pursuant to notice, asked  
The Minister for Local Government,—

(1) What progress has been made in connection with the proposal to establish a national park embracing the caves at Mt. Etna?

(2) Pending the completion of the investigation into the proposal, what safeguards are being taken to ensure that no damage is done to them?

(3) When will a decision be made on the proposal?

*Answers:—*

(1) "The area was inspected by a committee representing the Departments of Mines, Lands and Forestry which recommended an area as suitable for national park reservation. This area is currently held under a Mining Lease by Central Queensland Cement Pty. Ltd. and the matter of the surrender of the appropriate area from the lease has been under investigation by the Department of Mines. An approach was made to the company to consider surrendering this part of their lease area but the proposal was not acceptable to the company."

(2) "The Company has undertaken to leave a barrier of not less than sixty-six feet between their workings and known caves. Also workings are being directed to keep clear of possible cave structures.

Regular inspections will continue to be made by the Inspector of Mines for the district."

(3) "See Answer to (1). However I am arranging to have this matter brought before my colleague, the Honourable the Minister for Mines on his return next week from North Queensland."

EXTENSIONS TO CENTENARY HEIGHTS  
HIGH SCHOOL, TOOWOOMBA

**Mr. P. Wood**, pursuant to notice, asked  
The Minister for Works,—

Has work commenced on the extensions to the State high school, Centenary Heights, Toowoomba? If not, when will it commence?

*Answer:—*

"Work has been commenced."

"SUNLANDER", "INLANDER", AND  
"MIDLANDER" TRAIN SERVICES

**Mr. R. Jones**, pursuant to notice, asked  
The Minister for Transport,—

(1) Is it planned to accelerate the "Sunlander" timetables between Cairns and Roma Street?

(2) If so, will a seven days per week service to and from Cairns be provided and also extra sleeping-car accommodation?

(3) Will the "Inlander" and "Midlander" services be extended direct to Brisbane to complement the proposed alterations to "Sunlander" timetables and, if not, is he in a position to announce details of any proposal in relation thereto?

*Answer:—*

(1 to 3) "The Railway administration is constantly examining ways and means of speeding up and improving railway passenger services. If the services to North Queensland or any other part of the State are improved, suitable announcements will be made. Nothing is planned for the immediate future."

ASSEMBLY HALL, CAIRNS HIGH SCHOOL

**Mr. R. Jones**, pursuant to notice, asked  
The Minister for Education,—

(1) Has approval been given for the acceptance of a tender for the construction of the Cairns State High School assembly hall?

(2) If so, what is the price and the name of the successful tenderer and when is it anticipated that work will commence?

(3) If not, what is the cause of the delay?



Answers:—

(1) "No."

(2) "See Answer to (1)."

(3) "There has been no delay in relation to consideration of tenders received for the construction of this Assembly Hall. Tenders were received from the parents and citizens' association on September 30, 1968, and are at present being reviewed in the Department of Works."

STAMP DUTY PAYABLE ON HIRE-PURCHASE AGREEMENTS FOR VEHICLES

Mr. Wharton, pursuant to notice, asked The Treasurer,—

Does the balance of payment on a vehicle bought on hire-purchase attract stamp duty at the rate of \$1 per \$100 additional to the \$1 per \$100 normal stamp duty payable on the vehicle?

Answer:—

"There is a stamp duty payable on hire-purchase agreements. This duty is on an *ad valorem* basis and is chargeable on the amount payable under the agreement excluding the deposit, trade-in allowance, interest and certain other items. The scale of duty is set out in Schedule 1 to the Stamp Acts. There is also a stamp duty on applications for registration and transfer of registration of motor vehicles. This is payable at the rate of \$1 for every \$100 or part of \$100 value. This duty is payable in respect of every such application, whether or not the purchase is being financed by a hire-purchase agreement."

PROPOSAL FOR BOAT HARBOUR, SHORNCLIFFE

Mr. Dean, pursuant to notice, asked The Treasurer,—

(1) Has his attention been drawn to a report in *The Courier-Mail* of October 3, headed "Say Government apathy hit \$1m. boat harbour"? If so, are the Sandgate Chamber of Commerce officials correct in claiming that State Government indifference had stopped the construction of the proposed \$1 million boat harbour at Shorncliffe to be financed by private enterprise?

(2) In view of the statement made by the President of the Sandgate Chamber of Commerce to the effect that the Harbours and Marine Department had placed impossible conditions upon the would-be developers and investors, what were the conditions imposed by the Department of Harbours and Marine?

(3) In view of the statement made by the President of the Sandgate Chamber of Commerce that the Chamber regarded the reply from the Harbours and Marine

Department as a classic example of public service indifference, obstruction and humbug, will he in deference to the integrity of the officers of the Harbours and Marine Department answer this very serious charge made against some of Queensland's most outstanding public servants?

(4) Will he table for the information of the House the plans and correspondence relating to the proposed marina at Shorncliffe?

(5) What were the reasons for the rejection of the proposed boat harbour by the Department of Harbours and Marine?

Answer:—

(1 to 5) "The proposal referred to by the Honourable Member was placed before the Department of Harbours and Marine by Messrs. Corrie and Co. and was in the nature of a preliminary study of a marina near the junction of Nundah and Cabbage Tree Creeks, Shorncliffe. That firm indicated an eventual intention to float a public company to finance the marina. It sought certain advices and reactions of the Department. Corrie and Co. advised that if preliminary feasibility were established, a full and complete survey and feasibility study by experts into the economics of the proposal would be the next step. After having conferred with Mr. Corrie, the Department made a general preliminary examination of the proposal as requested. The examination included an estimate of the cost and a study of the legal position. The Department then advised the Company by letter of its views. These could be summarised as follows:—(1) The Department had no objection to the proposal in principle; (2) The Department considered the cost of the project would be high; (3) No Government funds were available for the construction of private marinas; (4) As the islands and fishing grounds in the southern part of Moreton Bay were most attractive to the boating fraternity, the site would appear to be a little too far north in the Bay; (5) The Department considered the provisions of the Canals Acts would apply to the development; (6) The syndicate could be called upon to contribute to the cost of maintenance dredging of the Cabbage Tree Creek entrance; (7) The syndicate could be called upon to contribute to the cost of extra deepening of the Cabbage Tree Creek entrance below a reasonable depth; (8) The names and addresses of launch owners were available in the Department's records to a representative of the Company appointed to peruse those records. Corrie and Co. advised the Department that they did not propose to proceed with the development. Any suggestion of public

service indifference, obstruction and humbug in this matter is quite incorrect. The advices of the Department of Harbours and Marine were in accordance with the laws of the State and were politely expressed. The proposal has not been rejected by the Department; on the contrary it has been agreed to in principle. It is the applicant who dropped the matter. As requested by the Honourable Member, I table copies of the plans and correspondence relating to this matter."

*Papers.*—Whereupon Mr. Chalk laid upon the Table of the House the papers referred to.

#### DEVELOPMENTAL CONDITIONS FOR MORETON ISLAND

**Mr. Dean**, pursuant to notice, asked The Minister for Labour and Tourism,—

(1) In view of a recent report in *The Courier-Mail* over his name, headed "Government to protect Moreton Island", and his statement that the State Government would not allow Brisbane's "unspoiled paradise"—Moreton Island—to be used for "get-rich-quick schemes", what protective measures have been taken by his Government for the preservation of the island?

(2) When will the report referred to in *The Courier-Mail* article on the future development of Moreton Island, which is being made by an official expert committee, be presented to the Government?

*Answer:*—

(1 and 2) "As will be observed from the newspaper report, the chairman of the committee investigating this matter is the Chief Commissioner of Lands and determination of any further action is not a matter which comes within my purview."

#### PAPERS

The following papers were laid on the table, and ordered to be printed:—

Reports—

Licensing Commission, for the year 1967-68.

Department of Primary Industries, for the year 1967-68.

The following papers were laid on the table:—

Regulations under the Art Union Regulation Acts, 1964 to 1965.

Reports—

Burdekin River Authority, for the year 1967-68.

Bureau of Sugar Experiment Stations, for the year 1967-68.

Balance Sheet and Profit and Loss Account of Queensland Trustees Limited, for the year 1967-68.

#### LIMITATION ON NUMBER OF QUESTIONS

**Mr. AIKENS** (Townsville South) having given notice of six questions—

**Mr. TUCKER:** Mr. Speaker, I rise to a point of order. On 24 September the hon. member for Norman attempted to give notice of some questions, but you stopped him.

**Mr. SPEAKER:** Order! I was just about to get to my feet to mention that fact again. I do not require any prompting.

In the first place, the last question read out by the hon. member for Townsville South is out of order. It asks the Minister whether or not a newspaper report was correct.

I do not think that the hon. member for Townsville South was in the Chamber on 24 September when I said that the prevalence of giving notice of questions in advance was not in the best interests of this House. The practice has been established whereby notice of only three questions is permitted. On that occasion I said that I would have to give serious consideration to having included in those three questions any question that is asked in advance, irrespective of whether it is to be answered the next day or on some future occasion. This practice has developed to the extent where I feel that it will have to be stopped. I shall give further consideration to it.

#### CRIMINAL CODE AMENDMENT BILL

##### INITIATION IN COMMITTEE—RESUMPTION OF DEBATE

(The Acting Chairman of Committees, Mr. Smith, Windsor, in the chair)

Debate resumed on 25 September (see p. 570) on Dr. Delamothe's motion—

"That a Bill be introduced to amend the Criminal Code to enable provision to be made for the payment of compensation to persons who suffer injury in certain circumstances."

**Mr. HANLON** (Baroona) (11.49 a.m.): I say at the outset that the Opposition welcomes this legislation. Our complaint is that it has taken so long for the Government to act on the example set initially in New Zealand and, shortly after, in Great Britain. In 1963 the attention of the Government was directed by the hon. member for Sandgate to those forward steps immediately they were taken in those two countries, and it has taken till 1968 for the Government, in the tradition of lethargy that is characteristic of it, to come forward with what, after all, is a somewhat tentative and faltering step in the direction of alleviating the hardship which befalls those who are the innocent victims of violence or who suffer injury whilst assisting members of the Police Force in carrying out their duties. I feel

that during his introduction of the Bill the Minister was conscious of the fact that the Government has been lethargic in this matter.

One would think that the Minister would check his facts before making a statement. When the hon. member for South Brisbane pointed out Mr. Dean's support of this principle some time ago, the Minister said in his introductory remarks, "The hon. member for Sandgate brought it up at the beginning of this year. This scheme has been worked on by me since 1963." If the Minister for Justice had checked his facts, as he should have, in approaching the matter, he would have discovered that it was raised by the hon. member for Sandgate not at the beginning of this year but initially in this Parliament on 5 September, 1963, by way of a question directed to the then Premier, seeking the attention of the Government and asking it to follow the example of the other countries that I mentioned earlier. On that occasion, as "Hansard" will record—perhaps the hon. member for Sandgate will give a detailed example later in the debate—the Premier of the day said that it was a Commonwealth matter and just shrugged the matter off and wanted no part of it.

The Minister for Justice said that he has been examining this matter, as Minister for Justice, since 1963. I point out that the present Minister for Justice assumed that portfolio and entered the Ministry of the State on 26 September, 1963, which was approximately three weeks after the hon. member for Sandgate had raised the question with the Premier, who had not evinced any interest in it on the part of the Government or of the Ministry.

**Mr. Dewar:** That would be typical. He ran away from every sticky problem.

**Mr. HANLON:** That remark comes from the hon. member for Wavell. It is his remark; it is not mine. He is entitled to his own opinion on this matter. Perhaps he has some reason that he is aware of and which I am not aware of that leads him to make that remark.

Nevertheless, the Opposition welcomes the action taken by the Government to introduce a scheme to mitigate the hardship that is suffered by people under these circumstances. It probably is true that the recent incident involving two people who were on a caravan holiday in Queensland and who were the victims of snipers who endeavoured to murder them and get away with their possessions has brought the matter to a head. Although the snipers were not successful in their attempt at robbery, unfortunately they succeeded in doing grievous bodily harm to the gentleman concerned and, to a lesser extent, to his wife. No doubt that example has given force to the measure introduced by the Minister.

It is unfortunate, of course, that those people will not be covered by the legislation, and I think, possibly, that the response of

most people would be to say that it is unfortunate that the example which is more or less the flashpoint of the proposed legislation should not be recognised under the legislation, when it is forthcoming, particularly as it has been under examination for so long. However, we have to be responsible, as an Opposition, in matters such as this, and it is extremely difficult to pick a starting point if one wishes to have retrospectivity. One could perhaps think of another case a short time previously that has not been so well publicised and that might deserve consideration. Although I personally think, and I believe that hon. members individually and people outside this Chamber individually might think, that those people obviously come within the ambit and spirit of the legislation prior to 1 January, 1969, and ought to be included, I confess that difficulties arise if one does that and makes legislation retrospective in its operation.

As I said earlier, it is difficult to decide where we should start if we do not set a starting point subsequent to the introduction of the legislation. But I suggest to the Minister, in spite of that, that he might consider some retrospectivity in that regard when the Bill reaches the second-reading and Committee stages. Of recent times we have seen also the example of the unfortunate woman living in Petrie Terrace, in my own electorate, who was the victim of a bomb incident, and it is important that our approach to these matters should not be dictated by the circumstances of one case or another. It is the hardship and injury that I think the Minister and the Parliament are endeavouring to deal with in the proposed legislation. However, I think that the example to which I referred earlier justifies some sympathy and consideration when the possibility of retrospective application of the legislation is being considered.

Whilst I acknowledge the difficulty of doing this—we can keep going further back with the retrospective application of a new Act or an Act that introduces a new principle—I should like the Minister to give some more thought—I am sure he has already given it plenty of thought—to incorporating in the legislation retrospectivity to the extent that would bring into the ambit of its benefit recent happenings which, to say the least, have been unusual when we consider the problem that we are attempting to deal with. The Minister pointed out that there is at present in existence in the Criminal Code provision for some minor compensation for time lost, although it very rarely seems to be acted upon. I admit that where there is a new principle such as this there is difficulty in retrospectivity but, as I say, I should like the Minister to give it further thought. A tremendous benefit is not envisaged, in the initial stages of the legislation anyway; the maximum will be \$2,000. It will be at the discretion of the Governor in Council according to the circumstances in any particular case, and I do not think we would be risking

a precedent if we did consider some retrospectivity to meet the recent examples I have mentioned.

As I say, the Opposition is disappointed with the Minister's lethargy in bringing this principle into operation in this State. I am disappointed, too, that in his examination of the matter as indicated by his introductory remarks, he appears to have been looking backward rather than forward in attempting to deal with the problem. He took us back to ancient Babylon, I think, and the law of Moses, and so on. I point to a remark in the report of the Royal Commission of Inquiry into Compensation for Personal Injury in New Zealand which, I think, might well apply to the Minister's attitude as it appears to be from his introductory remarks. It says—

"The ultimate validity of any social measure will depend not upon its antecedents but upon its current and future utility."

I might say that, just as the Opposition can truly claim, through the agency of the hon. member for Sandgate, to be well ahead of the Government in examining this principle and urging compensation for people who are innocent victims of criminal violence, we are also ahead of the Government in that the Leader of the Opposition has directed the attention of the Parliamentary Labour Party Justice Committee, in particular, to the report of the Royal Commission of Inquiry into Compensation for Personal Injury in New Zealand. It is apparent that whilst we are introducing this principle under this measure to meet the hardship of a certain group of people in the community who have not been provided for by the community previously, our whole approach in this country, both State and Commonwealth-wise, to adjusting or meeting compensation for losses which follow injuries, is very fragmented indeed.

The average person has several approaches when he is faced with this position. Basically, he has his common-law remedy which, as you, Mr. Smith, know better than I, is in itself a somewhat chancy proposition in a great majority of cases. Secondly, if he is injured in the course of his employment within the meaning of the Workers' Compensation Act he has an avenue of redress and compensation within the meaning of that Act, to the limit set on the benefits under that Act. If he happens to be perhaps more fortunate than most people in the way in which the injury is received, although just as aggrieved in the injury, and it occurred through the negligence of the driver of a motor vehicle, he has a fairly comprehensive field of cover under compulsory third-party motor vehicle insurance. If he has no cover under these avenues he falls back on what is not a compensation but merely a basic subsistence to maintain him at the time, namely, our form of social services, whether it applies through the Commonwealth Social Services Department or through our own State department by way of emergent relief.

So that the picture of adjusting and meeting the losses and hardships of people who suffer identical injuries, and identical hardships in many cases, is fragmented and unequal according to the circumstances in which the injury occurs. In this legislation we are dealing with an injury where it occurs to an innocent person who is the victim of criminal violence.

I believe that, whilst we accept the measure that the Minister is bringing forward, we should regard it as an interim approach and should be looking beyond this to the type of thinking that is reflected in the report of the royal commission in New Zealand into this matter.

The Minister pointed out in his introductory remarks that it is not surprising that New Zealand was first into the field of payment of compensation to innocent victims of criminal violence. New Zealand has a long tradition of social welfare going back over many years, owing possibly to many years of Labour and Socialist administration, but in fairness I must say that that tradition is still carried on to a great extent by the Liberal Government, which has been in power for some years, under the leadership of Mr. Holyoake.

I do not think that it is good enough for the Minister simply to say, "We are following on something, another new idea, another original thought, another very good idea of New Zealand's. Some five or six years after New Zealand we are coming to the party with a similar sort of provision here."

As we endeavour to plug up the holes in a compensation scheme and adjustment of losses, New Zealand has already gone beyond this stage to consider different categories of persons, whether people are victims of criminal violence or are injured at work or in motor vehicles. But as we keep putting in more plugs—and in this case it is a worthy one—we are making more fragmented the whole question of compensation payable to people who suffer some form of injury. The report of the New Zealand royal commission, which has come to hand this year, recommends, in effect, a universal and compulsory scheme of social insurance in New Zealand. I realise that we cannot equate the problems that face New Zealand with our own, because New Zealand has the advantage of having one Government, so to speak, and the problems in that country are so different from our own. Nevertheless, having got to this stage in this State, we should be giving consideration now to an over-all system of compensation instead of simply applying a fragmented avenue of compensation to people who happen to be in need in particular circumstances. As the Minister has pointed out, a year or so ago the New South Wales Government took action in this direction.

**Mr. Aikens:** Our system is like a patchwork quilt.

**Mr. HANLON:** That is true. The point I am making is that it is a good measure, but it is only another plug. Each time we put a plug in we are, perhaps, providing for a certain number of people at a very limited level and leaving others out.

The Minister said that the maximum compensation will be \$2,000. That sum is not satisfactory even in relation to workers' compensation, which, in the opinion of the Opposition, is by no means as high as it should be. This is a comparatively restricted form of ex-gratia payment. As the Minister has pointed out, it is not sought to be a form of compensation, and he does not seek to ask the community to accept liability for people who are injured. This scheme merely makes some recognition of the victim's hardship and provides for a maximum payment of \$2,000 in a particular case, if so approved by the Governor in Council. It is a gesture. I believe that we, with the other States through the agency of the Commonwealth and State Attorneys-General, should be progressing towards providing a full measure of social insurance for people in this country.

**Mr. Dewar:** How do the New Zealand figures compare with that figure?

**Mr. HANLON:** I understand that in New Zealand no maximum is applied. There are restricted categories of about 27 offences for which the victim is eligible for compensation. I do not think that there is any limit.

**Dr. Delamothe:** It is equated to workers' compensation.

**Mr. HANLON:** The Minister points out that it is equated to workers' compensation. In Great Britain I think there is an unlimited application which is more or less the equivalent to the common-law assessment of the injury.

**Mr. Dewar:** Ours would be more in line with theirs.

**Mr. HANLON:** Ours would be more in line with theirs at the present time, but the royal commission set out that the requirements of the compensation scheme, as they see it, should apply in the national interest. It recommended—

“as a matter of national obligation, the community must protect all citizens (including the self-employed) . . .”

I think the next point is relevant—

“ . . . and the housewives who sustain . . . sudden individual losses when their ability to contribute to the general welfare by their work has been interrupted by physical incapacity.”

The report continues—

“All injured persons should receive compensation from any community-financed scheme on the same uniform method of assessment.”

In other words, there should not be something like a lottery, when people are virtually injured in exactly the same fashion, so that they have one entitlement at work, another entitlement in a motor vehicle and, if they have some form of common-law case where they can secure a judgment, another entitlement, thus giving a whole range of differing benefits for people who, basically, are suffering the same hardships.

**Dr. Delamothe:** And who, basically, are paying for them.

**Mr. HANLON:** Yes, basically they are paying for them.

That brings me to another matter. Many people will ask, as the Minister did about the scheme in Great Britain, if we open the gate on compensation in this context, “Where will it end?” Even though the Treasurer has what I might refer to as a little election piggy-bank from which he can throw a bit of money around at the present time, generally speaking, our Queensland Budgets, with their successive deficits for some years, do not indicate that the Government could stand the strain of unlimited amounts for damages. The Minister said, “But where will it end?” When something is being financed at the community level we sometimes tend to think that only the community is paying for it. However, the New Zealand commission pointed out that even workers' compensation, which is met by the premiums paid by the employers, must basically form an element of the cost of the product. Ultimately the community is called upon in one way or another to pay the cost, either through a public instrumentality or through the agency of private enterprise. Someone must accept the responsibility of meeting the premiums, as in the case of the motorist who pays his third-party premium.

The commission said—

“ . . . the community must protect all citizens (including the self-employed) and the housewives who sustain sudden individual losses when their ability to contribute to the general welfare by their work has been interrupted by physical incapacity.”

It then said—

“(2) All injured persons should receive compensation from any community-financed scheme on the same uniform method of assessment, regardless of the causes which gave rise to their injuries.

“(3) The scheme should be deliberately organised to urge forward their physical and vocational recovery while at the same time providing a real measure of money compensation for their losses.”

That is an important factor in some cases where compensation is involved. Sometimes there is a disinclination—and a suggestion even from their advisers—that people should not expedite or push forward their physical and vocational recovery until they make sure they get all their compensation.

The commission continued—

“(4) Real compensation demands that income-related benefits should be paid for the whole period of incapacity and recognition of the plain fact that any permanent bodily impairment is a loss in itself regardless of its effect on earning capacity.

“(5) The achievement of the system must not be eroded by delays in compensation, inconsistencies in assessments, or waste in administration.”

I should hope that this scheme will not suffer in that way. It could be said in some respects that workers' compensation and motor vehicle insurance assessments suffer in that way. I hope that the Minister will ensure—I think this will be his desire in these cases, particularly as the amount, with a limit of \$2,000, is comparatively insignificant—these applications will be quickly processed. I hope it will not be a matter of the Treasurer saying, “There are so many applications; we are near the end of the financial year and we have not got the amount that might be involved in these claims; hold them over for a few months and bring them in next year.” I hope that at 29 June he will not say, “You have a few thousand dollars over; deal with a couple of these applications for compensation by the victims of criminal violence.” I hope that the scheme envisaged under this legislation will not suffer in this way.

There is more involved than compensating people who are the victims of criminal violence. The measure is a good one. I hope that the limit of \$2,000 has been set only tentatively. Having regard to the damages that are payable at common law, in particular, or as workers' compensation, it is not realistic, to my mind, to set \$2,000 as the absolute maximum.

This is reflected in the Minister's statement that he will not apply the limit of \$2,000 to the amount of compensation payable to persons injured when assisting members of the Police Force to carry out their duties. I am pleased that the Minister recognises that, where a person goes to the assistance of a member of the Police Force in the course of his duties and sustains an injury, there should not be a niggardly approach by the Government to the amount of compensation payable to him.

An anomaly may arise if the Minister for Justice or his ministerial colleague, the Premier, who administers the Police Force, does not ensure that a person who helps a policeman will not get significantly more compensation for injuries than the policeman himself. It is true to say that a policeman is carrying out his duties, and to that extent, I suppose, a person who goes to his assistance is a volunteer, pure and simple. But after all, if we are going to have the additional policemen that the Budget suggests we need—and everybody agrees that we need that number, and still more—to carry out the functions of the Police Force, we should

regard policemen, to some extent as volunteers, and give them recognition for carrying out duties for the community, even though they are duties imposed upon them by the oath they take when they are sworn in. We should recognise, just the same, that in many cases they are performing a type of duty for the community and are, in effect, volunteers, because it is the sort of work that the great majority of the population would not want to take on, no matter how highly paid it was.

I put to the Minister, in recognising that people who assist members of the Police Force should be compensated—and he has put no ceiling on that compensation—he should consider how policemen themselves should be compensated in similar circumstances, and how their families should be compensated if a fatality is involved. The measure should recognise equally the contributions made by the members of the Police Force and by those people who go to their assistance.

**Mr. Aikens:** You are not conducting a vendetta against the Commissioner of Police?

**Mr. HANLON:** No. I do not know of anybody who is conducting such a vendetta. I do not know whether the hon. member is, but I am not aware of anybody who is conducting a vendetta. I think that people act in the public interest, as they see fit, in these matters.

(Time expired.)

**Mr. AIKENS** (Townsville South) (12.13 p.m.): This Bill strengthens the opinion I have long held that we are reaching the stage where perhaps we are inciting quite a number of decent citizens to become criminals, because the attitude of the Government—not only of this Government, but also other Governments—and certain eminent citizens seems to be that the criminal is a sort of favoured person. If he is unfortunate enough to be sent to prison—and we must admit that that is a very remote chance these days, with the attitude adopted by our judiciary—he will go into a salubrious, hotel-motel type of accommodation where all his wants will be met. He will be looked after by various organisations while he is in prison and after he leaves prison.

This Bill poses a particularly interesting problem. I have no doubt of the sincerity of the Minister for Justice. I think he has done more for the women of Queensland than have any of his predecessors—or all of them lumped together, for that matter. I think that the Government would almost win the next election on the job that has been done by the Minister for Justice in raising the women of Queensland from fourth and fifth-class citizenship to first-class citizenship. However, I feel that in respect of this Bill, he has been somewhat led astray.

**Mr. Walsh** interjected.

**Mr. AIKENS:** That is what can be called the old western rock-python tactics. As the Minister for Justice is an old Westerner, he knows that a rock python can swallow a muscovy duck or a bandicoot, but it cannot do that till it effectively slimes it.

The Bill proposes that the taxpayers of Queensland shall meet substantial damages for personal injuries inflicted upon decent citizens by criminals. Even though a criminal may be in a position to pay those damages, there are many ways in which he can pretend that he cannot do so. The Minister for Justice assures us and the people of Queensland that if the criminal is in a position to pay, the judge will order him to do so. What if the criminal is not in a position to pay at the time when he inflicts the injury? If he is very unlucky, and if it is a monstrous, heinous attack, he will be sentenced to a short term of imprisonment and, whilst he is in prison, the taxpayers will meet up to \$2,000 in damages for injuries inflicted by him upon his victim.

What will happen to such a prisoner when he is discharged? A person cannot evade an ordinary debt by going to prison, so why should a criminal evade this debt simply by going to gaol?

**Mr. Walsh:** What happens if the jury acquits the prisoner?

**Mr. AIKENS:** Juries are likely to do lots of funny things. That was shown in the Andy Stevens case, when prominent members of the A.L.P. camped on jurymen's doorsteps before the case was heard to make sure that their beloved Andy Stevens would be found not guilty. Those things happen, I suppose, in nearly every country.

When a prisoner who has inflicted injuries comes out of prison and gets a job, will his wages be garnisheed? I think the Minister for Justice should tell us whether a person will be completely absolved from any financial liability resulting from injuries that he has inflicted on a citizen simply by serving a short term in prison. If the wages of such a person are to be garnisheed after his release in order to recompense the Crown for the amount paid in damages to the victim, what will stop the former prisoner from decamping and going interstate? Once he did that, of course, any opportunity to obtain damages from him would be lost.

For the benefit of those who are in, shall I say, such a mental state that they read "Hansard", I should like to mention that the Committee is discussing a Bill to provide, among other things, for the "payment of compensation to persons who suffer injury in certain circumstances." The Minister for Justice has outlined those "certain circumstances". During the time that I have been a member of this Parliament it has been the custom and tradition, at the introductory stage of a Bill, to allow members to make reasonable and sensible suggestions on ways in which the scope of the Bill could be

enlarged—in this case, to cover certain other injuries that might be suffered by innocent people.

**Mr. Walsh:** The motion merely seeks leave to introduce a Bill.

**Mr. AIKENS:** That is so. I propose now to suggest ways in which the scope of the Bill could well be enlarged. People suffer all sorts of injuries as a result of the depredations and actions of the criminal element, and I am going to deal with the most monstrous case, when considered in retrospect and compared with others, of an unfortunate old-age pensioner over 80 years of age in Railway Estate, Townsville, named Mrs. M. E. Stuttard. She wanted to save a little money, and she put aside a few cents or an odd dollar whenever she could till she had \$150 to spend on this little item that was her heart's desire. Two transient hoodlums named Robert Barry Blunden and Raymond William Blunden came through Townsville, broke into the old lady's home and robbed her of the \$150, then immediately hotfooted it to Cairns, where they were arrested. On 27 March this year—

**Mr. R. Jones:** They went the wrong way in coming to Cairns.

**Mr. AIKENS:** They should have gone to Toowoomba; then they would have been with their blood brothers, I suppose. Was that the reason that the hon. member made that interjection? I hope not, anyway.

**Mr. P. Wood:** I did not interject.

**Mr. AIKENS:** I thought it was the hon. member for Toowoomba East who interjected. It was a soft, mellifluous voice such as his. Pardon me if I made a mistake.

These two men were brought before the magistrate in Cairns on 27 March and charged with stealing, which is an indictable offence. They were charged with stealing the sum of \$150 from Mrs. Stuttard; but they pleaded guilty and elected to be dealt with summarily, I assume, otherwise the magistrate would not have had the power to deal with them. He fined Robert Barry Blunden \$20 and Raymond William Blunden \$10; each was ordered to pay \$75 restitution. In default 14 days' imprisonment, and each was allowed 14 days to pay.

I draw the Committee's attention to the fact that I am reading from a document that was signed personally and sent to me by the Minister for Justice; it is not an extract or a photostat. He advised me on 18 September, following other representations that I had made to him, that the offenders had absconded, and he said, "At the present time inquiries are being made in New South Wales and Victoria in an endeavour to find them." I am prepared to wager that "Blunden" is not their proper name. If it is, by the time they get over the border into New South Wales or Victoria, it probably will be Hanlon, Aikens, Delamothé, or some other assumed name.

That is a case involving transient criminals—transient hoodlums. I do not wish to embarrass the Acting Chairman of Committees, but, with his legal mind, he would know that that procedure is followed frequently. I do not know why it is done, why the law allows a magistrate to deal with a transient criminal in that way, knowing that he will decamp, knowing that he will abscond, within the 14 days' grace that is given to him to pay the fine and make restitution. Goodness knows where those two hoodlums are. If they are still in the country, the police will never find them. Quite understandably, the police will take the attitude that they have something more serious to do than to track down two criminals who have been ordered to pay a paltry fine and make restitution of \$150 to a poor old pensioner-lady in Townsville.

**Mr. Dewar:** They probably used her money to pay the fine.

**Mr. AIKENS:** They probably used her money to pay the fine, as the hon. member for Wavell so sapiently and succinctly interjects.

If we are to recompense a person who has been injured bodily by a criminal, surely there should be some legal process of repaying an unfortunate woman such as that. I do not know whether it is the custom of the courts to deal with criminals in that way, or whether certain magistrates or judges like to make good fellows of themselves, to ingratiate themselves with the criminals at the expense of the victims. That thought has gone through my head on several occasions. Surely no process of law in a civilised community—unless we are administering not the Criminal Code but the "criminal's code"—will allow a magistrate to say, "Oh, you are two blokes on the run—on the 'lam'. You have 'lammed' it all the way from the South to Townsville, where you stole this old pensioner's money; then you took it on the 'lam' to Cairns, where you have been brought before me. I am going to give you another 14 days to take it on the 'lam' again—and go interstate."

Surely in cases such as that, some warranty should be given that the money will be paid. Surely the criminals should have to get someone to guarantee that the money will be paid in 14 days. Does that not make a farce of the law? Does it not make a farce of this Bill? If these two transient hoodlums had bashed poor old Mrs. Stuttard and inflicted bodily injury on her she could, under this Bill, be paid a sum of money awarded by the judge. I do not know whether the magistrate would have power to award it. It appears that if she does not go before a judge, she does not get any compensation at all for bodily injury. Why can't she be awarded some compensation for something that she considers more serious and that cuts her to the quick more than bodily injury, namely, the fact that the \$150 she had carefully saved up over a period

of months, or maybe years, to buy something of her heart's desire is taken from her? It is gone—finished—and the magistrate—I am not blaming him personally; I do not know what the court procedures are in these matters—aided and abetted the criminals in getting away by imposing a paltry fine and ordering restitution and then saying, "I will give you 14 days to get out of the State; if you don't take it you are a pair of mugs." They did take it. That is what his decision amounted to and I suggest to the Minister for Justice, even if this may not be within the ambit of the Bill, that he have a look at the Magistrates Court proceedings and decide that where the court is dealing with criminals who are strangers, who are obviously itinerant hoodlums and crooks, the magistrate shall not give them any time to pay unless they are prepared to produce a bond or some other guarantee that the money will be paid, particularly where restitution is ordered.

I am not concerned about the Justice Department being mulct of the \$20 fine in one case and the \$10 in the other. The Justice Department can afford that, but this unfortunate pensioner cannot.

**Mr. Walsh:** Was a warrant issued to comply with the court's order?

**Mr. AIKENS:** Of course a warrant was issued, or so the Minister assures me, and I am sure he is honest. He is a Minister whose word we can take—on most matters, anyway. The offenders have absconded and at the present time inquiries are being made in New South Wales and Victoria in an endeavour to find them. Who will lay a shade of odds that they will never be found? Who will lay a shade of odds that they are somewhere in Australia under an assumed name? Who is going to bother about finding them? Will the interstate police bother about finding two criminals on a relatively minor charge like that—a fine of \$20 and a fine of \$10? They have worse criminals to find.

**Mr. Walsh:** They do that with traffic breaches.

**Mr. AIKENS:** That may be so. I am not like the Leader of the Opposition; I do not believe that everybody should be able to drive onto the road and make his own traffic laws as he goes along. If we are to have that sort of thing, as I read into remarks made by the Leader of the Opposition, we will have traffic chaos.

**The ACTING CHAIRMAN:** Order!

**Mr. AIKENS:** I am not going to labour the point. I brought this matter up and quoted from the Minister's letter to show the monstrous injustice that is being done to innocent citizens of this State by these transient criminals who are aided and abetted by the law, or should I say the administration of the law, in evading their responsibilities. They are given 14 days—that is what it really amounts to—to get over the border and out of the State.



No order was made that these two criminals should report to the police every day so that they could get only a day's start. They were given 14 days to take it on the "lam" and get across the border. Being the type of irresponsible wasters that they are, they took the golden opportunity offered them by the magistrate. That is being done every day. I can understand a citizen of a town, who is well known and has relatives and friends there, being given 14 days to pay; but I cannot understand a magistrate giving such a valuable concession to men who were on the "lam", who he knew were on the "lam", and who committed a crime in Townsville and were arrested and brought before him in Cairns.

I suggest that if the Minister cannot clean up the administration of his own department and stop this monstrous practice occurring again and again, he should at least write some provision into this Bill to provide that unfortunate people like old Mrs. Stuttard shall get some compensation from the taxpayers. She is more entitled perhaps than a fellow who picks a drunken argument with a criminal and gets the belting that he is looking for, and then makes the taxpayers pay for his injury.

**Mr. Walsh:** Do you think that in those cases the court should ask for a surety?

**Mr. AIKENS:** Of course it should. The court should ask for a surety or guarantee before the people are released.

The Minister is a true-blue Northerner, a man of whom we are inordinately proud, and he knows that not many claims will be made in the North under this Bill. Today while I was coming to Brisbane on the plane I read in "The Courier-Mail" that the hon. member for Nudgee had mentioned here the case of a fellow who had to be brought back to the hospital with a broken breastbone and three broken ribs. In the North people do not worry about that; they play football and go to work with broken ribs and broken breastbones. Surely to goodness the taxpayers are not going to be asked to pay these weakling Southerners for broken ribs and broken breastbones. Up in the North the story is told, if I may tell it now—

**The ACTING CHAIRMAN:** Not in this debate.

**Mr. AIKENS:** This could happen as a result of a criminal attack. The story is told of an old lady who was brought into the Bowen Hospital when the Minister for Justice was there. She had a badly broken leg. The Minister set it in plaster with the medical efficiency for which he is noted, and, knowing that the old lady lived in a house on high stumps, he said, "I am going to put you in a ward in the hospital". She said, "But, Doctor, I cannot go into hospital. I have my flowers and fowls and everything else to look after." He said, "Well, I will let you go home if you do not go up and down those high stairs

on your house". So she shook hands with him and reached a "Northerner's agreement" on the point, and away she went. About eight weeks later she was brought back and the Minister took the plaster off, and, as is usual in all the good surgical jobs that he performs, the leg was in good condition. She said, "Well, can I go home now, Doc?" He said, "Yes". She said, "Can I go up and down the stairs again?" He said, "You can go up and down the stairs with that leg. You can go anywhere." She said, "Thank goodness for that. It will be a welcome change from climbing up and down that blasted drainpipe."

That shows the way the people in the North are treated, and that is why there will be very few genuine northern applicants for compensation under this Bill. If the weakling Southerners want it for broken ribs and broken breastbones, I suppose that the taxpayers will have to pay for it.

**Mr. PORTER (Toowong) (12.33 p.m.):** It would seem that this measure will attract general support. Certainly I think that it will have the widest support of the community outside of this Chamber.

The hon. member for Baroona had the task of welcoming the measure but at the same time of endeavouring to belittle it to some degree. I think he suggested that it was something in the nature of a lethargic, tentative, faltering step. This is rather an odd description of the measure being introduced, as it provides for legislation in advance of that brought forward in any other State at the present time.

**Mr. Hanlon:** New South Wales has it.

**Mr. PORTER:** New South Wales has a measure and some amendments, but I do not think that its legislation is in advance of ours.

Of course, this is based on the New Zealand and United Kingdom experience, but in fact it goes further than the present legislation of those two nations.

In order to try to procure some credit for the Government's move the hon. member for Baroona suggested that the introduction of this Bill had occurred only because hon. members opposite had spoken ardently in favour of such a measure at different times. Nevertheless it is pleasing to see that the Opposition does support it.

The principle of retrospectivity is one on which at any time I find it difficult to make up my mind. This is particularly so on this measure.

To refer continually to the New Zealand picture is perhaps misleading, and the hon. member for Baroona was good enough to admit this. New Zealand has a long tradition of playing a very leading role in what is euphemistically called nowadays "social welfare". Of course, it has an equally long tradition of repressively high taxation in order to pay for this so-called social welfare. When one advocates an over-all system of

compensation with enforced payments one way or the other to support it, all one is doing is advocating another form of tax. We should tell the public that this is what we propose, and if this is what they want, well and good. But I should not like to think that we are endeavouring to persuade them that we are giving them something for nothing in an over-all system of compensation for which they would not have to pay. All these things are nothing more or less than a rearrangement of moneys, taking from Paul's pocket to pay Peter, or vice versa.

The Bill is indeed a good one because it goes some considerable distance—perhaps not as far as all would want—towards recognising the need for cohesion in a modern society, the type of society into which Australia and Queensland are more and more entering with each year that passes, where, to a greater degree, we are each becoming dependent on the other. The measure recognises today's concept of totality in terms of social and community welfare, that is, that each of us, to some extent, is necessarily his brother's keeper. The society has a responsibility to the individual and certainly it has a responsibility to the individual for injuries and damages that may be caused by society's outlaws and renegades. This is something in the nature of a line from John Donne's famous poem, "Each man's death diminishes me". I suppose that, to some extent, each man's injury as a member of society diminishes me.

The Bill is certainly another very modern and progressive step, like a number of others introduced recently by the Government, which have met with considerable acclaim by the electorate. The essential point to remember here, when one considers the ceiling of \$2,000, which may not be high enough, is that the measure does not in any sense reduce the rights of the individual to secure civil remedies. It provides an extra cover, as it were. The legislature has learnt from the experience of New Zealand and the United Kingdom, and it is good to see that we are not waiting for the other States to set the lead so that we may have some form of uniformity with them. We, in fact, are setting the lead on this occasion.

I should think that one of the valuable aspects of the measure is that it provides protection for the individual when the person causing the injury—as is all too often the case with the criminal element—is a person of no substance, or someone who cannot be found afterwards. There may well be something in the proposal of the hon. member for Townsville South that, if possible, eventually the person causing the injury—the convicted or unconvicted criminal—should be forced to pay some of the measure of compensation awarded to the victim.

**Mr. Walsh:** Why not?

**Mr. PORTER:** Yes, indeed why not? But how the machinery for that would operate is something that I freely admit I could not suggest at the present time.

**Mr. Walsh:** An employee has a right to claim against the employer for his injuries.

**Mr. PORTER:** I think that employees and employers are in different categories from a criminal who is very likely a person of inadequate substance, who may be operating under aliases and who may be very difficult to find. Nevertheless, if the hon. member has some proposals along this line no doubt we will hear from him during the course of the debate on the measure and I, for one, will be very interested to hear any proposals he has to make.

By this measure we are providing protection for the victim when he or she cannot easily undertake civil action. It does not require much imagination to see that that may often be the case. The measure gives considerable protection that does not exist at present.

**Mr. Walsh:** In a case like that would they be entitled to legal assistance?

**Mr. PORTER:** I could not answer that offhand, but I should think they would be.

To my mind the major principle in the measure is that there is no ceiling to the amount of compensation available to someone who is injured when he goes to the aid of a policeman. I think that this may to some degree help to remedy what is, to me, one of the saddest aspects of today's urbanised society, namely, that more and more we seem to be reaching the stage where the policeman is becoming a sort of alien in his own community, a sort of hostile somebody, as it were, who is no man's friend. Often what he does in our interests he must do alone, and what he does, of course, is often done in terms of considerable personal risk. It was only last week that a policeman was shot to death in Sydney in the course of undertaking what was, or appeared to be, quite a routine duty.

It is very sad to know that in our society today all too often spectators will watch a policeman struggling against odds and indeed, not only watch without helping, but also even sympathise with the law-breaker rather than with the law-enforcer. I think that this is one of the aspects that go with the growth of cities and that we must consider taking remedial measures to prevent its growing too fast.

**Mr. Walsh:** On the other hand, there are cases like the one referred to by Judge McLoughlin.

**Mr. PORTER:** Cases of that nature are the exception, and not the rule; and they provide some reassurance that there are, in our community, people with a true community spirit.

We must all recognise that, with the growth of cities and the enlargement of urban areas, which is happening in all parts of the world, and certainly in Australia and here in Queensland, we will have greater pressures in organised crime. In other words, the bigger the city the more organisation, the more likely it will be that crime does indeed pay, the greater the problems of the Police Force, and all too often the greater the display of over-sympathy for the law-breaker rather than for the law-enforcer.

So that to the extent that this measure will allow policemen to feel that they have friends and supporters to assist them to carry out their tasks, it is certainly to be welcomed. Mind you, Mr. Smith, I freely admit that much more than this is needed. It is a problem of the Police Force today that it has not got as good an image as it should have, and as most of us would like it to have. This is probably no reflection on the Police Force itself; it is part of the symptoms that accompany growth in an urban society. But, nevertheless, there is a great need to take positive steps to cement the relationships between police and people.

**Mr. Lloyd:** This is a Government responsibility, of course.

**Mr. PORTER:** It is a community responsibility as well as a Government responsibility, and is something in which all of us must accept that we have a part to play.

I should like to see a Police Force that is specifically and carefully trained in good manners and common courtesy. I do not know whether this training is given at the present time, but I think there are techniques by which these things can be inculcated into the Police Force. This would go a long way towards breaking down this community hostility towards the police and would ensure that in times of stress and trouble members of the Police Force are not left alone to do a difficult and a dangerous task.

I certainly think we ought to move our police system into the twentieth century in terms of techniques. In other words we have to modernise and computerise it and streamline its procedures, perhaps easy things to say and more difficult to do. Nevertheless, they must be attempted. But certainly we have to use policemen for police work. We should not use them just as summons-servers, tax informants, or officers of the Main Roads Department, the Transport Department, the Department of Primary Industries and the Electoral Office. They must be policemen doing substantially police work.

**Mr. Murray:** They should not be used as stenographers.

**Mr. PORTER:** I agree, as the hon. member for Clayfield interjects, that they should not be used as stenographers. We should start using women for clerical and statistical work, and I see no reason at all why

women should not be employed on many of the technical and highly specialised tasks that are part of modern police work.

Certainly I think that we would go a long way towards improving the image of the Police Force if seniority as a basis for promotion was substantially eliminated.

**Mr. Walsh:** Is it the basis?

**Mr. PORTER:** I say that if it was substantially eliminated, the public image of the Police Force would be improved.

**Mr. Walsh:** You cannot eliminate it entirely, surely.

**Mr. PORTER:** I agree that it cannot be eliminated entirely; that is why I said "substantially eliminated". I also think that if the Police Force is to obtain and hold the goodwill of the community—and this it must have if the measure is to become effective—it must be involved in police action which is constant and consistent. I believe that the image of the Police Force is damaged by the insistence that we have from time to time on sudden drives against some form of law evasion. This applies particularly in the traffic field. For a week or two the public is told that there is to be an all-out blitz on some forms of traffic breaches, and after that period has passed the subject of the blitz vanishes into limbo and things are as they were before. That does not help the Police Force to maintain the required image in a modern society.

All in all, I believe the measure to be an excellent one. It will do much to help the police (and, goodness knows, the police need assistance in our society today), and therefore I commend it and believe that the Committee will give it every support.

**Mr. DEAN (Sandgate) (12.47 p.m.):** I found myself in full agreement with my colleague the hon. member for Baroona when he quite rightly charged the Government with adopting a lethargic attitude to the introduction of this legislation. The Government has indeed been very tardy in this matter, which certainly has not been in the interests of the people concerned. I feel sure that hon. members will agree that this could be considered to be one of the most belated pieces of legislation ever introduced in this Parliament.

To put things in their correct perspective, I intend to refer to a few dates to show how long the delay has been. It was in early 1963 that I placed before my parliamentary Caucus the concern that I had for some people in the community who were suffering by the absence from the Statute Book of effective legislation to cover the type of crime that is prevalent today and was also prevalent in 1963. My party requested me to do a little research and bring to the party room a few facts and

figures to show the full significance of what I had been saying about the crimes being perpetrated on some unfortunate people.

After I raised the matter in Caucus, I was prompted to ask a question of the Premier of the day, the Honourable G. F. R. Nicklin, on 5 September, 1963. I asked in this House, under the heading, "Compensations Claims, Street Assaults"—

"Has his attention been drawn to the passing of a recent Act by the New Zealand Government allowing a claim for compensation to be made relating to assault by street thugs on law-abiding citizens? If so, does he intend to seek further information from the New Zealand authorities with a view to proposing similar legislation to the Queensland Parliament?"

On Business Paper No. 56, Tuesday 3 March, 1964, I repeated the question—

"With reference to my Question of September 5, 1963, dealing with legislation passed by the New Zealand Government granting compensation claims for street assaults to citizens who suffer at the hands of street thugs, has a copy of the legislation been received from New Zealand by the Queensland Government? If so, have the contents been studied with a view to introducing similar legislation in Queensland?"

The answer of the Premier of the day was—

"A copy of the New Zealand Criminal Injuries Compensation Bill was received and examined subsequent to the Honourable Member's Question of September last. This examination disclosed that, because Australia is a federation of States, which New Zealand is not, the only Government which could properly introduce legislation of this nature in Australia (assuming that it would wish to do so) would be the Commonwealth Government."

**Mr. Tucker:** Who said that?

**Mr. DEAN:** The Premier of the day, Mr. Nicklin.

As you are well aware, Mr. Smith, this matter has been pursued steadily over the last few years, and on 23 March, 1964, I read an article in the London "Daily Sketch" under the heading "Cash aid soon for thugs' victims". It said—

"Government measures to help victims of crimes of violence are expected to be announced by Mr. Henry Brooke, the Home Secretary, this week. No new legislation will be necessary.

"The intention is to operate the scheme from Whitehall, which will set up a 'National Insurance' style system of financial compensation for innocent members of the public caught up in violence.

"People right in line for help are those injured while assisting police or trying to prevent crime.

"The cost of running the scheme will be met from the Exchequer.

"For the first time people who suffer at the hands of thugs will have a clear-cut method of applying for compensation."

After reading that article, I took it upon myself to write to the Secretary of State for Home Affairs in England, the Rt. Hon. Henry Brooke, M.P., at the Home Office, Whitehall, London. In my letter, which was dated 18 June, 1964, I said—

"A report appeared in the 'Daily Sketch' of 23rd March, 1964, stating that it was the intention of your Government to set up a system of financial compensation to help members of the public who have been unfortunate enough to be caught up in violence and who have suffered at the hands of street thugs.

"As we in this State have a similar problem I would be very grateful to you if a copy of the measures in question could be supplied for the purpose of helping me to make a submission to the State Government for an identical scheme to be operated in Queensland."

In reply to my letter, I received a letter dated 25 June, 1964, from the office of the Rt. Hon. gentleman. It said—

"Dear Sir,

"Mr. Brooke has asked me to thank you for your letter of 18th June about the United Kingdom scheme for compensating victims of crimes of violence. I attach the White Paper detailing the Government's proposals, and also the answer Mr. Brooke gave to a Question in the United Kingdom House of Commons yesterday setting out the scheme as amended in the light of the debate in that House.

"I hope these will give you all the information you want. The only point to which I might particularly draw your attention is paragraph 6 of the White Paper which draws attention to a scheme which is now in force in New Zealand."

It was signed by the private secretary to Mr. Henry Brooke.

The White Paper sets out the arrangements that the Government proposes to make for compensating victims of crimes of violence in the United Kingdom. It points out that there has been an increase in crime in recent years—that is happening in Queensland and in other States, too—and says that it has been found necessary to put measures on the Statute Book to give protection and justice to the people who have suffered over so many years.

The White Paper goes on to say—

"The assumption that the claims of the victims are sufficiently satisfied if the offender is punished by society becomes less persuasive as society in its dealings with offenders increasingly emphasises the reformative aspect of punishment."

I think some reference has been made here over the years relative to that matter. Many

hon. members on this side of the Chamber—and on the other side as well—have frequently pointed out that too much consideration appears to be given to the offender rather than to the victim. That is what that paragraph refers to.

The White Paper announced that the Government had decided to set up an official working party to examine the question of compensating victims of crimes of violence and see whether, if the principle was accepted, a workable scheme could be devised.

The White Paper points out very explicitly and clearly the action that the United Kingdom Government has taken in this matter. Since then, of course, several reports have been made relative to its implementation. The White Paper referred to is numbered 2323. It was published on 23 March, 1964, and outlines the Conservative Government's proposals for an ex-gratia payment to be made to the victims of crimes of violence. The scheme was based largely on the report of an inter-departmental working party on the subject which had been set up by the Home Secretary and Secretary of State for Scotland in February, 1959.

So that even in the United Kingdom, apart altogether from the advanced legislation in New Zealand, as far back as 1959 the authorities were very aware of the increasing crimes that were taking place against innocent victims in the street. The working party's report, published on 29 June, 1961, stated that, while the State should be expected to provide a general condition of civil peace, it had no absolute duty to protect every citizen all the time against other citizens, and that a system of State compensation for victims of crimes of violence could not be justified on constitutional or social grounds. On the other hand, it could be based on the more practical ground that, although the welfare State helps the victims of many kinds of misfortune, it does nothing for the victims of crimes of violence as such, notwithstanding that they are largely deprived of the means of self-protection and, in most cases, have no effective remedy at law.

The working party considered all these questions, such as the definition of victims of crimes of violence and the offences to be covered, as well as procedural matters, many of its conclusions being integrated into the Government's final scheme.

No doubt this White Paper has been studied by our departmental officers. I hope that it has been, as it was referred to by the Minister when introducing this measure. I feel sure that within its framework there is much to be learnt. As the Minister implied in his introductory remarks, this legislation is an improvement on other legislation in force at the present time—and so it should be. If we cannot learn from other people's mistakes and experience, we are indeed dumb. This Bill should be near perfect, because we have the honour of being the

last State in Australia to implement such legislation and place it on our Statute Book. It should indeed be good.

*[Sitting suspended from 1 to 2.15 p.m.]*

**Mr. DEAN:** In my reference to the White Paper from which I was quoting I had arrived at the stage where I was about to amplify the provisions relative to compensation that the United Kingdom Government had included in its legislation. The White Paper points out that the compensation would be in the form of a lump sum instead of a periodical pension and that the amount to be paid in an individual case would normally be assessed on the basis of common-law damages. I could enlarge to a great extent on that provision if I had the time, but I have no doubt that at the second-reading stage hon. members will be dealing more specifically with the clauses and with the full ramifications of the Bill, and no doubt many hon. members will take advantage of that occasion to deal with its provisions in a broader sense.

In England the loss of earnings and, where appropriate, of earning capacity to be taken in account would not exceed twice the average—that is, according to the age and sex of the victim—of the industrial earnings at the time the injury was sustained. I think it is worth while thinking about that and speaking more fully about it than we are at the present time.

Before lunch I referred to the New Zealand Act, paragraph 6 of which lays down that the Government accepts the principle that the victims of crimes of violence should be eligible for some compensation for personal injury at the public expense and proposes to make arrangements for this purpose as soon as possible. In considering what these arrangements should be, it is important to bear in mind that a State compensation scheme of this kind will be a new departure. Until the coming into force on 1 January, 1964, of the New Zealand Criminal Injuries Compensation Act, no other country in the world had a scheme of compensation of the type that was the subject of discussion in the United Kingdom at the relevant time. There was virtually no previous experience on which to draw in assessing how a compensation scheme would work.

The number of crimes of violence reported to the police is known. Many of these, however, are not the brutal assaults on strangers that should certainly lead to compensation, but arise out of brawls or family disputes, where the "victim" may have been as much to blame as the aggressor. It is impossible to forecast with any assurance, therefore, how many persons would apply for compensation if there were a scheme, or in how many of these cases a payment out of public funds would be justified. There must certainly be safeguards to ensure that, as far as possible, public money is not wasted on

fraudulent or unmerited applications. That was laid down in very specific form in the White Paper.

On 19 August, 1965, I addressed the Chamber—I think it was in the Address-in-Reply debate—and placed on record on that occasion in “Hansard” a certain motion, which I wish to quote.

I said—

“Consequently, I submit that this Parliament—

(1) Cognisant of the existence of a public feeling of responsibility for and sympathy with innocent victims of crimes of violence, and recognising it is right that this feeling should find practical expression in the provision of compensation on behalf of the community, accept the principle that innocent victims of crimes of violence should be eligible for compensation for personal injury at the public expense.

(2) Make arrangements to this end forthwith by directing an inquiry into the workings of the New Zealand Criminal Injuries Compensation Act which came into force in New Zealand on 1 January, 1964, and a similar inquiry into the workings of the United Kingdom scheme for compensating victims of crimes of violence, as detailed in the White Paper on that subject of March, 1964, and subsequently amended in the light of a debate on the matter in the United Kingdom House of Commons.

(3) Pursuant to the above inquiries, institute a compensation scheme consistent with the principle enunciated in (1) hereof, and introduce as soon as possible thereafter the necessary legislation to carry such scheme into effect.”

I think I incorporated that motion in a 25-minute speech.

That again proves that the Opposition has been alive to the urgent need to place legislation of this nature on our Statute Book as soon as possible. I support the assertion of the hon. member for Baroona that the Government has been lethargic in introducing this legislation.

I think I should mention that the motion to which I have just referred—it could have been altered in some way—was placed on the Business Paper for 10 August, 1967. It will therefore be plain to hon. members that down through the years we on this side have been persistent in our attitude towards this matter in our attempt to have legislation such as this introduced as soon as possible. I make an urgent appeal to the Minister, and to the Government, not only to have the Bill printed this afternoon but to implement the legislation as quickly as possible.

No doubt hon. members on both sides of the Chamber have had experiences similar to those that I have had from time to time. I referred on a previous occasion to a man

named Kunde, who went to the assistance of a police officer, and was very badly injured—so badly, I understand, that he never really recovered. He did not recover his full health although, naturally, age was catching up with him. The injuries that he received when assisting the policeman remained with him over the years. Another case concerned a boy who was returning home early one evening after attending a picture show. He was attacked by someone who jumped from the Customs House fence. His wages were taken from him, and at the same time he lost half of his natural teeth. He did not receive any compensation because he did not come under the terms of the Workers' Compensation Act, which would have covered him if he had been travelling to his home from his place of employment. As was pointed out by the hon. member for Baroona, it is a pity that there cannot be a measure of retrospectivity in this legislation. We could look retrospectively at some of the recent cases which I believe should be covered by it. The bomb outrage at Petrie Terrace and the shooting incident in North Queensland are typical cases which could be included. Both have occurred within the last two years, and I think there should be some provision for retrospectivity in this legislation to cover such cases. Over the years other legislative measures have come before us which have operated retrospectively for a certain time.

I am disappointed with the Bill to a certain extent, although its over-all features please me, as I am sure they please everyone in the Chamber. I hope that the measure will be implemented as soon as possible, because this type of crime is on the increase. We do not hear very much about these cases as many of them cannot be brought before the courts. Sometimes those concerned cannot afford to go to court and on many occasions their assailants are unknown to them. If the assailants cannot be found there cannot be a court case; there is no police action and no action whatsoever can be taken to get compensation.

With those few remarks, I will wait until the printing of the Bill so that we can examine it more closely. I am sure that many aspects of it will make us happy. I suppose that, like all legislation—no legislation can be perfect—it will be necessary from time to time to bring it back to this Assembly and amend it to bring it up to a reasonable standard.

**Mr. R. JONES** (Cairns) (2.25 p.m.): Like members of the Opposition who have already spoken, I support the measure. Before making my contribution I compliment the hon. member for Sandgate on his persistent efforts to have this measure introduced and on the well-documented case he presented. I admire the tenacity he displayed in pursuing a course which in no small way led to the introduction of this measure. This proves the value of Her Majesty's Opposition being alive

to the problems that confront society today and, in a humanitarian way, documenting them and bringing them before Parliament.

The problem we are asked to consider today was outlined by the Minister when he introduced the Bill on 25 September, namely, the payment of compensation to persons who suffer injury in certain circumstances, some of which the Minister outlined. We are not supplied with a copy of the Bill until the completion of the introductory stage, and I should like to bring to the notice and attention of the Committee some of the matters that I feel should be included in it.

Innocent victims of criminal violence should be compensated by society. Wrongdoers who commit crimes notoriously suffer from a great malady which is commonly called "N.S.F.". It is important that we consider the hardship experienced by the dependants of victims of criminal violence. Those left behind and the people near and dear to them are directly affected because, in the case of death, the work value of the person is completely eliminated, and, in other cases, partly eliminated. We know that in certain circumstances a person can sue, at common law, for damages, up to a certain amount depending on the circumstances, for injuries he receives.

In addition there is workers' compensation legislation under which an employer is responsible to his employee for any injury sustained on the job. That is a limited means of taking care of an injured party and of assisting his dependants.

There is also a very fine scheme which is getting a little out of hand because of the way it is being implemented, namely, the right people have to sue for damages sustained in motor-car or other vehicular accidents. In certain circumstances people other than the victim make money out of these cases involving unlimited or substantial damages granted as a lump sum or otherwise. I recall one case in which a person was injured in a head-on motor-car collision. He suffered extensive injuries and was unconscious for some months. He could not remember exactly what happened. He was advised, because of this, that he had no recourse to law. I am not completely conversant with the legal aspects of this case. It seems to me that he was badly advised. My information is that this matter went on and on for over three years, till it was finally outside the time within which damages could be claimed. Here is a case in which a man and his family are suffering because of a disability sustained by the man through no fault of his own. At present the only compensation available is that provided by social services legislation. Of course, no amount of money can compensate for the loss of a bread-winner. That is something quite beyond calculation, and the hardship that it brings to dependants is beyond assessment.

The New Zealand Criminal Injuries Compensation Act of 1963 prescribes up to 27 categories of crime, including murder, rape, assault and manslaughter, and that legislation, as the hon. member for Sandgate pointed out, has been in operation since 1 January, 1964. As the hon. member also pointed out, the British scheme resulted from the production of a White Paper dealing with victims of crimes of violence. I shall not go into that matter beyond saying that the British legislation embodies a broad concept in *ex gratia* payments for personal injury. I feel that our scheme should also be broad in its concept. There has been, of course, a considerable time lapse between the passing of the legislation in New Zealand and Great Britain and the introduction of the Bill in this State.

Comprehensive, universal and adequate cover should be provided for any person injured in the performance of a duty, particularly a public duty or bona fide voluntary work. Although we have not yet seen the Bill, it provides, according to the Minister's outline of it, a maximum general coverage of \$2,000, and unlimited cover for a person injured whilst assisting a member of the Police Force. I want to draw attention to the position of civic-minded people who assist the police in searches at sea and on the land. A case that comes to my mind is the lengthy search that was carried out over 12 months ago in the Cairns hinterland for an aircraft that crashed between Mt. Molloy and Julatten. The search continued for quite a considerable time, and many civilians were called in by the police and Army to assist. Fortunately there were no serious injuries among them. Searchers suffered scratches to arms and legs from wait-a-while bushes in the scrub, and one person received a scratch across the eye which fortunately healed without any ill effects. I know only too well that small injuries can have serious consequences, because a grand old lady whom I greatly admired lost her arm after a scratch with a rose thorn.

In the instance to which I have referred, public-spirited and civic-minded people went to assist the police in the search. If one of them, while acting in a voluntary capacity, fell down a ravine and broke his back or one of his limbs, or even was killed, he would not be covered by compensation, and I believe that such a person should be covered by legislation of the type that is now proposed. If unlimited damages are to be payable to a person who is injured while assisting a member of the Police Force in the performance of his duty, I believe that some form of compensation should be payable to a person who is injured while performing some other form of civic duty.

I certainly agree with the Bill as proposed, but I think that it leaves a little to be desired in its present form. If the provision that I have suggested cannot be included in the measure now under discussion, I hope that

the Minister for Justice will give it further consideration at a later date and amend the Act to include it.

I support also the case for retrospectivity put by some of my colleagues who have spoken before me in this debate. In my opinion, it is something that should be taken into consideration.

I look forward to perusing the Bill and making a further contribution at the second-reading stage.

**Mr. BENNETT** (South Brisbane) (2.37 p.m.): I join with other hon. members on this side of the Chamber in commending the hon. member for Sandgate for galvanising the Government into introducing the proposed Bill and drawing the attention of this Parliament to the obvious injustice to people who have been subjected to crimes of violence without being compensated by anybody.

The fundamental principle of the Bill is, of course, highly desirable; but, as is typical of the Ministers of the present Government, it has been introduced with a great fanfare and a window-dressing campaign.

Although, as I said, the principle is good, there is a great deal of shadow for the substance in what is actually to be done for the victims of violence. First of all, all those who are injured before 1 January, 1969, are going to be "scrubbed", whether or not they are paralysed for life. There are not very many of them, either, incidentally. After all, the payment ultimately is discretionary, because the Government is preserving the position of the Crown and saying that the Crown is not responsible for crimes of violence by her subjects and, therefore, cannot be sued in tort. As I said, ultimately the payments are *ex gratia* or discretionary; hence, all claims up to date need not necessarily be met. People such as the man who ended up a paraplegic certainly deserve to receive special consideration, and the Government would not have to meet many claims even if it did make the legislation retrospective to, say, 1 January, 1968.

I certainly believe that, under normal circumstances and conditions, retrospective legislation is not desirable. But when it suits this Government, of course, it implements legislation that operates retrospectively. At the same time, I do not always agree with prospective legislation, either, which is what the proposed Bill is. I underline my submission by saying that I do not think that the average trivial case of injury following violence should be met retrospectively, but I think that the few serious ones would be dealt with out of kindness by a Government that has the welfare of the people at heart and wants to see that justice is done. If the Government acknowledges the principle in the proposed Bill that certain people subject to crimes of violence should be compensated, why cannot it do something for those who have been almost mortally wounded and put out of their occupation

for life, who were at death's door immediately after the crime was committed. There are not very many of those people about at the moment, and surely their cases could be considered and dealt with under the discretionary powers contained in the proposed Bill. However, under the legislation now being introduced by the Minister, they cannot be considered, and if a person is unfairly and unjustly wounded or seriously wounded this month or last month, surely he is as deserving as somebody who is wounded on New Year's Eve next year. I think that this is typical of the parsimonious attitude of the Government. It is a window-dressing campaign, as usual; pre-election legislation to try to get the Press. In any case, the Government will not spend any money for this purpose before the election. That is what is happening with much of the legislation that is brought down and what is happening with the Budget, too.

Again, why should a Government that has virtually unlimited resources for this matter limit the amount that can be paid? Two thousand dollars is a mere bagatelle. I agree with this Bill only because of the principle contained in it. In all other respects, it is lousy. To say that a man seriously injured and wounded is limited, in effect, to compensation of \$2,000, is just futile. It is hardly worth the man's while taking the necessary action; he might as well go on social services and take to a wheelchair for life, because an extra \$2,000 will not help him much. Why should he not be paid the full amount of damages, consistent with the awards that are made by courts for damages sustained in similar circumstances in running-down cases on the highway? I do not understand the Government setting a limit of \$2,000—and this is the principle, as I understand it—except for injuries received by a person who goes to the assistance of a police officer. I certainly agree that such a person should be properly, adequately and fully compensated, but why make a difference and distinction? What about a person who went to the assistance of a caretaker who was trying to stop somebody burning down the Supreme Court, and was seriously injured? Why should he be limited to \$2,000. Is not his public service just as important as that of the person who goes to the assistance of a police officer? I cannot see why there should be any distinction or differentiation.

What about a man who goes to the assistance of a bank caretaker in the small hours of the morning, and is seriously injured and horribly wounded? Why should he not be in the same category as the man who goes to the assistance of a police officer? What is the reason for the difference or distinction? What about the man who goes to the assistance of a gaol warden when a prisoner is escaping and is shot, or run down by the escape vehicle? Why should he not be allowed damages in keeping with the injuries he has sustained and in keeping with awards



that are made by our courts when there is a running-down on the highway due to negligence, although it is not criminal negligence?

This Government does not back up its principles. As I said yesterday in relation to liquor laws and gambling laws and the money it wants to get and save through them, it is not prepared to back up the principles that it mouths and espouses here in Parliament. That is why it will not meet next year; its members will run out of words before the election. Hon. members will remember the case of the Government employee—a warden—being murdered by a maniac in goal. His head was split open. The Government not only will not pay his widow just and adequate compensation for his death but it is resisting her just and justifiable claim in the courts. Government members do not believe what they say. The Minister contests these claims and, although this legislation is being placed on the Statute Book, it will be found that nearly every claim that is made on this fund will be rejected after the election. The Government might allow a spectacular claim in February or March next year, just to pretend it is doing something, but when it gets down to tin-tacks, it will oppose or reject all justifiable claims as it did when this decent warden, in the middle years of his life, was knocked down with an iron bar by a maniacal prisoner who, according to the evidence put before the Court, should have been in another place of confinement.

I can see in this legislation no real sincerity of purpose. Then we have the suggestion, as I understand the Minister's speech, that the inferior courts which under certain circumstances can deal with indictable offences, although they are presumed, in the circumstances, as set out in the Criminal Code, to have dealt with them as summary offences, have no power to make awards of this nature.

From what the Minister has said it would appear that the inferior courts—I do not use the word disparagingly (it is the technical term for the lower courts)—would not have power to make awards of this nature, even though the limit of their financial jurisdiction in all other matters is \$1,200.

I again wonder whether the Government and the Minister have properly considered and conceived all the possibilities that can arise under this legislation. As I understand the Minister's introductory speech, he said that only for offences or crimes of violence committed under the Criminal Code can the unhappy victims claim, or entertain the prospect or possibility of claiming, damages.

Under the present policy of the Government, and in particular the Police Department, alleged serious crimes that should be dealt with under the Criminal Code in open court are being dealt with behind closed doors. No less a charge than rape alleged against a policeman is presently being dealt with behind closed doors. It is a serious allegation that the Police Department has made, yet it is not prepared to make it in

open court to give the defendant policeman the opportunity of having a trial by jury. Assume that it is a substantial charge. Because the policeman has not been challenged under the Criminal Code but under the Police Act, as I understand the words of the Minister in his introductory speech, if the complainant was a girl of any substance at all she would not have the right to claim any damages for being raped. That shows the way the Government side-steps its obligations and avoids its responsibility.

The Government has embarked upon a window-dressing campaign to try to deceive the taxpayer of Queensland into believing that it is doing something constructive for the victims of these offences, but it will hide anything when it suits it to do so. Members of the Government are trying to hurry into the Caucus meeting this afternoon to hide their real intentions on the proposed amendments to the liquor laws.

I feel that the sum of \$2,000 is purely pin-money for anyone who has been seriously injured. As well as being injured he suffers nervous exhaustion, shock, humiliation, and the stress and strain of having to be a Crown witness in two courts of law, firstly at the preliminary hearing and secondly at the hearing in the Criminal Court, whether it be in the Supreme Court or the District Court.

As I understand the Minister's speech, a claim for compensation can be made "only if he (the victim) has exhausted all other legal rights or remedies". They are the Minister's exact words. What a laughable situation! In order to exhaust all other legal rights or remedies the victim has to sue the assailant, the aggressor, the one who has committed the crime. In at least 75 per cent. of the cases, at a conservative estimate, the criminals have no money. They are like the man who steals a car and damages it, or unlawfully uses a car and damages it. In the vast majority of cases the people who do that sort of thing have no money at all, and if they damage another person's car that other person is simply wasting money in suing for damages. Invariably, any car-owner who is insured—and it is an idiot who is not insured these days—claims on his insurance company, knowing full well that he is merely wasting legal costs and time in endeavouring to pursue an offender who unlawfully uses or steals his car.

According to the Minister, this legislation provides that people can claim on this fund only if they have exhausted all other legal rights or remedies. A man who becomes a paraplegic will have to embark on an action in the Supreme Court, that being the jurisdiction that would award damages commensurate with the injuries involved. He would embark on a Supreme Court action and, unless he got a very kindly lawyer like myself, he would be told, "You have to 'weigh in' all the fees before you start". He could not get into the Supreme Court for less than \$1,000. If it was an average

man who was injured, and if as a result of his injury he was out of work, where could he get such a sum? He would have to borrow it. If he owned a home he would have to mortgage it, or if he owned a car he would have to sell it. Without the necessary money, he could not start an action in the court. In any case, he would have to outlay a considerable sum in fees. He would then have to wait for the best part of two years to have his action heard in court. If he was the unfortunate victim of violence and aggression he would undoubtedly be successful and get an award of damages in the Supreme Court. Alternatively, if his injuries were of a minor nature he would get damages from the District Court.

But what can be done if the aggressor says, "I am not going to pay"? If he knocks a person down, shoots him, hits him with an iron bar or kicks him in the stomach, he is not the type who will say, "Wait until I get my wallet and fit it up", or, "I will go along to my bank and sign a cheque". The injured person can say, "I have a judgment against him". But it is rather cold satisfaction to have judgment against someone who has no money. However, to exhaust all legal remedies he has to go further if the aggressor says, "I cannot pay". He has to take out bankruptcy proceedings—that is, if the aggressor has any property. That involves further expense. Eventually the liquidator, the Registrar in Bankruptcy, or the Official Receiver, will say, "It is no use pursuing this fellow further; he cannot pay any more than 10c in the dollar." Having expended by this time at least \$2,000—if he has it—he can then go to the authorities who will control this fund and say, "I have exhausted all my legal rights and remedies. I have nothing except a judgment of the Supreme Court, of which I am very proud, but all that I can do with it is frame it. It has cost me a lot more than any other award I have received."

At that stage the authorities have to first determine whether such a man is entitled to any payment. If he is, it is within the discretion of the authority to make an ex-gratia payment. If it was decided to make an ex-gratia payment he would get only \$2,000, unless it was a case in which he had gone to the assistance of a policeman.

This will be a vicious circle. It is like sending a man on a merry-go-round. In spite of what is said at times about lawyers and the legal fraternity generally, they do not like earning fees for nothing. They want to give satisfaction and get substantial results, and like to consider that they are doing a service for the community. With a lot of legislation—not because of any desire on the part of the legal fraternity or lawyers, but because of the nature of the legislation—unfortunately, and disappointingly, lawyers

are the only ones to profit from the litigation or claims that are made under statute law. It is somewhat embarrassing for lawyers to have to admit that because they do not like it, and they do not want it that way. If this legislation is framed as I believe the Minister intends it to be framed, in many instances lawyers will be the only ones to profit from it. This is something that the lawyers do not want.

It is rather disconcerting and worrying to know that people who are saddled with high fees that they can ill-afford to pay, and for whom the judgment obtained is an empty and cold one because it cannot be enforced, will eventually be told that at the very best the award that will be made will only cover the fees that they are required to pay to obtain that award.

If the taxpayers of Queensland blissfully believe that after 1 January, 1969, they will be compensated if they, their relatives, or their friends are injured by other people in the community as the result of crimes of violence, they will be disillusioned. Let me make it quite clear that there is no such intention in the legislation as the Minister has explained it. There is purely an expression of an undertaking—and it is a rather weak undertaking—to the effect that a small pittance will be paid to any unfortunate people who are subjected to this type of offence in our present-day community.

Progress reported.

The House adjourned at 2.58 p.m.