Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 29 JULY 1971

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

PAPERS

The following papers were laid on the table:—

By-laws Nos. 1001 to 1008 under the Railways Act 1914–1971.

QUESTIONS UPON NOTICE

PUBLIC RELATIONS OFFICER, PREMIER'S DEPARTMENT

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

(1) For what duties was the position of Public Relations Officer (Mass Media) created and filled in the State Public Relations Bureau?

(2) On what date did Allen Lindsay Callaghan commence such duties and at what salary?

(3) For what reason was the position of Mr. Callaghan changed to Public Relations Officer, Premier's Department, on July 1, 1971?

(4) What is the salary applying to this position and what duties does he perform?

(5) To whom is he immediately responsible for the carrying out of such duties?

Answers:—

(1) "This information was available at the Public Service Board at the time to all interested applicants. If the Honourable Member is looking to his employment prospects next year I will be happy to send him a copy, although of course he will appreciate his recent exercises in public relations activities hardly qualify him for appointment in that field."

(2) "April 5, 1971, at $326.50 per fortnight."

(3) "Because departmental efficiency would benefit."

(4) "The salary is identical to that previously received. The duties are identical to those previously defined excepting that the position is without the ambit of the Public Relations Bureau."

(5) "Administratively, the Permanent Head of the Premier's Department."

BURGLARY AND BREAKING AND ENTERING OFFENCES

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

(1) Between January 1 and June 30, 1971, how many cases of burglary and/or breaking and entry of (*a*) dwelling houses

and (*b*) buildings were reported in the metropolitan area and the rest of the State, respectively, and how many have been solved?

(2) How many of the cases in the same category and in the same areas, which were reported in 1970, still remain unsolved?

Answers:—

(1)—

	"Number Reported Metropolitan Area	Number Solved	Number Reported Rest of State	Number Solved
(*a*)	1,469	202	719	127
(*b*)	2,733	458	1,562	297"

(2)—

"(*a*) Number unsolved in respect dwelling houses metropolitan area, 1,873; Number unsolved in respect dwelling houses rest of State, 775. (*b*) Number unsolved in respect other buildings metropolitan area, 3,775; Number unsolved in respect other buildings rest of State, 1,694."

SPECIAL POLICE SQUAD, SPRINGBOK RUGBY UNION TOUR

(*a*) **Mr. McKechnie,** pursuant to notice, asked The Premier,—

(1) What was the total cost involved in bringing police from country areas to Brisbane to assist in the protection of the public and players at the Rugby Union football matches at the Brisbane Exhibition Grounds?

(2) As law-abiding citizens who arrange social functions are required to pay for police attendance at those functions, will he consider demanding payment for police protection from those who arrange functions such as protest marches and other organised disruptions endangering public safety and trespassing on civil liberties of the individual?

Answers:—

(1) "The figure is not available as the circumstances requiring additional police protection for the general public and the sportsmen concerned have not yet entirely disappeared. However, whatever the amount, the Government will consider every cent of it well and worthily spent in protecting the people from the physical danger, the verbal abuse and the mental embarrassment which would have been their lot had the A.L.P.'s radical and lawless supporters been allowed to use the missiles and weapons, the obscenities and the intimidatory tactics they originally intended."

(2) "The proposal has merit and I will examine the Honourable Member's suggestion that accounts be rendered for such costs to those responsible for their being incurred."

(*b*) **Mr. Newton,** pursuant to notice, asked The Minister for Works,—

(1) What was the actual strength, including ranks in all categories, at June 30, 1971, in (*a*) Brisbane, (*b*) Southern, (*c*) Central and (*d*) Northern Division police regions of the State?

(2) Of this number, how many police, including ranks in all categories, were drawn from each region and the Northern Division to form the Special Police Squad in Brisbane for the Springbok tour?

(3) How many vehicles in all categories were allotted to the above regions and the Northern Division as at June 30, 1971?

(4) Of this number, how many vehicles were used from each region and the Northern Division to transport police personnel to Brisbane for the Special Police Squad?

(5) What other forms of motor vehicle transport, including buses, have been hired or leased by the Police Department to date?

(6) What are the names and addresses of the firms or private companies from which the extra transport was hired or leased?

(7) How many police personnel, including all ranks in each category, were billeted at the Enoggera Army barracks?

(8) What type of accommodation was provided for the above police personnel?

(9) What arrangements were made for meals to be supplied and by whom, for police personnel stationed at the barracks?

(10) What equipment, including clothing, protective gear, batons and firearms was issued or purchased for the special force including members of the Public Order Squad?

(11) How many cadets and police probationers were attached to the special Squad?

(12) What duties were performed by these personnel?

(13) What is the estimated extra cost to date of payments to the special squad for (*a*) police personnel including all ranks, (*b*) transport facilities in all categories and (*c*) cost of the use of buildings, equipment and services provided?

(14) For what total number of man-hours will police be away from their local police establishments?

Answers:—

(1) "Total police strength at June 30, 1971—3,100."

(2) "574 personnel from country regions and the northern division."

(3 and 4) "In view of the imposed black ban on rail transportation sufficient vehicles were used to transport country policemen to Brisbane."

(5 and 6) "In view of the A.L.P. threat through the Trades Hall against the livelihood of any person or persons or organisations who assist in any way the visit of the Springboks, I will not provide this information."

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

(8) "Service personnel type of a high standard inspected and approved by the Police Union."

(9) "Adequate arrangements as provided by the Department of the Army."

(10) "Apart from the normal standard issue, no additional equipment was issued except—(*a*) Asbestos gloves for the Emergency Squad stationed in the playing arena at the R.N.A. to handle burning missiles as encountered in Sydney, Melbourne and Adelaide. (*b*) Some batons placed in Public Order Squad's stocks were issued to Public Order Squad motor vehicles."

(11 and 12) "No cadets or police probationers were attached to the Special Public Order Squad."

(13 and 14) "These figures are not available as circumstances still require additional police protection for the general public and sportsmen concerned have not yet entirely disappeared."

(*c*) **Mr. Newton,** pursuant to notice, asked The Minister for Works,—

(1) How many arrests were made by the Special Police Squad up to July 27, 1971?

(2) Of this number, how many were (*a*) trade union officials, (*b*) trade unionists and (*c*) members of other organisations in each category?

Answers:—

(1) "Two drunken persons have been arrested by the Public Order Squad up to July 27, 1971."

(2) "This information is not sought or recorded by the Police Department in relation to arrested persons."

HOUSING COMMISSION RENTAL ACCOMMODATION

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

(1) How many applications in each points-priority rating for rental accommodation are at present lodged with the Queensland Housing Commission in (*a*) the metropolitan area and (*b*) the remainder of the State?

(2) What is the formula used for assessing the present points-priority system for applicants seeking State rental accommodation?

(3) What is the present number of applications for the new Pensioners' Unit Scheme announced by the Commission?

Answers:—

(1)—

"Points Rating	(*a*) Metropolitan at 30-6-71	(*b*) Remainder of State at 31-5-71
100	135	100
80	64	24
60	116	34
40	1,273	212
Nil	2,366	576
Totals ..	3,954	946"

(2) "100 points—Families facing ejectment from present dwellings or homeless, living in tents, huts or similar unsuitable accommodation; 80 points—Families living in premises condemned by local or State authorities; 60 points—Families separated owing to lack of accommodation; 40 points—Families living under overcrowded conditions or sharing houses with other people; Nil—Families adequately housed and not facing ejectment. Three points are added for each child."

(3) "Single age pensioners, 274; age pensioner couples, 103."

CRIME AND PUNISHMENT

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

(1) As the custom of imprisoning some people is merely the heritage of a mid-Victorian British policy of placing people in dungeons, will he make alternative arrangements for the treatment of certain offenders against the law in this State?

(2) What research has been done in this State in order to train people engaged in the prevention and control of criminal behaviour?

(3) What is being done to segregate hardened criminals from those who are incarcerated for much less serious offences?

(4) What is being done to prevent the incidence of male rape in Queensland prisons?

(5) Is the system of imprisonment followed in Queensland adopted because of the principle of revenge?

(6) As many criminals continue to return to gaol, what good is the treatment doing?

(7) Why cannot all prisoners be assessed on background, educational and social problems and dealt with accordingly?

(8) What educational facilities are available in Queensland prisons?

Answers:—

(1) "The Queensland Prison system both in physical structure and mental approach is being revised after many years of little or no improvements to the physical structure of the buildings."

(2) "Conferences are held periodically at both State and Commonwealth level with overseas speakers to discuss the control of criminal behaviour and measures for its prevention. The next conference is set down for two weeks hence."

(3) "Shortage of accommodation makes it difficult to provide complete segregation but, as far as practicable, segregation is employed to keep young inexperienced prisoners away from men with lengthy criminal experience."

(4) "The nature of the offence alone is not indicative of the criminal behaviour of the prisoner, and segregation on the basis of offence can have limited value. From time to time there are cases of sexual attacks by male prisoners on others, and in each case the policy of the Department has been to place all such matters in the hands of the police for investigation and prosecution. Where persons with sexual propensities are known, arrangements are made for appropriate segregation to prevent suggestions concerning sex or attempted sexual assaults."

(5) "I find it difficult to understand what the Honourable Member means. I do not think the principle of revenge has ever entered the minds of law enforcement authorities."

(6) "It is true that criminals return to prison. The best corrective measures, even if successful, are followed by a tapering off process with several breaches of the law becoming less frequent until the person concerned ultimately becomes fully law abiding."

(7) "The question of assessment of prisoners on background, education and social problems is always under review. At present there is an extensive survey being conducted in this field."

(8) "Education facilities are available in all Queensland prisons at primary and secondary level and, in the appropriate cases, at tertiary level. Paid teachers from the Department of Education visit the main prisons and prisoners sit for subjects in the ordinary examination system. Education facilities have been improved and are being extended."

FUNDS, UNIVERSITY OF QUEENSLAND UNION

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

(1) Did he read the remarks of the University of Queensland Union's Secretary, Mr. Douglas Jones, as printed in *The Courier Mail* of March 16, to the effect that there is prevailing in the union an attitude of distrust, untruth and unscrupulous political morality?

(2) If so, what is he prepared to do about the situation, seeing that a sum of $220,000 a year is involved which is contributed by the students and taxpayers?

(3) Are there any means whereby these funds can be controlled at a time when they are apparently being used to sabotage tertiary education in this State, which is of vital importance?

(4) Will something be done to enable the ordinary student with less affluence to obtain his meals at the Refectory at a reasonable price?

Answers:—

(1) "Yes."

(2) "There is no evidence that the union is being mismanaged."

(3) "The University makes payment of specified sums to the union out of the composite fee charged to students."

(4) "Having regard to current costs, the president of the union has informed the University that the prices charged are reasonable. If the Honourable Member has information contrary to this statement he is invited to let me have it and I shall have the matter referred to the president of the union."

UNIVERSITY LECTURER, MR. D. O'NEILL

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

(1) Does he recall his Answer to my Question on September 15, 1970, in regard to University lecturer Dan. O'Neill, that his integrity in political and social views

is unquestioned and that the Vice-Chancellor has no reason to believe that O'Neill is an incompetent lecturer?

(2) Now that O'Neill continues to disrupt University life, influence students and impede them in their studies in this, the second half of the academic year, is he still regarded as a man of integrity with very strong political and social views and as a competent lecturer?

(3) As O'Neill has spent time this week at the Queensland Institute of Technology inciting students to defy constitutional authority and to wreck the lecturing arrangements there, will taxpayers' money continue to be spent on his salary of $7,600 per annum, allegedly paid for lecturing at the University?

(4) When he informed the House on September 15, 1970, that it had been made quite clear to O'Neill what his obligations and responsibilities were as a member of the academic staff of the University, was it intended to condone his conduct in absenting himself from lectures whilst getting drunk at the Regatta Hotel and generally annoying the citizens of Brisbane?

Answers:—

(1) "Yes. In replying to a Question by the Honourable Member on September 15, 1970, I said: 'The Vice-Chancellor does not understand the implications (i.e. of the Member's Question). If they are that O'Neill is in any way corrupt in respect of his academic and examining duties, he does not believe it. Mr. O'Neill has very strong political and social views but his integrity in these other matters (i.e. his academic and examining duties) is unquestioned.' The Honourable Member has incorrectly summarised my earlier reply."

(2) "I am informed that the Vice-Chancellor strongly disapproves of many of the recent activities of Mr. O'Neill. His Head of Department earlier informed the Vice-Chancellor that he is a competent lecturer. That is the source from which the Vice-Chancellor draws his information as to competence."

(3) "If Mr. O'Neill is not meeting his classes and performing other duties required by his Head of Department he will not be paid."

(4) "Mr. O'Neill's Head of Department informs me that at the relevant time he had no lecturing duties."

NURSING TUTORIAL ACCOMMODATION, TOWNSVILLE GENERAL HOSPITAL

Mr. V. E. Jones for **Mr. Aikens**, pursuant to notice, asked The Minister for Health,—

Are plans contemplated, or in hand, to provide the tutor sisters at the Townsville General Hospital with accommodation for their classes of such a standard that will eliminate many of the intolerable inconveniences inflicted upon sisters and student nurses by the grossly unsatisfactory accommodation now provided on a catch-as-catch-can basis?

Answer:—

"The provision of any necessary additional accommodation for tutorial purposes for the nursing staff will be considered in the overall development of the Townsville Hospital."

CULTURAL PAGEANTS, BRISBANE

Mr. V. E. Jones for **Mr. Aikens**, pursuant to notice, asked The Minister for Education,—

Has his attention been drawn to an article in *The Australian* of April 23, wherein a Mr. Arthur Creedy outlined the Government's intention to stage a series of flamboyant and expensive pageants, festivals and all sorts of musical extravaganzas in the immediate future for Brisbane and commented, *inter alia*, "This is going to cost a lot of money" and, if so, (*a*) how much will be budgeted for these alleged cultural phantasmagoria for the delectation of Brisbane people, (*b*) can this extravagance be justified in the light of the State's present financial stringency and (*c*) how long will Mr. Creedy, with the apparent complete concurrence of the Government, be permitted to regard Queenslanders living outside Brisbane as uncouth and uncultivated country yokels?

Answer:—

"(*a*) The article in *The Australian* referred to related to the Warana Festival. The Warana Festival, leading to the Queensland Festival of the Arts in 1975 will continue to attract support from Government and Brisbane business interests. The amounts of money concerned will be determined by the appropriate authorities at the proper time. It should be pointed out that festivals are an important part of a State's economy, and that dividends are in strict relation to investments. Furthermore, Warana has never been regarded as an exclusively Brisbane festival: it is intended as a State festival as it develops; (*b*) Since the responsible bodies are only too keenly aware of the State's present financial stringency, the Honourable Member's fear of extravagance in the project is without foundation. The article referred to stresses this very point; (*c*) The Department of Cultural Activities is vigorously promoting the arts throughout Queensland, as its record to date abundantly demonstrates. The Department co-operates closely with all organisations and individuals in providing every local community with the finest cultural services possible under conditions of severe financial stringency."

POWER OF DISMISSAL, QUEENSLAND UNIVERSITY STAFF

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

Has this Parliament or the University Senate the power to dismiss from the Queensland University persons of disrepute such as Daniel O'Neill, Wertheim and others who, by their actions, are heaping ordure on the University and preventing that institution from functioning in the interests of all decent academics and students, as is desired and required by all reputable citizens of the State?

Answer:—

"The Senate of the University of Queensland has power to dismiss members of the academic staff. Statute 14 of the Statutes of the University provides for the constitution of a Discipline Advisory Committee whose function it is to make enquiry into and report to the Senate on the existence and sufficiency of any ground or alleged ground for dismissal of a member of the staff which may be referred to it by the Senate or the Vice-Chancellor."

TEACHERS, TOOWOOMBA HIGH SCHOOLS

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

(1) What is the allotment of teachers for each State high school at Toowoomba?

(2) Is each school adequately staffed? If not, in which subjects is there a shortage of teachers at each school?

(3) What provision is made for the relief of high school teachers who are absent through illness or other causes?

Answers:—

(1) "Centenary Heights, 29; Harristown, 52, and Toowoomba, 65."

(2) "Yes. Each school is staffed according to a scale which applies to every high school in the State."

(3) "Provision for relief in high schools at Toowoomba is:—Supply 'A' (substitute) teachers registered in the area, district relieving teachers when not required elsewhere. An internal relieving teacher is available at Toowoomba High."

DATE-STAMPING OF CREAM CARTONS

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

Did he receive a complaint from any organisation or persons alleging that cream sold in cartons was not fresh? If so, will he take appropriate action to have all cartons containing cream either dated or coded, so that the consumer is assured of fresh cream at all times?

Answer:—

"I am not aware of any such complaint having been received."

INFESTATION, CROWN OF THORNS STARFISH

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

(1) Is he aware of the discovery during June of a Crown of Thorns starfish on a reef near Hayman Island in an area well south of the previously-known extent of infestation?

(2) Has his Government taken any action to investigate the extent of this infestation and, if so, to what extent?

(3) Has the Commonwealth Government given financial or other assistance to any action taken under the terms of agreement reached between the State and the Commonwealth?

Answers:—

(1) "Yes."

(2) "The current State Programme of research into the Crown of Thorns starfish includes regular monitoring of its extent. It has been well known for many years that small numbers of this starfish occur as far south as Heron Island in the Capricorn Group and Lady Musgrave Island in the Bunker Group."

(3) "No financial assistance has been provided to date but appropriate provision is being made in both Federal and State financial Estimates for the current year."

ESTABLISHMENT OF STATUTORY FISHERMEN'S ORGANISATION

Mr. F. P. Moore, pursuant to notice, asked The Minister for Primary Industries,—

(1) As he has said that the move to form a statutory fishermen's organisation is a most progressive move and that his Department has asked for a definite number of signatures from licensees, is he aware that there are only 12 full-time fishermen out of 51 licensees in the Innisfail district?

(2) Does this same problem arise in other areas and what is the situation in all districts?

(3) In view of his statement will he take immediate action to introduce legislation to form this organisation and thus aid what I believe to be a very important primary industry?

Answers:—

(1 and 2) "I am aware that there is a proportion of fishermen in all districts who are not full-time."

(3) "Appropriate action is being taken by industry bodies to ascertain the extent of support for the formation of a statutory fishermen's organisation. Further action must await the outcome."

WATER CHARGES, MULGRAVE SHIRE

Mr. F. P. Moore, pursuant to notice, asked The Minister for Local Government,—

What has transpired with respect to a petition of protest from Babinda and Miriwinni residents, who protested against the Mulgrave Shire Council because it amalgamated all water supply funds and imposed an increase of nearly 300 per cent. in water rates on Babinda residents, that is, from $7.50 to $21.45 per dwelling?

Answer:—

"The petition has been referred to the Mulgrave Shire Council for its representations. I would inform the Honourable Member that the *Local Government Act* 1936–1971 provides that a local authority may establish a common undertaking fund in respect of two or more water supply undertakings. The exercise of this power is a matter within the sole discretion of the local authority concerned."

APPLICATIONS, RURAL RECONSTRUCTION SCHEME

Mr. O'Donnell, pursuant to notice, asked The Minister for Lands,—

With regard to the operation to date of the Rural Reconstruction Scheme—

(1) What is the number of applicants?

(2) What is the number of applicants (*a*) considered, (*b*) accepted for assistance, (*c*) rejected and (*d*) still under consideration?

(3) What is the classification of applicants by number in industries, e.g., wool, wheat, cattle, fruit, etc.?

Answers:—

(1) "854."

(2) "(*a*) 385; (*b*) 41; (*c*) 101; and (*d*) 469."

(3) "This information is not presently available and the Honourable Member will realise this would take considerable time to prepare. When this information is available I will communicate with the Honourable Member by letter."

IMPLEMENTATION, MARGINAL DAIRY FARMS RECONSTRUCTION SCHEME

Mr. O'Donnell, pursuant to notice, asked The Minister for Lands,—

What are the activities to date in regard to the implementation of the Marginal Dairy Farms Reconstruction Scheme?

Answer:—

"Since the passing of the Marginal Dairy Farms Reconstruction Scheme Agreement Act some nine months ago, a total expenditure of $5,531,070 has been approved for the purchase of 212 Marginal Dairy Farms for amalgamation with other farm land. The total number of applications received to date involved the purchase of 436 farms and of the cases dealt with, 212 have been approved, 81 have been rejected and 56 are in abeyance. Those in abeyance include 24 special cases under reference to the Commonwealth and other authorities. The remaining 87 cases comprise 21 which have been withdrawn and 66 which are presently under investigation or consideration. As my report to the Commonwealth will demonstrate, progress in my opinion has been quite spectacular. The only other State which has approved of an application up to a few weeks ago was the State of Western Australia, which had approved 16 cases. We are already committed to an expenditure of five and one-half million dollars and I have asked for a provision this financial year of $5,000,000. There is no doubt that Queensland is well to the fore in implementing the Scheme and has already assured its share of the $25,000,000 allocated to all States over the 4-year period during which the Scheme is to operate. The average cost per farm is approximately $26,000 which demonstrates that only smaller farms are being absorbed for amalgamation. The low value of the farms being acquired and the number of substandard blocks acquired for amalgamation are good indications that the Scheme as implemented here is achieving worthwhile results in improving the economy and welfare of the dairying regions."

RENTALS FOR LEASEHOLD LAND; CANCELLATION OF FREEHOLDING CONTRACTS

Mr. O'Donnell, pursuant to notice, asked The Minister for Lands,—

(1) With reference to rents and land tenure, what actual changes have been effected in rents charged primary producers occupying leasehold country?

(2) As there have been suggestions that rental reductions and concessions have altered primary producers' attitude to freeholding tenure, have there been any applications to cancel freeholding purchase lease contracts in order that the landholders will receive the previously-mentioned benefits? If so, how many?

Answer:

(1 and 2) "Consequent upon a judicial inquiry, the Government decided to reduce sheep standard rents as from April 1, 1970. This decision has been implemented by seeking a reduced

standard of sheep rents generally to the average order of 30 per cent. when referring relevant cases to the Land Court for determination: by similarly reducing sheep standard rents for the first rental period of renewed leases (and in which case a lessee, if he so desires, may seek a review of such rent by the Land Court) and by granting a 30 per cent. remission of rent in respect of leases not yet falling due for reassessment of rent as required by law. Otherwise many concessions have been extended to landholders by virtue of the extension of period for payment of arrears of Crown dues including waiver of penalty, in approved cases, for late payment and a liberalised payment plan under freeholding tenure. In consonance with the Government's policy which permits a lessee a free choice of leasehold or freehold according to entitlements in law, an application to revert from a freeholding tenure to a leasehold tenure is permitted and will be permitted where bona fide reasons are established for so doing. Freeholding tenures over rural lands are, for all intents and purposes, Selection tenures and in fact the 1910 Land Act carried a provision for the surrender of one Selection tenure for the grant of another Selection tenure and this provision has also been incorporated in the 1962 Act. I am aware of only three Grazing Homestead Freeholding Leases having reverted, upon application, to Grazing Homestead tenure."

COMMITTEE OF INQUIRY INTO DECENTRALISATION

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

(1) How many times has the committee which was established by a decision of the Premiers' Conference in July, 1964, to consider the benefits of decentralisation, met since February, 1969?

(2) Who are the Queensland members of this committee?

(3) What studies on decentralisation have been carried out by this committee in Queensland?

(4) Will he arrange to have all progress reports and any Queensland studies tabled in Parliament?

(5) If no Queensland studies have been made, will he request the committee to undertake immediate studies concerning (*a*) the comparative costs involved for industry and individuals located in (i) Brisbane, (ii) the coastal region and (iii) other country areas, (*b*) the relative cost of providing public services in various locations, (*c*) the sociological aspects of life in Queensland country towns and (*d*) traffic costs?

Answers:

(1) "There has been no meeting of the full Commonwealth/State Officials Committee on Decentralisation. However, the Working Group of the Technical Sub-Committee met in May 1970 and April 1971, and a substantial draft report was reviewed by the full Technical Sub-Committee on July 22, 1971. The Working Group was instructed to finalise the report which, it is understood, will shortly be presented to the full committee."

(2) "The Queensland member of the committee is the Co-ordinator-General of Public Works."

(3) "None of the studies undertaken by the committee are limited to Queensland."

(4) "The report of the committee will be tabled in Parliament when it is received."

(5) "Since the major report is close to publication, it is not, at this stage, proposed to request the committee to undertake additional studies."

NOISE ABATEMENT COMMITTEES, DEPARTMENT OF CIVIL AVIATION

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

(1) In which Queensland cities has the Department of Civil Aviation established noise abatement committees?

(2) What representations have the State Government and local government authorities on these committees?

(3) What recommendations have been brought forward by these committees?

(4) What action has been taken to date to combat the noise problem, especially that resulting from aircraft?

Answers:

(1) "Brisbane; Coolangatta; Cairns; Mackay; Mt. Isa. It is expected that noise abatement committees at Townsville and Rockhampton will be set up this year."

(2) "The State Government and local authorities are represented as follows:—Brisbane—Brisbane City Council (Lord Mayor or Town Clerk); State Government—Chief Engineer, Co-ordinator-General's Department. Coolangatta—Gold Coast City Council; Albert Shire Council; Tweed Shire Council; State Government—Local Government Department (R. D. King-Scott, Chief Engineer); Co-ordinator-General's Department (R. Hessee, Architect). Cairns—Cairns City Council; Mulgrave Shire Council; State Government—District Engineer, Main Roads. Mackay—Mackay City Council; Pioneer Shire Council; State Government—Manager: Mackay Branch, Queensland Government

Tourist Bureau. Mount Isa—Mount Isa City Council; State Government—Inspector of Mines, Mines Department."

(3) "The committee has recommended that:—(i) The committee be provided with a chronological table of noise complaints; (ii) The noise complaints pattern be related with (*a*) Noise abatement procedures, (*b*) Development of multi-units in Ascot/Hamilton area; (iii) A Report be made to the committee on the various means of dispersing engine noises from ground running; (iv) A report be made to the committee on the degree to which Noise Exposure Forecast contours can be further refined by accounting for topographical effects at a particular locality; (v) A plan be developed for a noise information centre including venue, types of display and manning."

(4) "A Sub-Committee of the Brisbane Airport Noise Abatement Committee has been formed to investigate all noise complaints."

MOTOR VEHICLE AIR-BAG SAFETY DEVICE

Mr. Wright, pursuant to notice, asked The Minister for Transport,—

(1) Is he aware that air-bag restraint systems can be designed to fit in front of the occupant of a motor vehicle to inflate rapidly and automatically in the event of a collision?

(2) Has any investigation been carried out in Queensland into the use of such air-bag restraint systems in motor vehicles as an added protection to occupants, especially in head-on collisions?

(3) As the United States Federal Motor Vehicle Safety Standard No. 208 requires the fitting of passive restraint systems such as seat belts and air bags as from July 1, 1973, will he give consideration to similar requirements in Queensland?

Answers:

(1) "Yes."

(2) "No, but we have received reports of studies carried out in the United States and I discussed the matter with officials of the Department of Transportation in Washington a fortnight ago."

(3) "This is being considered by the Australian Transport Advisory Council."

REPORT, ISIS LAND USE STUDY COMMITTEE

Mr. Blake, pursuant to notice, asked The Minister for Lands,—

(1) Has the report of the Isis Land Use Study Committee been received?

(2) When will the report be made available to Parliament?

(3) When will land administration matters, which were suspended pending receipt of the report, be dealt with?

Answer:

(1 to 3) "As the Isis Land Use Study Committee is under the chairmanship of the Co-ordinator-General of Public Works, I suggest that the Honourable Member redirect his Question to the Honourable the Premier."

TRAFFIC LIGHTS, NIKENBAH LEVEL CROSSING

Mr. Blake, pursuant to notice, asked The Minister for Transport,—

When is the installation of traffic warning lights at the Nikenbah level crossing on the Maryborough–Urangan road expected to take place?

Answer:

"As soon as the equipment is available."

SLEEPER ACCOMMODATION, "WESTLANDER"

Mr. Aiken, pursuant to notice, asked The Minister for Transport,—

(1) Is he aware (*a*) that the Westlander on June 11 had only one first-class sleeping car and that first-class sleepers were made up in second-class carriages and (*b*) that many bookings on this train were refused because of the shortage of sleeper accommodation?

(2) Has his Department plans for reducing the Westlander service to perhaps one each-way trip per week?

Answer:

(1 and 2) "The patronage afforded the Westlander train is very disappointing and while it is a fact that on June 11 one second class cabin in a composite of first and second class sitting cars was made up as a First Class compartment, the train on that date had only 80 passengers from Brisbane while the total accommodation on the train was 140. On the other days on which the train ran during the month of June 1971, the following passengers travelled:—June 4, 40; June 8, 28; June 15, 47; June 18, 32; June 25, 37; June 27, 35, and June 29, 27. For the present month the figures were as follows:—July 6, 23; July 9, 24; July 13, 20; July 16, 40, and July 23, 38."

RAIL FREIGHT RATES FOR STOCK, MITCHELL–CANNON HILL

Mr. Aiken, pursuant to notice, asked The Minister for Transport,—

(1) Are truck freight rates from Mitchell to Cannon Hill by rail higher for sheep than for cattle?

(2) If so, what is the reason and will this matter be rectified in view of the low returns being received from sheep as compared with cattle?

Answer:

(1 and 2) "This position has existed for very many years, at least as far back as 1898. However, when freight rates were generally reviewed in 1960 the rates for cattle and horses were increased by 20 per cent. but no increase was made in the rates for sheep. In 1966 freight rates for all livestock were increased by 10 per cent. In 1968 these freight rates were reduced by five per cent."

TIMBER FOR ABORIGINAL HOUSING, CUNNAMULLA

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

Is he aware that third-grade timber is being mainly used in the construction of homes for Aborigines in Cunnamulla and that supplementary first-class timber is being purchased by contractors for these homes from a local timber mill and supplied at approximately the same landed cost as the inferior timber?

Answer:—

"In respect of hardwood the two contractors are required to use select, standard, and building grades in the positions respectively specified for such grades. The contractors are also entitled, subject to certain restrictions, to use cypress pine. At the time of tendering prospective tenderers were informed that Messrs. H. R. & H. F. Grey, of Cunnamulla, would be interested in quoting for the supply of timber. Provided the timber complies with contract requirements the contractors are entitled to place their business where they prefer. Both contractors gave their address as Cunnamulla from which it might be expected that, all things being equal, they would prefer to deal with the local mill."

Q.A.T.B. SITE, NORTH ROCKHAMPTON

Mr. Thackeray, pursuant to notice, asked The Minister for Lands,—

Have negotiations been completed for an area of land in Berserker Street, North Rockhampton, for use as a site for a Q.A.T.B. centre?

Answer:—

"The question of the usage of the land referred to by the Honourable Member is still the subject of negotiation between the Land Administration Commission and the Rockhampton City Council. I expect to be in a position to reach a decision on the application by the Q.A.T.B. and applications by other interested parties including Rockhampton City Council, in the near future. I will advise the Honourable Member in writing at the time."

NEW HIGH SCHOOL, NORTH ROCKHAMPTON

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

Has any decision been made in relation to a new high school at Farm Street, North Rockhampton and, if so, when will building commence?

Answer:—

"No decision has been made on the provision of a new high school in Rockhampton."

DIMBULAH–CHILLAGOE ROAD

Mr. Wallis-Smith, pursuant to notice, asked The Minister for Mines,—

Since the visit of the Minister for Labour and Tourism to Chillagoe, has he made a request that the road between Dimbulah and Chillagoe be improved? If so, is it intended to improve this road and to what extent?

Answer:—

"My colleague, the Minister for Labour and Tourism, has brought to my notice the desirability of carrying out some improvement work on this section, and the Main Roads Department is at present looking into a proposal to improve the crossing at Eureka Creek. Additionally, it is examining the overall maintenance position on the road."

WALKERS CREEK CROSSING, KARUMBA ROAD

Mr. Wallis-Smith, pursuant to notice, asked The Minister for Mines,—

(1) Has he received numerous requests from prawn processors and others concerning the dangerous crossing at Walkers Creek?

(2) What action will be taken to repair this crossing in a permanent manner so as to provide an outlet for the prawn companies and for the safety of the travelling public?

Answers:—

(1) "The question of improvement to the Karumba Road has been discussed by the Main Roads Department Assistant Commissioner for North Queensland with representatives of cartage interests in the area and priorities for construction of individual sections on the road have been fixed accordingly."

(2) "It is planned to replace the existing causeway over Walkers Creek with a bridge at a higher level in about two years' time."

Mr. SPEAKER: Order! The honourable members for Brisbane, Cook and Toowoomba East have been conducting a continuous conversation during question time. If it continues, I shall deal with them under Rule 123A.

WATER SUPPLY TO ABORIGINES AT KOAH, OAK FOREST, MANTAKA AND KOWROWA

Mr. Wallis-Smith, pursuant to notice, asked The Minister for Conservation,—

(1) What is the position of the proposed water reticulation for residents at Koah, Oak Forest, Mantaka and Kowrowa?

(2) Has any money been spent by the Mareeba Shire Council from the grant by the Government and, if so, what amount and for what purpose?

Answer:—

(1 and 2) "As intimated previously to the Honourable Member, the Mareeba Shire Council is the responsible water authority, and arrangements were that the Government would provide finance for the construction of the facilities which would become the council's property. The council has now varied its attitude and intimates that while it is prepared to carry out the installation, it will not become the owner and therefore no funds have as yet been made available. The Department has requested the council to reconsider."

POLICE SUPERVISION, SCHOOL ROAD CROSSINGS

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

In view of the many complaints I have received from parents and teachers that some school crossings have been without police direction—

(1) How many police have been withdrawn from such duty in the last few weeks?

(2) Will he assure the parents concerned that police protection at school children's road crossings will be restored at the usual times at the earliest possible date?

Answers:—

(1) "During the past two weeks, out of all school crossings usually manned by police personnel, only 13 such crossings in the Brisbane metropolitan area have not been worked during both morning and afternoon periods."

(2) "Yes."

IN-SERVICE TRAINING OF TEACHERS, RADFORD REPORT

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

With respect to the preparation for the implementation of the recommendations of the Radford Committee—

(1) How much has been spent on in-service retraining of teachers from January 1 to June 30, 1971, and of this how much was spent specifically for (*a*) staff seminars and (*b*) principals, deputy principals, subject masters and those others appointed as moderators?

(2) How many staff teachers have actually attended departmentally-arranged seminars?

Answers:—

(1) "$40,386 as a direct cost which does not include the salaries of persons taking part in the seminars. It is not possible to indicate how much of this amount was spent on the two types of seminars indicated since in many instances principals, deputy principals and subject masters attended the same seminars as did staff teachers."

(2) "No exact figure can be given as the Answer to this Question but practically every secondary staff teacher in the State Education Department has had the opportunity to attend some form of seminar or conference dealing with the implementation of the proposals in the Radford Report. Moreover, my Department has assisted subject associations and the Queensland Teachers' Union to conduct seminars of this type."

RESIGNATIONS AND REAPPOINTMENTS, TEACHING SERVICE

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

(1) How many primary and secondary teachers resigned in the first half of this year?

(2) How many teachers, both male and female and in each of the two sections, rejoined the teaching service in the same period?

(3) How many (*a*) temporary and (*b*) part-time teachers joined the service in the same period?

Answers:—

(1) "The numbers of teachers that resigned between January 1, 1971, and June 30, 1971, were:—Primary, 715; Secondary, 537. For more than one-half of these teachers, the resignations took effect at the end of the school vacation in January. They therefore ceased teaching at the end of the 1970 school year and do not strictly represent a loss to the service in the present year."

(2) "The numbers of teachers that were re-admitted to the service during the same period were:—Primary: 37 males, 328 females; total, 365. Secondary: 48 males, 180 females; total 228."

(3) "(*a*) Of the teachers who were re-admitted to the service, 395 were appointed with temporary status. (*b*) Supply 'B' teachers are employed on a regular part-time basis and 49 of these joined the service in the period."

QUESTIONS WITHOUT NOTICE

DISTRICT REPRESENTATION, STATE WHEAT BOARD

Mr. McKECHNIE: I ask the Minister for Primary Industries: As some confusion exists as to the number of growers to be elected to No. 2 District of the State Wheat Board, that is, the Western Downs, will he advise whether one is to be elected, as previously, or will the representation be increased to two members?

Mr. ROW: I appreciate the honourable member's action in drawing my attention to the error in the Press release concerning the election of members to the State Wheat Board, Division No. 2. The Press release was to the effect that this district had only one representative, but actually it is entitled to two. I shall be making a Press statement conveying the correct information. I might add that the ballot papers were released on 26 July, returnable on 23 August at 5 p.m. Provision is made in them for the election of two representatives.

REVOCATION OF STATE OF EMERGENCY

Mr. McKECHNIE: I ask the Premier: In view of the successful application of the state of emergency, which has resulted in the apparent calm exhibited at the Springbok Rugby Union matches, will the Premier indicate how soon after next Saturday's international match the Exhibition Grounds are likely to be returned to the control of the Royal National Association so that intending exhibitors can have unimpeded access to the grounds to enable them to ensure that this year's Exhibition is not affected by the present state of emergency? I might add that I am very pleased it was declared.

Mr. BJELKE-PETERSEN: The Government is very keen to ensure that the success of the Exhibition is not impaired in any way by the present state of emergency. Provided there is no disturbance during the international football match on Saturday next, and the property of the Royal National Association does not sustain any damage, police supervision of the grounds will be withdrawn as from midnight Saturday. The question of the termination of the period of the state of emergency, as it applies in general, will be considered by Cabinet on Monday.

Mr. Davis interjected.

Mr. SPEAKER: Order! I warn the honourable member for Brisbane for the last time.

Mr. Davis: I have only just arrived.

Sir Gordon Chalk interjected.

Mr. Davis: Did you hear what the Treasurer said, Mr. Speaker? What are you going to do about that?

Mr. SPEAKER: Order! There is no necessity for the Treasurer to provoke the honourable member for Brisbane.

MURDER OF MACKAY CHILDREN, TOWNSVILLE

Mr. TUCKER: I ask the Minister for Works and Housing: Within the last month has any person who was held in any Australian prison confessed to the murder of the two Mackay girls at Townsville? If so, in what prison was the man held, on what date approximately was the Queensland Commissioner of Police notified of the confession and what action was taken by him to determine whether the confession had any basis in fact?

Mr. HODGES: I am not aware of the matter raised by the honourable member for Townsville North.

SECURITY OF SCHOOL PREMISES

Mr. CASEY: I ask the Minister for Education and Cultural Activities: In view of the large increase in recent years in the number of cases of breaking and entering of schools throughout the State, has the Education Department made any special request to the Police Force for special patrols of schools, particularly at week-ends?

Mr. FLETCHER: The question covers a subject that has concerned us very greatly. We recognise that the incidence of breaking and entering of schools has increased enormously, and we have had conversations with the Police Department and the Works Department on the subject of some practical way of coping with a very difficult situation. The police perform for the department a great deal of work outside their ordinary surveys of the public domain in the evenings, and the Works Department has strained every nerve to provide securely locked areas, which is very difficult because professionals can gain entry to almost any premises if they really want to.

We have come to the conclusion that, for the present anyway, we have to take all the practical precautions we can, accept all the help that the police can give us, and generally try to devise a better system of locking up, with perhaps even a system of part-time overseeing of the situation. We have considered the possibility of engaging watching services, but the expense is calamitous. The cost of most of the other suggestions that have been made is also calamitously high.

I can assure the honourable member for Mackay that we have the same feeling of concern over this matter as he has. We are developing, we hope, methods of coping with it, and, if the honourable member is interested in this problem, I can keep him advised on what we do about it.

COMPULSORY WEARING OF MOTOR VEHICLE SEAT BELTS

Mr. R. JONES: I ask the Minister for Transport: Is he aware of the decreasing road toll in Victoria since the passing of the compulsory seat-belt laws in that State? Will he be following the example of the other States, or has any consideration been given to implementing laws to enforce the compulsory wearing of seat belts in motor vehicles in Queensland?

Mr. SPEAKER: Order! The question appears to relate to policy. However, I will leave it to the Minister.

Mr. KNOX: As has been pointed out, the question of legislation in this field is a matter of policy, which will be announced in due course. I am aware that in Victoria the death toll on the roads this year is lower than it was last year. However, I would point out that at the same time as the Government of Victoria introduced the compulsory wearing of seat belts it also introduced legislation tightening up on drunken drivers and bringing Victoria's legislation into line with the legislation in Queensland.

At that time, too, the South Australian Government announced that it would not be introducing the compulsory wearing of seat belts, and the death toll has decreased in that State, also.

CONSTRUCTION OF MERIVALE STREET RAILWAY BRIDGE

Mr. R. JONES: I ask the Minister for Transport: When is it expected that construction will begin on the Merivale Street bridge to connect the suburban railway systems, as recommended for immediate action in the first stage of the Wilbur Smith Transportation Survey for Brisbane?

Mr. KNOX: There has been no announcement as to when the construction of this bridge will be started.

TRAFFIC CONGESTION, SHAFSTON AVENUE

Mr. BROMLEY: I ask the Minister for Works and Housing: Is he aware that since the opening of the four-lane highway in Shafston Avenue, peak-hour traffic, particularly in the mornings, is held up considerably from the traffic lights at the intersection of this avenue with Lytton and Wellington Roads, and in fact backs up as far as Galloways Hill?

In view of the many complaints I have received from motorists proceeding to and from the city, as well as from motorists endeavouring to enter Lytton Road from their homes in peak hours, will he investigate the situation and also have policemen control the traffic, particularly at the intersections I have mentioned?

Mr. HODGES: I will have the matter investigated. If the investigation reveals that the services of traffic police are required, this will be done in the same highly efficient manner as it always has been done by the Traffic Branch.

SITTING DAYS

SESSIONAL ORDER

Hon. J. BJELKE-PETERSEN (Barambah —Premier): I move—

"That unless otherwise ordered, the House will meet for the dispatch of business at 11 o'clock a.m. on Tuesday, Wednesday and Thursday in each week, and that on Tuesdays and Thursdays, and, after 1 o'clock p.m. on Wednesdays, Government business shall take precedence of all other business."

Motion agreed to.

MATTERS OF PUBLIC INTEREST

SESSIONAL ORDER

Hon. J. BJELKE-PETERSEN (Barambah —Premier): I move—

"That during this session, unless otherwise ordered, and notwithstanding the provisions of Standing Order No. 17, on each sitting Wednesday a period shall be allotted until 1 o'clock p.m. for discussion of matters of public interest on which any member may address the House for ten minutes. If the discussion is still proceeding at 1 o'clock p.m., it shall be terminated by Mr. Speaker."

Motion agreed to.

TIME LIMIT OF SPEECHES

SESSIONAL ORDER

Hon. J. BJELKE-PETERSEN (Barambah —Premier): I move—

"That during this session, unless otherwise ordered, the following amendments to the times allowed for certain speeches shall apply:—

'(1) Under Standing Order No. 37A (Disallowance of Proclamations, Orders in Council, Regulations or Rules):

Mover of the motion, fifteen minutes; seconder of the motion and any other member, ten minutes; Minister in reply, twenty minutes. Total time allowed, two hours.'

'(2) Under Standing Order No. 109 (Time Limit of Speeches):

(a) Paragraph 4—In Committee on a Bill, Motion or Estimate—substitute "ten minutes" for "fifteen minutes".

(b) Paragraph 8—In Committee on the introduction of a Bill—substitute "twenty minutes" for "twenty-five minutes".'

"All other provisions of Standing Orders Nos. 37A and 109 shall continue to apply."

Motion agreed to.

SUSPENSION OF STANDING ORDERS

APPROPRIATION BILL (No. 1)

Hon. J. BJELKE-PETERSEN (Barambah —Premier): I move—

"That so much of the Standing Orders be suspended as would otherwise prevent the constitution of Committees of Supply and Ways and Means, the receiving of Resolutions on the same day as they shall have passed in those Committees, and the passing of an Appropriation Bill through all its stages in one day."

Motion agreed to.

ELECTORAL DISTRICTS BILL

INITIATION

Hon. J. BJELKE-PETERSEN (Barambah —Premier): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to make provision for the better distribution of electoral districts."

Motion agreed to.

THE CRIMINAL CODE AND THE OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

INITIATION

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the Criminal Code and the Offenders Probation and Parole Acts 1959 to 1968, each in certain particulars."

Motion agreed to.

FEES PAID BY CROWN TO BARRISTERS AND SOLICITORS

ORDER FOR RETURN

Mr. WHARTON (Burnett): I move—

"That there be laid upon the table of the House a return showing all payments made by the Government to barristers and solicitors during the 1970-71 financial year, stating the names of the recipients and the amounts received, respectively."

Motion agreed to.

OVERTIME PAID IN GOVERNMENT DEPARTMENTS

ORDER FOR RETURN

Mr. MARGINSON (Ipswich East): I move—

"That there be laid upon the table of the House a return showing the amount of overtime paid in each Government department (all funds) in 1970-71."

Motion agreed to.

MINISTERIAL EXPENSES

ORDER FOR RETURN

Mr. TOMKINS (Roma): I move—

"That there be laid upon the table of the House a return, in the usual form, of expenses of Ministers for the period 1 July 1970 to 30 June 1971, inclusive, showing each separately and in detail."

Motion agreed to.

ELECTORAL DISTRICTS BILL

INITIATION IN COMMITTEE

(The Chairman of Committees, Mr. Hooper, Greenslopes, in the chair)

Hon. J. BJELKE-PETERSEN (Barambah —Premier) (12.7 p.m.): I move—

"That a Bill be introduced to make provision for the better distribution of electoral districts."

Honourable members have been expecting this Bill, and I am pleased to say that I believe it will satisfy the greatest expectations of all here and the people of the State at large.

As honourable members are aware, the Government has given a great deal of thought to this measure since a similar Bill failed to meet with general agreement in the House in April last. The time that has been lost since then in commencing a redistribution is unfortunate, but it has been unavoidable.

This Bill provides for 82 electorates instead of the present 78, and the increase of four seats will allow fuller representation. The Bill proposes four zones, based on local authority boundaries: a South-eastern Zone, a Provincial Cities Zone, a Western and Far Northern Zone, and a Country Zone.

The South-eastern Zone will embrace 47 electorates; the Provincial Cities Zone, 13; the Western and Far Northern Zone, seven; and the Country Zone, 15.

The South-eastern Zone—in effect, the south-eastern corner of the State—takes in the cities of Brisbane, Gold Coast, Ipswich, Redcliffe and Toowoomba; the shires of Redland, Albert, Beaudesert, Boonah, Moreton, Laidley, Gatton, Crows Nest, Esk, Nanango, Kilcoy, Noosa, Maroochy, Landsborough, Caboolture, Pine Rivers, parts of Rosalie and Widgee, and the islands in Moreton Bay. This zone is about equal in area to Victoria.

The Provincial Cities Zone proposes three electorates in each of the Bundaberg, Central Queensland and Townsville areas; two in the Cairns area; and one in each of the Mackay and Mt. Isa areas. The 3-seat Bundaberg area comprises the cities of Bundaberg and Maryborough, the shires of Burrum and Isis, and part of the Woongarra shire. The 3-seat Central Queensland area will be made

up of the city of Rockhampton, the town of Gladstone, the Calliope and Mt. Morgan shires, and part of the Fitzroy shire. The 3-seat Townsville area takes in the city of Townsville and the shire of Thuringowa. The 2-seat Cairns area will comprise the city of Cairns, the shire of Douglas and parts of Mareeba and Mulgrave shires.

The Western and Far Northern Zone comprises the city of Charters Towers, the town of Roma, and the shires of Tara, Warroo, Balonne, Paroo, Bulloo, Murilla, Bendemere, Bungil, Booringa, Murweh, Tambo, Blackall, Quilpie, Isisford, Barcoo, Diamantina, Duaringa, Bauhinia, Emerald, Peak Downs, Belyando, Jericho, Aramac, Barcaldine, Ilfracombe, Longreach, Winton, Boulia, Flinders, Richmond, McKinlay, Etheridge, Croydon, Carpentaria, Cook and parts of Waggamba, Bowen, Dalrymple and Mareeba.

This is a huge zone, approximately 470,000 square miles in area—more than two-thirds the area of Queensland in fact—and easily able to accommodate the whole of New South Wales, Victoria and Tasmania within its boundaries. It has a population of only about 100,000 people—or one person to each 4¾ square miles—and it will get only seven parliamentary seats. But consider this: if the zone was simply divided into electorates on an area basis, each of the seven electorates would be three-quarters the size of Victoria, or well over two-and-a-half times the size of Tasmania. Nobody can deny the simple justice of giving electors in such a vast area special consideration in a redistribution of electoral boundaries. For less territory than that covered by the Western and Far Northern Zone, New South Wales, Victoria and Tasmania allocate a total of 204 lower House seats.

The Country Zone will comprise the remaining parts of the State not included in the other three zones.

The Bill provides for the appointment of three electoral commissioners to undertake the redistribution, using electoral enrolments in the various zones at 31 December last.

Separate quotas for all except the Provincial Cities Zone will be arrived at by dividing the number of electors enrolled in the particular zone by the number of electorates prescribed for that zone. As the Provincial Cities Zone defines specific "areas", quotas will be fixed for those areas.

The commissioners may adopt a margin of allowance, but quotas shall not in any electoral district—except, possibly, electorates in the Western and Far Northern Zone—be departed from to a greater extent than one-fifth more or one-fifth less. If the commissioners believe circumstances warrant special treatment for an electorate in the Western and Far Northern Zone, then the quota may be departed from to a greater extent than one-fifth.

Following established practice the commissioners will consider written suggestions or objections from the general public relating to distribution of zones and exhibit their maps and proposals in public places. In short, normal machinery measures employed in making a redistribution will be used.

Having dealt in outline with the provisions of the Bill, I think I should make one or two comments in connection with it for greater clarification of the measure. During the special adjournment of the House the Leader of the Opposition publicly pronounced on a few occasions that he was in favour of electoral commissioners simply being handed a map of Queensland and an instruction, "Divide this into the specified number of electorates." Admittedly, the suggestion must have appealed to many fair-minded electors, and, I can assume, to the Leader of the Opposition and other honourable members opposite, but the solution to a satisfactory redistribution is not quite so simple.

Firstly, the Parliament was elected to deal with this matter along with many others and it would be neither proper nor fair to pass the responsibility to electoral commissioners. I can find no precedent for it ever having been done in Australia or in any other part of the world where they have Parliamentary electorates, and I would be obliged to the Leader of the Opposition if he could show me precedent.

Next, the proposed increase in the number of electorates is based on sound reasoning. Eighty-two seats will provide one member of Parliament for every 22,195 Queenslanders. Justification for the increase becomes evident when we look at the representation given in the last two redistributions.

The Hanlon Government in 1949 increased representation from one member for 18,871 people to one member for 15,600 people. In 1958 the Nicklin Government improved a position deteriorating through population growth by proposing one member for 18,577 people instead of one member for 19,320 people. It can be seen then that, although this Bill provides for four additional seats, representation per head of population will still be lower than what was thought reasonable by the Hanlon and Nicklin Ministries and, in fact, the lowest it has ever been in the State's history.

The step to increase the number of seats has been taken by the Government in an endeavour to bring about greater numerical evenness in size of electorates within regions as well as to provide satisfactory representation. Of course, we all realise the impossibility of bringing about numerical evenness for the State as a whole, and no Australian State has ever achieved it. Seemingly the States never will, for one only has to look at the variable electoral enrolments for seats returning members to the House of Commons to realise that absolute parity of representation for all is an idealistic dream—nothing more, nothing less.

As mentioned, all the other Australian States have had to resort to allowing different quotas for different regions and even

variations of those quotas within the different regions. New South Wales, for example, has a Central Area of 63 seats with prescribed quotas a little in excess of 28,000 electors and a Country Area of 33 seats whose quotas are more than 8,000 fewer.

Victoria and South Australia follow the same pattern. The Port Phillip Area of Victoria has 44 electorates with a prescribed quota of approximately 25,000. Its Country Area of 29 electorates includes eight provincial seats with a quota of 22,250 and 21 district seats with a quota of 18,200. Thus, even in that small State, which is no larger than our south-eastern corner there is a quota difference of 6,800.

South Australian electoral boundaries were redistributed two years ago. There are 28 metropolitan seats with a quota of 15,055 and a variation allowance of 10 per cent. and 19 country seats with a quota of 9,647 and a 15 per cent. variation allowance. As a consequence, the metropolitan seat of Price has an enrolment of 16,164, and the country seat of Frome has 8,576.

Tasmania uses Federal electoral divisions for its Lower House elections, seven members being returned on a proportional representation basis for each of five divisions. With a total of 35 seats in the Lower House, the average number of electors that a member represents is 6,007.

The position in Western Australia is especially noteworthy. Like Queensland, it has to cater for an electorate of great area, and the way in which it has done this is very interesting. It has 23 metropolitan electorates, with 11,523 electors; 24 agricultural, mining and pastoral electorates, with 5,822 electors; and four seats in the North-West-Murchison-Eyre area with no fixed quotas at all! The boundaries of these last four seats are defined in the Act, giving rise on 1971 figures to the following position:—

The average enrolment for the 23 metropolitan seats is 15,144 electors, and, for the four North-West-Murchison-Eyre area seats, 3,888. Even the average enrolment for the remaining 24 seats is about two-thirds lower than the average in the metropolitan area. In Western Australia we therefore find these extremes—the metropolitan seat of Canning with 21,346 voters, and the Murchison-Eyre seat, in the "Never Never", with 1,840 electors.

I have quoted these figures from the other States to show the over-all problem in defining satisfactory electoral boundaries. I have done so also in the hope—perhaps the forlorn hope so far as honourable members opposite are concerned—that the Committee will look at the present Bill realistically and without party political bias. If this is done, I believe that the Bill we have under consideration will allow the Parliament to provide for Queenslanders the greatest measure of electoral justice possible.

Mr. HOUSTON (Bulimba—Leader of the Opposition) (12.23 p.m.): But for the fact that this is a very important Bill that is of great seriousness to the people of Queensland, one would, I think, be justified in simply passing it off. But this matter is of great importance to Queensland, and again the Premier is introducing a Bill dealing with it. It is not my intention to re-hash all that was said on the introduction and second reading of the previous Bill, because I believe that it is very clear to all who take an interest in these matters that there is a need for redistribution, and that the Government parties have for some time been arguing and squabbling over what the Bill should contain.

I say to the Premier that I do not accept his arguments, nor do I accept the opinions and the figures that he used to bolster his case. Let us look at what happened just before 17 minutes past midnight on 31 March 1971. Prior to that time, a Bill had been introduced described as "A Bill to make provision for the better distribution of electoral districts." If my memory is correct, that is the exact title used on the previous Bill.

What happened to that Bill, in respect of which the Governor agreed to recommend that finance be made available? It was brought before honourable members, and Parliament decided that it would support the introduction of the Bill. Parliament decided also that the second reading would be agreed to. Then honourable members went into the Bill in detail, and clauses 1, 2, 3 and 4 were passed without amendment. Clause 5 was amended by a vote of the majority of members in this Chamber. At that stage, of course, the Premier rose and said, "I will have to have a look at this. We cannot have this. We cannot have democracy working in this way. I will not have Parliament determining these issues. They have to go along the way I want them to, irrespective of what Parliament determines."

No member of this Chamber can deny that that was a properly constituted sitting of Parliament. The amendment may have been passed in the early hours of the morning, but the sitting of Parliament was properly constituted. It was decided in this Chamber to amend clause 5.

Mr. R. E. Moore: Why didn't you carry on, if you had the numbers?

Mr. HOUSTON: We did not carry on because some members of the Liberal Party got cold feet and stayed on that side of the Chamber. I know what threats were made; I know what promises were made to one of the honourable member's colleagues.

Mr. R. E. Moore: There were none, and you know it.

Mr. HOUSTON: Let that be a warning to the honourable member for Albert and other honourable members opposite. On that

occasion the honourable member for Albert rose and said, "I am against the Bill. I intend to vote with my mates."

Mr. R. E. Moore: He made no such statement.

Mr. HOUSTON: What happened when he was promised the Senate vacancy? He stayed on that side of the Chamber. Did he get the Senate vacancy? Of course he did not! Let that be a lesson to certain members on the Government side of the Chamber. I hope the honourable member for Albert will remember after the next election, when he is no longer a member of this Assembly, what he was promised.

Let us now have a look at one of the clauses of the Electoral Districts Bill that was passed before there was any dissension within the Liberal Party or between the Government parties. Clause 4 provided—

> "Number of members of Legislative Assembly. (1) From and after the expiration by effluxion of time or the sooner dissolution of the present Legislative Assembly, the Legislative Assembly shall consist of seventy-eight members."

That clause was passed unanimously. What pressures were brought to bear on Government members——

Mr. R. E. Moore: None.

Mr. HOUSTON: Well, the honourable member has changed his mind for no reason. Is he imbecilic? Surely he does not change his mind merely for the sake of changing it.

Parliament decided that there should be 78 seats, and the Premier has not given any reason why there should be an increase in that number. He has said that he proposes to give the State better representation. Does he agree that Government members have given poor representation in the past? I claim that honourable members on this side of the Chamber—the honourable member for Salisbury, the honourable member for Belmont, the honourable member for Logan, and others representing a very large number of electors—have given first-class representation to the people of their electorates. The only reason why the Premier claims that better representation could be given is that some of his colleagues have given poor representation in the past.

When clause 5 of the Electoral Districts Bill was submitted by the Government, it was rejected and a new clause was inserted in its place. As far as I am concerned, that clause was adopted. The Labor Party, as I said on behalf of honourable members on this side of the Chamber at the time, did not think it was perfect—we thought it had quite a few shortcomings—but the point was that we believed that a redistribution commission should be given maximum time to do its job. After all, surely no-one would suggest that such a commission should not have as much time as possible to carry out its duties. So we agreed with the members of the Liberal Party who submitted the amendment, and the fact is that it was carried and became part and parcel of the Bill. However, the Premier decided, apparently with the support of Cabinet, that Parliament is not supreme in this State and that the whole matter should be taken completely out of Parliament's hands. It was taken out of Parliament's hands and put into the hands of the back-room boys of the Liberal and Country Parties—the outside directors, the faceless men of the Liberal and Country Parties.

Government Members interjected.

Mr. HOUSTON: Honourable members opposite do not like it, I know that. Mr. Robinson and Mr. Sparkes were the ones who, without reference to their parliamentary colleagues, decided how many seats there would be. How many honourable members opposite decided that there were to be 82 seats? A couple of them suggested it in the Chamber, but there were many of them who said there was no justification for more than 78 seats. Let us have a look at what some of them said when they were arguing that there was no justification for 82 seats. Mr. Eric Robinson, president of the Liberal party——

Mr. Hinze: He isn't here.

Mr. HOUSTON: I know he is not here.

Government Members interjected.

The CHAIRMAN: Order!

Mr. HOUSTON: They do not like the truth being thrown at them. Their memories are very short.

Government Members interjected.

Mr. HOUSTON: They can throw anything they like at me, but it will not stick.

Mr. Robinson said the Liberals were adamant that there should be no increase. The newspaper article I have here states—

> "Party negotiators are due to meet again soon in an attempt to reach a compromise."

That is what Mr. Robinson said on 7 October. Later, he said——

Mr. R. E. Moore: He isn't here.

Mr. HOUSTON: I know he is not. Let me make this clear: I should not mind if Government members had not expressed an opinion in this Chamber. In those circumstances they could have changed their minds as much as they wanted to. But every one of them voted for 78 seats. If there is a change now, it must have come from outside.

Mr. HINZE: I rise to a point of order.

Mr. F. P. Moore: Tell us what you said in the Chamber.

The CHAIRMAN: Order! I ask the honourable member for Mourilyan to contain himself while a point of order is being heard by the Chair.

Mr. HINZE: My point of order is that I simply want to tell the Leader of the Opposition that when I spoke in the Address-in-Reply debate last year I said there should be 82 seats.

Mr. HOUSTON: This is typical of the Liberal and Country Parties. When it is popular to tell a group of people something, they tell them what they think they would like to hear. But when they are put to the test it is a different story. The honourable member for South Coast did refer to 82 seats in the Address-in-Reply debate, but what happened when the Bill was before Parliament? He voted for 78 seats. He cannot deny that.

Mr. Robinson said that there was no justification for any increase in seats. He is the president of the Liberal Party. What about the Leader of the Liberal Party in this Chamber? He is very quiet. What was the position in January of this year? This is what one newspaper wrote—

> "Mr. Chalk made it clear that his hopes were not based on any Liberal Party capitulation. He said that he was adamant that 78 Parliamentary representatives were sufficient for successful government."

What pressures have been applied to these men to make them change their minds? After voting here for 78 seats and making public statements in support of 78 seats, Government members are now asking for a greater number of seats.

What did the Country Party really want? They kicked off originally by saying, "We want 79 seats," which they tried to justify. They then increased it to 82 seats. The whips started cracking, and people in some of the country branches said, "What about us?" Then someone else got a brainwave and said, "82 is no good. That will not make a seat for me. Let's make it 83 seats." The Liberals then came back and said, "No; it has to be 78."

I think one of the smartest cartoons I have seen for a long time was published in "The Courier-Mail" on 28 October 1970. It shows, I think, the Treasurer and the Premier. I am in the background but that is apparently of no consequence. The caption reads "No Seat Increase? One vote, one value? Next thing, you'll have the electors choosing the Government!" This is what worries us. What did the Treasurer say after the previous Bill was defeated, when he was asked why the boundaries had to be as they were? He said, "I will do anything to keep the Labor Party out of power." He said he would do anything at all, with the boundaries or anything else.

I come now to some of the other things that worry us.

A Government Member interjected.

Mr. HOUSTON: I know honourable members opposite support their Treasurer.

Mr. Hinze: How did you get on in Maryborough?

Mr. HOUSTON: The electors of Maryborough certainly rejected the Country Party, and if time allows I will deal with some of the lies and filth spread in support of Government candidates during that campaign.

The Premier, in attempting to justify the new set-up, referred to New South Wales. We will look at this matter in greater detail when we get the Bill, but at present I am more concerned with the reasons advanced for increasing the number of seats. I reiterate that the Labor Party believes that there is no justification at all for an increase in the number of seats in Queensland. However, as the Premier referred to New South Wales, I shall place on record the sizes of some of the seats in that State after a recent redistribution.

Bligh, a metropolitan seat in Sydney, has an enrolment of 28,778; Coogee has 29,609; and Kirribilli has 28,075. That is the position in those electorates, yet the Premier is saying that in Queensland one man cannot represent 5,000 or 6,000 electors. Those figures show what members in New South Wales can do.

Let us look now at some of the smallest non-metropolitan electorates in New South Wales. Maitland, an area of 351 square miles, has 21,625 electors on the roll; Cessnock, an electorate of 397 square miles, has 21,338; and Lismore, an area of 530 square miles, has 19,943. I turn now to some of the largest non-metropolitan electorates in New South Wales. Castlereagh, an area of 64,472 square miles, has an enrolment of 19,328 electors, larger than any possible electorate in Queensland on the basis of a 78-seat distribution. Broken Hill, an area of 59,979 square miles, has 19,904 electors. One could go on and show that in every case the electorate enrolment in New South Wales is much higher than it is in Queensland.

I know that honourable members opposite will refer to the Upper House in that State, but members of the Upper House are not full-time members of Parliament and very few constituents approach them with their problems. That is not their function as they are members of what is purely a House of review. So far as electors in New South Wales are concerned, their member of Parliament is the member of the Lower House.

As my time is running out, let me pass now to the electoral commission. I make it very clear that whatever submissions are made to that commission they should be made in public. We do not want any behind-the-door submissions. I am completely disgusted as I move around this House to hear Liberal and Country Party members of Parliament discussing amongst themselves what their new boundaries will be.

Mr. R. E. Moore: That is not true.

Mr. HOUSTON: It is true. I know what Government members have said and done in regard to the metropolitan area and I know what they have done about country areas as well. As a matter of fact, if there is any more of this, I will say to any man of honour and integrity, "Don't sit on this Commission, because the whole thing is a rort and is already determined."

Let there be no doubt about the Labor Party's stand on this matter; it wants an honest redistribution. That can be achieved in two ways: the first is by having a Supreme Court Judge at the head of the Commission, and the second is by having all submissions, whether they come from a political party or anyone else, made in public. That is only right. It is not right to have a redistribution already made up and to say to the Electoral Commission, "This is the way it has got to be."

Before a proper redistribution can be made the electoral rolls must be accurate. To show how inaccurate electoral rolls can be, I took out some figures relative to the two by-elections that were held recently. Many people in the Merthyr electorate came up to Labor Party representatives at the polling booths and said that they were not on the roll. One way a Government can make sure that it wins an election is by using rolls that are not true and correct.

As reported in "The Courier-Mail" of 21 April 1971, Mr. M. J. Dunham, who is the campaign director for the Queensland Temperance League, carried out a survey prior to calling for a local-option poll on the granting of a liquor licence. Canvassers for that non-Government organisation found what they claimed was a 22 per cent. discrepancy in the State electoral roll for one part of Brisbane, and they suspected that such a discrepancy could be general. That report appeared in the Press; yet I have not heard any Government member contradict it, and I do not know of any check of electoral rolls.

If a Commission is to be set up to bring about a redistribution, surely the electorates should have been canvassed either late last year or early this year to ensure that the rolls are accurate. But no such canvass has been carried out. As the Premier has said, the Commission will be carrying out a redistribution based on the figures as at December 1970. The Government must ensure that the electoral rolls are accurate and that no-one who is entitled to vote is left off the roll. The name of everyone who is entitled to vote should appear on the roll.

(Time expired.)

Mr. TUCKER (Townsville North) (12.43 p.m.): I listened very carefully to the Premier's introductory speech on this, the second electoral districts Bill that he has introduced within the last few months. As my leader has said, it is one of the most amazing pieces of legislation that have been brought before this Parliament. It is also pertinent to remark, as my leader has done, that in the earlier Bill the Government had a golden opportunity to provide for certain things that were necessary at that time, so it was with a great deal of sorrow that we noticed the dissidents in the Liberal Party who had the opportunity then to do something worth while and to introduce an acceptable redistribution measure, fade out and lose the opportunity to do something for both their party and the people of Queensland. I will be interested today to hear what those dissidents and other members of the Liberal Party will say on this Bill. I hope that some of them will get to their feet and have their say.

This Bill is the culmination of the most disgraceful political wrangling that this State has seen in recent years. The Government has indulged in one of the most disgusting examples of power politics that the people of Queensland have seen in the past 50 years. Liberal Party members were saying that there should not be any more Parliamentarians; that Queensland was over-governed and that the number of parliamentarians should be restricted to 78. I suppose there was argument about that because members of the Labor Party felt the same way. At that stage we thought that the Liberal Party was genuine in its submissions—and in a moment I will refer to what Mr. Porter wrote in a letter some years ago.

We felt that Liberal Party members were genuine in their submissions and that they wanted a fair and reasonable redistribution on the basis of one vote, one value, which is supposedly a plank in the Liberal Party's platform. We knew that the Country Party was continuing to urge for additional seats in order to create rotten boroughs in country areas and thus keep the Premiership within Country Party ranks. It was done for no other reason. The wrangling continued for a year. The Country Party urged that more seats were needed. It feared that the Liberal Party was gaining ground, and it wanted to retain the Premiership. The Liberal Party adopted a different line, fearing that if the Country Party had its way and additional seats were created, it would remain in the political wilderness for the next 20 years. The power-politics argument continued, and the people of Queensland assumed only minor importance while the warring factions remained in office. It was an extremely disgusting exhibition, and it has continued right up to the present time.

There is in Townsville a body known as the New State for North Queensland Organisation, and it has as its chief organiser a member of the Country Party. I will not name him, but most honourable members know him. He has been organising for some time towards a new State for North Queensland, and he and many of his colleagues are disillusioned by the wrangling

that has been taking place. They believe there will not be a fair and reasonable redistribution of seats, particularly in North Queensland. This gentleman is often asked by the Townsville Chamber of Commerce and many other important bodies to speak about a new State for North Queensland, and if he was disillusioned previously, this new Bill, when it reaches him in the next few days—if it has not already done so—will, without doubt, doubly disillusion him and his colleagues in North Queensland by its impact on that part of the State.

The Premier referred today to four zones, but the previous measure provided for only three zones. The South-eastern Zone is to have 47 seats, the Provincial City Zone 13 seats, the Western Zone seven seats, and the Country Zone 13 seats. In effect, there will be increased representation in the south-eastern part of Queensland and reduced representation in the northern part of the State.

Mr. Hinze: It is getting close to one vote, one value.

Mr. TUCKER: There is no way in the world that it is getting close to one vote, one value.

Mr. Hinze: You would cut out the poor country farmer.

Mr. TUCKER: I must speak firstly on behalf of those I represent.

There can be no doubt that the introduction of this second Bill will result in a gerrymander and a loss of representation to North Queensland. We have gone backwards and must go backwards in the granting of 82 seats with a percentage increase in the south-eastern part of Queensland. Country Party supporters were disillusioned before. They are saying in North Queensland at the moment, "Let us go for a new State in North Queensland. We are not getting a fair crack of the whip."

Mr. Hinze: Are you in favour of a new State?

Mr. TUCKER: I shall cover that point in another debate. I have been invited by a newspaper to speak on it, and if the honourable member comes to Townsville, he will hear what I have to say.

Mr. R. E. Moore: Tell us now.

Mr. TUCKER: It would take too long to give the honourable member my ideas on this matter. His head can only absorb such things very slowly.

Mr. Hinze: Are you in favour of more seats for North Queensland?

Mr. TUCKER: If Labor's policy had been implemented, North Queensland would have more seats.

At the moment, Country Party supporters are advocating a new State in North Queensland because they are disillusioned with what has been happening under the coalition Government. The A.L.P. is not governing the State; it is being governed by the Country Party, and Country Party supporters, after seeing this proposal, will be further disillusioned. This proposal will add fuel to the fire that is already burning in North Queensland for a new State.

Mr. W. D. Hewitt: They will have to pay for 10 more Senators.

Mr. TUCKER: That is another matter.

One vote, one value has been mentioned. The Premier skidded around it in replying to the Leader of the Opposition. The Premier spoke about Labor's proposal to give the electoral commission a blank map of Queensland with the request that the commission carry out a correct and proper redistribution. He said no good would have flowed from that, and that the move was unprecedented. We know that the Country Party is completely against the principle of one vote, one value, and I challenge any Country Party member to stand up and say that it is not.

Mr. Hinze: Because it is impracticable.

Mr. TUCKER: Of course it is impracticable, according to the honourable member's argument.

Mr. Bird interjected.

Mr. TUCKER: The honourable member for Burdekin should not start to come in because he is very vulnerable in this direction.

Mr. Bird: I said I certainly could not support one vote, one value.

Mr. TUCKER: I do not believe that he does under the present circumstances. We have not heard him on this matter. However, if Burdekin is extended towards Townsville, we will have a convert, and the reason is obvious.

The honourable member for Toowong had a letter published in "The Courier-Mail" of 31 March 1969. It read—

"Liberal differs with Premier on vote value

> "In order to avoid damaging future misunderstandings, it seems desirable the Liberal position should be clearly stated following the recent strong affirmation of the Premier (Mr. Bjelke-Petersen) condemning the principle of 'one vote, one value'."

Apparently, at that stage, the honourable member for Toowong believed that the Premier was adamantly against this principle.

The letter continued—

> "Whilst accepting the exigencies of campaigning may require such an attitude from the Premier, nevertheless I would point out that as a Liberal, I (in common with all other Liberal parliamentary members) am firmly committed to that principle of

our platform which has been a party plank since our inception, of 'one vote, one value'.

"It is accepted that the real-politics of coalition stability may require that in consideration of electoral re-distribution after the May 17 election, the Liberal and Country Parties meet somewhere 'in the middle' on this question.

"But equally it should be understood that whilst Country Party members may work from a base of rejecting the 'one vote, one value' principle, as a Liberal I believe myself committed to work from the base of demanding it."

Apparently the Liberal Party has abandoned this business of "demanding" or "working" from this base, because there is no way in the world that this Bill will bring about anything approaching one vote, one value.

The Premier stated this morning that quotas may be 20 per cent. up or down, and that even that percentage may be departed from in some instances. I wonder what some of the country quotas will finally be. I and my party say that if what the Premier stated is in fact the case, we could again well find ourselves with the "rotten borough" type of electorate in country areas, and on the fringes of Brisbane and some provincial cities, with quotas as they are at present. I have 18,000 to 19,000 in my electorate, and adjoining it is one of about 7,000 electors. I can see that that situation will continue, and I am quite disillusioned about it. I believe that members of the Country Party in the northern part of the State will also be utterly and completely disillusioned.

I reinforce my argument on the one vote, one value question by referring to the recommendations of a Joint Committee on Constitutional Review appointed on 30 April 1959 by the Australian House of Representatives to carry out a thorough investigation of the Australian Constitution. The committee had on it four Liberals, two Country Party members and six representatives of the Australian Labor Party. It was therefore evenly balanced. One of the recommendations of the committee, in paragraph 329, was that all electorates in each State should, as nearly as possible, have the same number of voters. That recommendation came from members of the Liberal Party, the Country Party and the Australian Labor Party. This all-party committee condemned the practice of having some electorates with fewer voters than others. It recommended that there should be no more than a 10 per cent. allowance in electoral enrolments.

In condemning the rigging of electoral boundaries it said—

"One form of gerrymandering is the creation of electoral divisions in which there are substantial disparities in the number of enrolled voters so securing a political party greater representation than it should have. In all its forms, the device is thoroughly subversive of the democratic process."

That statement, made by the committee set up in 1959 to review the Australian Constitution, clearly shows that even in those days it was believed that the creation of electoral divisions was subversive of the democratic process.

The Bill now before the Committee proposes to establish four zones or electoral divisions, and in those divisions there will be the same disparity of voting envisaged by that committee. The proposed principle of four zones was condemned by the 1959 Joint Committee on Constitutional Review. I therefore believe that the gerrymander that will follow the passage of the Bill will in effect prove that the people of Queensland are not being given a "fair go".

I further reinforce my argument by referring to the editorial of "The Courier-Mail" of 1 April 1969. It was headed, "Putting a value on our votes", and it stated—

"The Premier's recent criticism of the Labor Party for supporting 'one vote, one value' at State elections has brought to public attention not only the division between the Labor Party and the Country Party, but the differences between the Country Party and the Liberal Party on this issue.

This is a matter on which some Ministers probably would have liked to have let sleeping dogs lie until after the forthcoming elections. However, now the issue has been raised by the Premier, the public has a right to expect the coalition parties to tell them in their election policy what they plan to do."

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

Mr. TUCKER: Before the recess for lunch, I was quoting from a leading article in "The Courier-Mail" of Tuesday, 1 April 1969. It continued—

"There has to be a redistribution of seats undertaken by the new Parliament. That is clear. The present distribution of seats, as a result of population changes, is unbalanced and unsatisfactory.

"What should also be equally clear is that the existing division of the State into three electoral zones—metropolitan, provincial city, and country—needs also to be discarded. It was never a sensible scheme and operates even more unfairly today than when it was introduced."

If in fact that was so at that time, it will be doubly so under the Bill that the Premier is introducing today. He discards the principle of one vote, one value when it suits him, but adopts the principle when he wishes to make a point. He said today that 82 members will give one member for each 22,000 people. It is obvious, therefore, that he grasps the principle quickly to make a point and then just as quickly discards it.

Finally, I believe that the proposed Bill is a sell-out of principles by the Liberal Party. It is a sell-out by Mr. Robinson, president of the Liberal Party, obviously because he wishes to become the Federal member for McPherson and could not care less what happens in the future to the Liberal Party in Queensland. It is a sell-out by the Deputy Leader of the Liberal Party, Dr. Delamothe. Likewise, he does not care what happens to the Liberal Party because we have it on good authority—the statement appeared in the Press again today—that the good doctor will leave in the next few months to be Agent-General for Queensland in London and, therefore, his interest in the Liberal Party will then cease. I should say, too, that it is a sell-out by the leader of the Parliamentary Liberal Party, Sir Gordon Chalk. Apparently Sir Gordon also is going to leave Parliament, if one can take as true the statement appearing on page 2 of today's "Telegraph". It says—

> "Pressure on Chalk to Stay
>
> "Liberal pressure is increasing on the Treasurer, Sir Gordon Chalk, to remain in politics."

Apparently he is leaving politics. I wonder whether he will accept the offer made by Utah. The article says also—

> "Sir Gordon is likely to wait to see the new electoral boundaries before making a decision."

I should say that, if the honourable gentleman sees that statement, there is no doubt that he will leave politics, because it will not suit the Liberal Party. It is a negation of every democratic principle to keep the Premier in his present job.

(Time expired.)

Hon. J. BJELKE-PETERSEN (Barambah—Premier) (2.18 p.m.), in reply: I have listened to what the Leader and the Deputy Leader of the Opposition have said. All I can say is that most honourable members must be reasonably satisfied with the Bill.

Question—That the motion (Mr. Bjelke-Petersen) be agreed to—put; and the Committee divided—

AYES, 38

Ahern	Hughes
Armstrong	Hungerford
Bird	Jones, V. E.
Bjelke-Petersen	Kaus
Camm	Knox
Campbell	Lee
Chalk	Lickiss
Chinchen	Lonergan
Cory	Moore, R. E.
Crawford	Murray
Delamothe	Newbery
Diplock	Porter
Fletcher	Richter
Heatley	Row
Herbert	Tooth
Hewitt, N. T. E.	Wharton
Hewitt, W. D.	
Hinze	*Tellers:*
Hodges	Miller
Hooper	Tomkins

NOES, 25

Aiken	Newton
Baldwin	O'Donnell
Blake	Sherrington
Bousen	Thackeray
Bromley	Tucker
Hanlon	Wallis-Smith
Houston	Wood, B.
Inch	Wood, P.
Jones, R.	Wright
Jordan	
Lloyd	
Marginson	*Tellers:*
Melloy	Casey
Moore, F. P.	Jensen

PAIRS:

Rae	Dean
Sullivan	Hanson
McKechnie	Bennett
Müller	Davis

Resolved in the affirmative.

Resolution reported.

FIRST READING

Bill presented and, on motion of Mr. Bjelke-Petersen, read a first time.

THE CRIMINAL CODE AND THE OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

INITIATION IN COMMITTEE

(Mr. Houghton, Redcliffe, in the chair)

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice) (2.27 p.m.): I move—

> "That a Bill be introduced to amend the Criminal Code and the Offenders Probation and Parole Acts 1959 to 1968, each in certain particulars."

In the reform programme submitted by the Law Reform Commission for the examination of different breaches of the law for the purposes of reform, consolidation and review of statute law there was included an item which required the Commission to consider whether the distinction should be maintained between the crimes of wilful murder and murder.

This reform programme was approved by me and, as a result of the Commission's subsequent examination of this matter, it has now recommended the abolition of the distinction between wilful murder and murder.

This recommendation, which was approved by the Governor in Council, was laid before Parliament on 8 September 1970 as required under the provisions of the Law Reform Commission Act.

Queensland and Western Australia are the only Australian States which have made and still retain a distinction between the offences of wilful murder and murder. The relevant provisions of the Queensland Criminal Code were precisely followed by the corresponding sections of the Western Australian Code and of the Code of Papua and New Guinea.

One important difference between the offences in Western Australia and Queensland is that in Western Australia, for the

offence of wilful murder the death penalty may be imposed, whereas in Queensland capital punishment was abolished in 1922.

Tasmania is the only other Australian State which has enacted a Criminal Code, and that Code does not contain any reference to an offence of wilful murder.

In New South Wales, Victoria, South Australia, New Zealand and England no distinction is made between the offences of wilful murder and murder. The reason for this is that a Criminal Code has not been enacted in any of these States and countries and under the common-law jurisdiction there is no such offence as wilful murder.

In the Queensland Criminal Code wilful murder is described thus: "A person who unlawfully kills another, intending to cause his death or that of some other person, is guilty of wilful murder."

Murder in the form most commonly encountered is defined as follows: "A person who unlawfully kills another . . . if the offender intends to do to the person killed or to some other person some grevious bodily harm . . . is guilty of murder."

In his letter to the Attorney-General, which accompanied the draft Criminal Code that he submitted in 1897, Sir Samuel Griffith made the following observation:—

> "In the jurisprudence of many countries a distinction is made between different kinds of murder according to their heinousness. Thus we hear of murder in the 'first' and 'second' degree and of murder 'with extenuating circumstances'. It has occurred to me that the simplest distinction and that which best indicates the different views actually taken by the ordinary mind of different cases of homicide is between wilful murder—that is to say intentional killing, and murder—that is to say killing which, though unintentional, is done under such circumstances as to warrant the infliction of the last penalty. I have accordingly framed the chapter on homicide on this basis and have suggested that in the case of murder, not being wilful murder, sentence of death may (as in other capital cases except treason and wilful murder) be 'recorded instead of being actually passed'."

The purpose of recording a sentence of death was to enable the court to abstain from pronouncing a sentence of death if the court was of opinion that, under the circumstances of the case, it was proper that the offender should be recommended for the Royal Mercy. A record of judgment of death so entered had the same effect in all respects as if sentence of death was pronounced in open court.

The only consequence of the distinction between wilful murder and murder, under the provisions of the Code as originally enacted, was that in the case of a conviction of murder, judgment of death could be recorded instead of being actually pronounced. Even this consequence seems to have had only one practical effect, for the prerogative of mercy could be exercised as well in the case of wilful murder as in that of murder. The provision that the recorded sentence has the same effect as a pronounced sentence no doubt had the effect of making the subsequent act of the hangman lawful in a case of murder in which the prerogative of mercy had not been exercised and in which judgment of death had been recorded instead of being pronounced.

When capital punishment was abolished in Queensland in 1922 by the provisions of the Criminal Law Amendment Act, the provision of the Criminal Code relating to the recording of a sentence of death was also repealed. This meant that the only difference which could follow from a conviction of wilful murder as opposed to a conviction of murder was dispensed with. Yet the distinction between the two offences was maintained. The preservation of the distinction can lead to a positive disadvantage which arises in this way: Section 576 of the Code provides, inter alia, as follows:—

> "Upon an indictment charging a person with the crime of wilful murder, he may be convicted of the crime of murder or of the crime of manslaughter, if either of those crimes is established by the evidence . . ."

It happens not infrequently that a jury acquits of wilful murder and convicts of murder in a case in which the evidence points overwhelmingly to wilful murder. It cannot be said that a jury is to be blamed for this, and it would not matter if it stopped there. But in many cases it does not stop there. An appeal may be brought and may be successful, and a new trial may be ordered. Because the accused has been acquitted of wilful murder he cannot be tried again for that offence; on the second trial, therefore, he is tried for murder, that is, for an unlawful killing in which the intention was not to cause death, but to cause grievous bodily harm. But the evidence upon the second trial remains exactly the same as that upon the first; that is, it points unerringly to an intention to kill. It is almost impossible in such a case for a judge to sum up convincingly to a jury; that is, to direct them that they must be satisfied beyond a reasonable doubt that the accused intended, not to kill, but to do grievous bodily harm. They have heard the evidence and know the direction in which it points. A trial conducted in such circumstances is highly artificial, and it is widely thought that it has led to acquittals which are quite unjustified.

Dr. Colin Howard, at page 38 of his book "Australian Criminal Law," makes the remark that "in Queensland at the present day the distinction between wilful murder and murder is of no practical importance because the sentence on conviction of either is fixed at life imprisonment with hard labour." But he appends a footnote to

the effect that "The type of conviction may have some bearing on Executive clemency". It is apprehended, however, that having regard to the provisions for parole, this is unfounded; it imputes to the Executive the tendency, quite unwarranted, to act according to rule of thumb.

Under the common law, murder, speaking very generally and ignoring the concept of malice aforethought, which has no place in the criminal law of Queensland, may be described as unlawful killing in which the offender intends either to kill or to inflict grievous bodily harm. It therefore includes both wilful murder and murder as defined in the Queensland Criminal Code.

Further support for the abolition of the distinction is gained from the material provisions of the draft Criminal Code for the Australian Territories, which has been prepared after many years of intensive and scholarly research by the Law Council of Australia and was submitted to the Attorney-General of the Commonwealth in 1969. The draft Code draws no distinction between the offences of wilful murder and murder. The commentary on the draft Code, which was prepared by the experienced Queensland Co-ordinating Committee, states:—

> "In the homicide sections, specific mental elements have been expressly included in the drafting. It is in this field that the law has traditionally distinguished finely the relevant mental states, under the influence, no doubt, of the existence of capital punishment. We have not, it will be noted, drawn any section as a "capital murder" section. The question of capital punishment lay outside our terms of reference."

In the light of these considerations, there is no longer any legal reason for preserving in Queensland this fine distinction between wilful murder and murder, and the Law Reform Commission has recommended that section 301, which relates to wilful murder, be repealed and section 302, which relates to murder, be enlarged to include the present definition of wilful murder.

The remaining provisions of the Bill are merely transitional provisions to permit of the continuance of legal proceedings in respect of an offence committed before the Bill is introduced and machinery provisions to ensure that any reference in an Act to wilful murder shall be read as a reference to murder.

Since the abolition of capital punishment, the distinction between the verdicts of wilful murder and murder has been maintained in Queensland without any practical effect so far as the sentence is concerned. Both carry the same fixed penalty of life imprisonment. To that extent, the distinction is meaningless and the provisions of this amending Bill will have the desirable effect of removing such distinction.

The Bill also deals with proposed amendments to the Offenders Probation and Parole Act. Mr. Justice Hoare, chairman of the Parole Board, has suggested that these Acts be amended with regard to—

(a) interrelation of section 19 (7) Criminal Code sentences with functions of the Parole Board; and

(b) interrelation of automatic remissions of sentences with the parole system.

In relation to (a), the proviso to section 19 (7) of the Criminal Code provides that:—

> "whenever the Court shall sentence any person so convicted to a term of imprisonment, it may further order that the offender be imprisoned for such portion of that term as it shall think fit and that the execution of the sentence for the remaining portion thereof be suspended upon his entering into a recognizance, with sureties if so directed, as aforesaid but further conditioned that, if called upon, he shall appear and receive judgment in respect of his service of the portion of his sentence so suspended, and any judge of the Court may, upon being satisfied that the offender has committed a breach of any of the conditions of the recognizance, forfeit the recognizance and commit him to prison to undergo the portion of his sentence so suspended or any part thereof."

This proviso was introduced in 1948. Since then, the Parole Board has been reconstituted and given wider powers of parole, which has resulted in an overlapping of the functions of the Board with the proviso to section 19 (7) of the Criminal Code.

The existence of two separate authorities to deal with the release of a prisoner who has been validly sentenced gives rise to some concern. For example, if a prisoner is sentenced by Judge A, who does not use the proviso to section 19 (7) of the Code, and is sentenced to, say, three years' imprisonment, he will not ordinarily be eligible for parole until he has served half the sentence, namely, 18 months. On the other hand, if the prisoner were to be sentenced by Judge B, who also thought that the sentence of three years was appropriate for the offence but who also utilises the proviso to section 19 (7) of the Code, the prisoner might then find himself released on recognisance after serving as little as three months of his sentence.

It is desirable that only one body exercise this function. It is considered that when the means of knowledge possessed by a judge at the time of sentence is compared with the means of knowledge likely to be possessed by a Parole Board or other authority after the prisoner has undergone a term of imprisonment, the probability of a correct conclusion being reached in the circumstances is overwhelmingly in favour of the authority which has the additional information.

An objection to one authority, namely, the Parole Board, dealing with all persons sentenced is that at the present time a prisoner is not eligible for parole until he has served half of his sentence. In view of the increasing use of the proviso to section 19 (7), it is apparent that a number of judges consider that the prisoner should be released at a much earlier stage than after the completion of half the sentence.

This objection can be overcome by empowering the Parole Board, in "special circumstances", to admit a prisoner to parole before he has served half his sentence. "Special circumstances" could include the fact that a trial judge has recommended the release of the prisoner on parole at some time before the expiration of half his sentence.

These proposed amendments, which have been agreed to by the Comptroller-General of Prisons and his Deputy and the Chief Probation and Parole Officer, involve the following:—

(a) that the proviso to section 19 (7) of the Criminal Code be deleted; and

(b) that section 32 of the Offenders Probation and Parole Acts be amended so that the Parole Board in special circumstances will be empowered to parole a prisoner before the expiration of half his sentence.

In relation to (b), under the provisions of section 32 (2) of the Offenders Probation and Parole Acts a prisoner is required to be on parole during the period from his release until the expiration of his term of imprisonment.

Parole is not utilised by a number of prisoners who might well be expected to benefit from release on parole. It is clear that one of the factors influencing some prisoners against applying for parole is that they know that with reasonably good conduct their sentence will be automatically reduced on a predetermined scale in accordance with the regulations. On the other hand, if granted parole the prisoner in effect receives no benefit from his good conduct either in prison or after release on parole in the community.

It is felt that the provisions of section 32 (2) should be amended to provide that, when a prisoner is paroled, the term of his parole shall be for the remainder of his sentence or for such shorter period as the Board in its discretion, may fix.

Another problem encountered is that, as the law stands at present, where parole has been revoked either by order of the Board under section 32A of the Offenders Probation and Parole Acts or under section 35 of the Acts, the parolee must serve the whole of the unserved portion of his sentence.

Under the provisions of section 35 (4) of the Offenders Probation and Parole Acts, no part of the time between his release on parole and his recommencing to serve the unexpired portion of his term of imprisonment or detention shall be regarded as time served in respect of that term.

It is considered that there should be some elasticity which would in effect enable the Board, in the event of a breach of parole, to require the parolee to be returned to prison either for the whole of the unexpired term of the sentence or for such part thereof as the Board thinks fit. Some such provision would avoid the extreme rigidity of the present provisions and would enable the Board, in appropriate cases, to give consideration to allowing the parolee some remission for good conduct on parole and take into account other circumstances, such as the fact that breach of parole was committed a very long time ago and the parolee has led a law-abiding life for a long period.

The proposed amendments, which are endorsed by the Chief Probation and Parole Officer, involve:—

(a) an amendment to section 32 (2) of the Offenders Probation and Parole Acts to provide that when a prisoner is paroled, the term of his parole shall be for the remainder of his sentence or for such shorter period as the Board in its discretion thinks fit; and

(b) an amendment to section 35 (4) of the Offenders Probation and Parole Acts to provide that the Parole Board, in the event of a breach of parole, may require the parolee to be returned to prison either for the whole of the unexpired term of the sentence or for such part thereof as the Board thinks fit.

The amendments are the result of recommendations made by Mr. Justice Hoare, Chairman of the Parole Board, and I commend the Bill to the Committee.

Mr. BENNETT (South Brisbane) (2.46 p.m.): In the first place, I believe that when two separate Acts are being amended, in this case the Criminal Code and the Offenders Probation and Parole Act, it is better done by two Bills. Correlating two amendments in one Bill merely adds in the long run to the cost of annotations and various other matters when the statutes are printed.

The first amendment, of course, is nothing new; it is something that I advocated in this Chamber last year, and something that has now been recommended by the Law Reform Commission for well over 12 months. It is a matter on which I made some observations in debates during the previous session, when I knew that one of the few recommendations that had at that time been made by the expensive Law Reform Commission was for the abolition of the distinction between the terms "wilful murder" and "murder" in the Criminal Code. As I pointed out, it was rather pitiable, if not humorous, to say the least, that one of the few recommendations made by the Law

Reform Commission had been, up till now, rejected by the Minister, no doubt on advice given to him by the Solicitor-General's office.

I could not understand, for the very reasons and arguments that he has advanced here today, why the Minister was not prepared to accept the recommendation of the Law Reform Commission. Why it was rejected up till today, one will never know. The Minister was very reluctant to commit himself on his refusal to accept that recommendation. Now he has given quite cogent, logical and convincing reasons for the amendment to eliminate the differentiation between "wilful murder" and "murder", but he has not given to the Committee the reasons why he delayed the adoption of that recommendation.

Beyond saying that, I do not propose to tarry too long on this proposal, because, as I understand it, the Law Reform Commission and lawyers generally, with perhaps the exception of some of those in the Crown Law Office, say that it is necessary. I agree with them. The old differentiation no longer exists, for the reason, as pointed out by the Minister, that fortunately the death penalty no longer applies in this State.

The only sentence that can now be imposed for murder is imprisonment with hard labour for life. In these modern times, provided the prisoner responds to the treatment given to him in the gaol and conducts himself properly, a life sentence virtually means a sentence of 10 years. Of course, by the same token, he can be kept there for the term of his natural life if he does not behave himself.

It is interesting to note that section 299 of the Criminal Code says—

> "A person is not deemed to have killed another if the death of that person does not take place within a year and a day of the cause of death."

In other words, if there is a grievous wounding of one person by another, provided that the person wounded survives for a period of one year and a day the offender cannot be charged with homicide.

Unlawful homicide is defined in this way in section 300 of the Criminal Code—

> "Any person who unlawfully kills another is guilty of a crime, which is called wilful murder, murder, or manslaughter, according to the circumstances of the case."

Manslaughter is the unlawful killing of a person when, firstly, there is no intent involved or, secondly, there is no intent to do grievous bodily harm. It amounts to the commission of some act of criminal negligence that involves the death of a person. In the main, subject, of course, to many exceptions, the manslaughter section is employed in cases involving motor vehicles. In other words, when death results from the use of a dangerous object, such as a motor vehicle, with criminal negligence, a person can be convicted of manslaughter.

Incidentally, as we have now written into the Criminal Code an amendment to the section dealing with dangerous driving—to add a section known as "Dangerous driving causing death"—I believe that, because of a judgment delivered by Mr. Justice D. J. Campbell, the Central District Judge (it is reported in the Queensland Weekly Notes), the Crown Law Office and Crown prosecutors should be given suitable instructions.

Bills are brought before us without any forewarning and, because of that, I have not the judgment with me. I cannot remember the exact phraseology of Mr. Justice Campbell's judgment, but he said in effect that the section dealing with dangerous driving causing death should not be used to get a compromise verdict when a motorist is charged with manslaughter.

A man charged with manslaughter in the use of a motor vehicle can, of course, be convicted of manslaughter, or he can be convicted of dangerous driving causing death, or dangerous driving simpliciter, or, alternatively, he can be acquitted. Mr. Justice Campbell has pointed out that at least in certain cases it is improper for the Crown to use the charge of manslaughter in the use of a vehicle when the correct charge is dangerous driving causing death. I believe that, because of his judgment (with which I entirely agree), the Crown Law Office and the Crown prosecutors should be suitably instructed and informed that they should not use, as they do so regularly, the charge of manslaughter in the use of a motor vehicle when the appropriate and proper charge is dangerous driving causing death.

I have no doubt that in many instances the Crown employs the major charge, the very serious one of manslaughter, knowing full well that no jury will convict a motorist of manslaughter but hoping that, because the jury must acquit on the manslaughter charge, it will say, "We have done a fair deal for the offender. We will convict him of the lesser charge of dangerous driving causing death." That is happening too often. It is a compromise verdict; it is unfair to the motorist and, as far as I am concerned, it is an improper prosecution.

Section 300 of the Criminal Code provides—

> "Any person who unlawfully kills another is guilty of a crime, which is called wilful murder, murder, or manslaughter, according to the circumstances of the case."

No doubt this Bill will abolish or abandon the definition of "wilful murder" presently contained in section 301 of the Code, which provides—

> "Except as hereinafter set forth, a person who unlawfully kills another, intending to cause his death or that of some other person, is guilty of wilful murder."

The only real difference between murder and wilful murder is the intention to cause the death of another. If a person does not

intend to cause the death of another but intends to do him grievous bodily harm, and kills him in the process of that deliberate attempt to do grievous bodily harm, he is not guilty of wilful murder but guilty of murder. On either conviction a person must be sentenced to imprisonment with hard labour for life, so the difference becomes purely one of academic importance.

Compromise verdicts could do an injustice in some circumstances. If a person was charged with wilful murder—possibly he could be charged with murder simpliciter, but he never is—it could well be that the jury must find him not guilty of wilful murder, but, having given him the decision on one count, they believe that in order to compromise between the Crown and the accused they must find him guilty on the second count, that is, guilty of murder simpliciter.

As I understand it, that is one of the reasons why lawyers and the Law Reform Commission have decided to recommend that the academic differentiation be removed so that a jury will have the responsibility and obligation of determining whether it is murder or not in relation to the wilful killing. They could, of course, still come in with the alternative verdict of manslaughter.

Let me refer to the circumstances under which a person is deemed to be, or could be deemed to be, guilty of the offence of murder as set out in section 302. It refers to a person who unlawfully kills another under any of the following circumstances—

> "If the offender intends to do to the person killed or to some other person some grievous bodily harm;
>
> If death is caused by means of an act done in the prosecution of an unlawful purpose, which act is of such a nature as to be likely to endanger human life;
>
> If the offender intends to do grievous bodily harm to some person for the purpose of facilitating the commission of a crime . . .;
>
> If death is caused by administering any stupifying or over-powering thing . . ." (such as a drug);
>
> "If death is caused by wilfully stopping the breath of any person for either of such purposes."

It is interesting to note that on the question of the sufficiency of evidence to support a conviction under this section for murder caused by an attempt to procure an abortion, we have authorities to say that if a person was attempting to perform an abortion on a woman, obviously not intending to do her even grievous bodily harm, let alone kill her, and she died in the process of that illegal operation, he could be charged with and convicted of murder. And rightly so.

I hope that that provision in our law is never changed by this Legislature, for the reasons that have been advanced by the honourable member for Wavell when speaking on the matter in earlier debates and the arguments advanced by the British parliamentarian who delivered an address in Brisbane last night.

The definition of manslaughter provides that when a person unlawfully kills another in such circumstances as not to constitute wilful murder or murder, he is guilty of manslaughter. Time does not permit me to go into what is manslaughter. In effect, it means that if somebody is killed as a result of the criminal negligence of the offender, that offender can be convicted of manslaughter.

It is equally appropriate that there should be some amendment to the Offenders Probation and Parole Act. As a matter of fact, after having read many reports from criminologists, having heard the experiences of many men who have served both short and long-term sentences in gaol and having listened to the pronouncements of prominent men in the judiciary, I am prefectly satisfied that it is absolutely useless sending anybody to prison for short periods of up to three months. It does not achieve anything whatever. If a person is so alienated from society, the short period he spends in prison does not protect society greatly, if at all. In fact, his imprisonment becomes a financial burden on society. It does not correct the offender in any way and perhaps damages what decent sensitivities he might have. His period in prison is costly from the administrative point of view and is too short for him to undergo any corrective treatment.

I concede that week-end detention or detention of that nature is of some benefit to certain individuals. It enables them to continue to serve the community in a constructive manner. It reminds them that they should adopt a sense of responsibility in society and enables them to maintain contact with ordinary civilisation. I am not attacking that type of penalty or imposition. What I am attacking are the straight-out sentences of one, two or three months in prison, which do not serve any useful purpose.

I am fortified in my opinion by the unanimous decision of the Court of Criminal Appeal, the highest court in that field in Queensland, whose decision has been reported in the case of R. v. Draper, recorded in the "Queensland Law Reporter" of 20 June 1970. Mr. Justice Hart, one of our erstwhile colleagues in Parliament, sat on that court and he agrees with all the sentiments expressed by it. Mr. Justice Kneipp, the northern judge, said that he agreed in toto with the observations of Mr. Justice Hoare, who was, I think, at the time, and certainly had been for quite a while, chairman of the Parole Board.

Dealing with short-term sentences and the question of sending prisoners to gaol, he said—

"This type of case presents particularly difficult problems. The offender has previously borne a good character and is a hard-working man. One cannot fail to have much sympathy for a man who has not previously offended. There is also the circumstance that the evidence disclosed that the offence was committed on one occasion only."

I cannot quote him in full, but he went on to say—

"With our present penal system short sentences are regarded as useless at best, and in most cases positively harmful.

One strong argument against the imposition of short prison sentences which is of particular application to younger offenders is that there is a considerable fear of the unknown in all of us. So long as an individual without prison experience has the threat of possibly being sent to prison it is reasonable to expect that there will be some deterrence from that threat.

However if the fear of the unknown is removed by sending him to prison for a short term, the benefits of the threat are lost for all time.

Another matter well known to persons acquainted with the present prison administration is that while long sentence prisoners may have some discipline instilled into them and receive some corrective training, these benefits are entirely lost in the case of short sentence prisoners."

Many countries regard New Zealand as being the leader in the method of imposing penalties. That country has established periodic-detention centres.

Mr. Justice Hoare referred to a provision in the New Zealand Act, which says—

"No court shall sentence any person to imprisonment for a term of less than six months unless, having regard to all the circumstances of the case, including the nature of the person's offence and his character and personal history, the court has formed the opinion that no way of dealing with him other than imprisonment is appropriate."

(Time expired.)

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice) (3.7 p.m.), in reply: I want to thank the hon. member for South Brisbane for reinforcing what I said during my introductory remarks. However, I do not agree entirely with the criticism that he levelled at the tardiness with which the first proposal was brought in to discard the charge of wilful murder, because this has been awaiting amendment since 1922. In effect, I am just perpetuating the tardiness of my predecessors. All honourable members know that in the last session of Parliament I had the very onerous and long and continuing job of introducing the Companies Act Amendment Bill and the Securities Industry Bill. Besides taking up most of the time of Parliament, they consumed a tremendous amount of time in preparation.

I could not agree more with the honourable member's comments about the uselessness of short prison sentences. I have had a look at the New Zealand system and, in this State, which does not impose minimum sentences, I am surprised that the judges, including Mr. Justice Hoare, who holds very firm ideas, have not really applied the advice given in the passage quoted by Mr. Justice Hoare. I am having research carried out into the effects of short sentences over the last 10 years. I expect that it will reveal the fact that Queensland prisoners are no different from New Zealand prisoners. If this research project throws up that sort of answer, there will be no tardiness in amending the Act to follow New Zealand very closely.

Motion (Dr. Delamothe) agreed to.

Resolution reported.

FIRST READING

Bill presented and, on motion of Dr. Delamothe, read a first time.

The House adjourned at 3.11 p.m.