

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 15 NOVEMBER 1972

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Mr. SPEAKER (Hon. W. H. Lonergan, Flinders) read prayers and took the chair at 11 a.m.

PAPERS

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

Reports—

Registrar of Co-operative and Other Societies, for the year 1971-72 (Amended Report).

State Electricity Commission of Queensland, for the year 1971-72.

The following papers were laid on the table:—

Report of the Southern Electric Authority of Queensland for the year 1971-72.

Orders in Council under the Medical Act 1939-1971.

ERROR IN DEPARTMENTAL REPORT

Hon. W. E. KNOX (Nundah—Minister for Justice): The report of the Registrar of Co-operative and Other Societies was tabled and ordered to be printed at an earlier date. However, some errors in transcription were found in the table on the second page. They have now been recorded correctly.

QUESTIONS UPON NOTICE

SUNDAY TRADING ON LICENSED PREMISES, NEW YEAR'S EVE FESTIVITIES

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

As New Year's Eve will be a Sunday, under the Liquor Act what arrangements will apply regarding the traditional festivities (a) on premises of a licensed victualler, (b) in licensed clubs and (c) in licensed restaurants?

Answer:—

“(a) No entertainment may be allowed on the premises of a licensed victualler. A festivities permit cannot be granted for this year's New Year's Eve as section 69A specifically precludes a permit being issued on New Year's Eve when it falls on a Sunday. (b) A licensed club may obtain a permit from the Licensing Commission to conduct a club function for members and guests provided that the club has been granted less than 26 permits during the current calendar year. (c) The same applies to a restaurant as a licensed victualler and no entertainment can be held under a festivities permit this year.”

NIGHT FOOT PATROLS BY POLICE, CENTRAL CITY AREA, BRISBANE

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

Since July 1, have any police officers carried out foot-patrol duties in Queen Street and/or the central city area during the hours of (a) midnight to 8 a.m., (b) 8 a.m. to 4 p.m. and (c) 4 p.m. to midnight? If so, on what dates and, if not, what was the last date on which such patrols operated in this area?

Answer:—

“Yes. However, the Honourable Member will no doubt appreciate that release of information such as is sought by him would be to the advantage of the criminal element, and, in the interests of the public at large, I do not propose to give such details.”

WORLD SUGAR PRODUCTION

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

(1) What is the estimated tonnage of world sugar production for 1972-73?

(2) Which twelve countries rank as the leading producers and what tonnage can be expected from each?

Answers:—

(1) “The latest estimate of world sugar production for 1972-73 issued by the London sugar brokers, C. Czarnikow Ltd., on October 26, 1972, is—Cane sugar, 45,228,000 metric tons; Beet sugar, 31,226,000 metric tons. Total cane and beet, 76,454,000 metric tons.”

(2) According to Czarnikow's estimates, the 12 leading sugar producers in 1972-73 are expected to be as follows:—*U.S.S.R., 9,000,000 metric tons; Brazil, 6,350,000 metric tons; Cuba, 5,750,000 metric tons; †U.S.A., 5,550,000 metric tons (including Hawaii); India, 3,900,000 metric tons; †China, 3,200,000 metric tons, *France, 2,850,000 metric tons; Australia, 2,850,000 metric tons; Mexico, 2,775,000 metric tons; *West Germany, 2,250,000 metric tons; South Africa, 2,000,000 metric tons; and Philippines, 1,800,000 metric tons.

*Beet only.

†Beet and Cane.”

AUDITOR-GENERAL'S NOTING ON BALANCE SHEET, PUBLIC SERVICE SUPERANNUATION FUND

Mr. W. D. Hewitt, pursuant to notice, asked The Premier,—

(1) Has he noted the Auditor-General's footnote to the Balance Sheet of the Public Service Superannuation Fund, as at June 30, 1972, where he comments on the incorrectness of certain asset and liability items and concludes that there

are a number of debits and credits of a doubtful nature which require urgent review and adjustment by the Board?

(2) Can he supply more details to the House about these matters and has the urgent review and adjustment yet taken place?

Answer:—

(1 and 2) "The accounts of the Public Service Superannuation Fund requiring review and adjustment are the assets item 'Arrears of Contributions and Interest—\$151,119.15' and the liabilities item 'Contributions Overpaid and in Arrears—\$60,373.72'. A number of contributors' accounts show debit and credit balances and an audit and staff sample check disclosed that many of the balances were not correct. The position has arisen as a result of a breakdown in the system of raising entries for contributions payable where special factors arise which affect a contributor's normal flow of contributions. Immediate steps have been instituted to review the position and adjustments are being progressively effected to have the matter corrected. The Board anticipates that the review will be finalised by December 31, 1972."

REOPENING OF RAILWAY REFRESHMENT ROOM, GYMPIE

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

(1) Will he consider reopening the refreshment room at Gympie Railway Station so that passengers on rail-motors and other trains which are not provided with a dining car can obtain some light refreshments during the long journey of six to eight hours to Maryborough and Bundaberg?

(2) If not, will he consider allowing private citizens or firms to tender for the refreshment room at a very reasonable rental so that light refreshments may be obtained on the journey to or from Brisbane?

Answer:—

(1 and 2) "The railway refreshment rooms at Gympie were closed because of the poor patronage being afforded them. The principal passenger trains are serviced by griddle cars, and it is doubtful whether the sale of light refreshments at Gympie would prove a profitable undertaking for any private individual or firm. I might add, however, that the Honourable Member for Gympie has already made representations to me on this matter to ensure that the requirements of rail passengers are met as far as possible."

FISH DISEASE, "RED SPOT"

(a) **Mr. Jensen**, pursuant to notice, asked The Minister for Primary Industries,—

(1) With reference to his Answer to a Question by the Honourable Member for Salisbury on October 19 concerning the "red-spot" disease in fish in the Burnett River and other streams in the area, has he received any further information on the nature of the disease?

(2) Have his departmental officers seen a sample of fish with a type of sea-bug or tick attached to it which appears to be eating the flesh? If so, has this sea-bug any connection with the disease?

Answers:—

(1) "No."

(2) "Yes. It is a sea louse, a common parasite which attacks fish, particularly fish which have suffered some injury and it has no connection with the disease."

(b) **Mr. Jensen**, pursuant to notice, asked The Minister for Health,—

(1) Has he received any information on the "red-spot" disease in fish from the Burnett River and other streams? If so, are fish so affected harmful for human consumption?

(2) Will he obtain from the scientists in Brisbane and Melbourne who were enlisted to assist in establishing the nature and effect of the disease, a full report on the results of the work carried out and whether the eating of the fish could be harmful to humans?

Answer:—

(1 and 2) "Yes, I have received some information on the matter. I am advised that a positive identification of the fungus infection has not been made. As it has not been possible to definitely state that the eating of such fish does not present a health hazard, the Fish Board has been advised not to accept such fish for sale and people have been advised not to eat infected fish."

JUVENILE AID BUREAU, POLICE FORCE

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

What police personnel, social workers and representatives of religious and other welfare organisations were present at the conference held on October 26 when the report was given concerning the changes to be made in the Juvenile Aid Bureau in regard to the position of children being charged with future offences?

Answer:—

"This was simply a normal briefing in police administration procedure to members of a particular section."

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

Was the report which was given to the conference held on October 26 approved by Cabinet and, if not, who endorsed the changes, recommended in the report by the Commissioner of Police, Mr. Whitrod, to charge children and to keep a criminal record of them, including finger-prints and footprints for first and future offences?

Answer:—

“No. This was, at that stage, an administrative decision taken with my concurrence. No such instruction was given.”

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

(1) In view of the great public concern being expressed amongst school principals, social workers and the community at large and the many conflicting interpretations given in three areas of the mass media as to what policy directives have been given to the staff of the Juvenile Aid Bureau in respect to the follow-up counselling of children under the age of 17 years, will he cause inquiries to be made to ascertain the exact details of instructions received recently by Inspector Galligan, Acting Officer in Charge of the Juvenile Aid Bureau, from Assistant Commissioner Barlow and what specific instructions were then passed on to the staff of the Bureau on October 26?

(2) If, on investigation, these instructions indicate a change in policy, have these instructions now been rescinded?

Answer:—

(1 and 2) “In view of Cabinet’s decision taken on Monday, November 13, 1972, the policy is now under complete review, and it would be inappropriate, in the circumstances, for me to answer the Honourable Member’s Question.”

INSURANCE OF HOUSES FINANCED BY
CO-OPERATIVE HOUSING SOCIETIES

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

Have co-operative housing societies the right to insist that people who accept financial assistance from them must insure their homes with a stipulated insurance company, even when the home-buyer can secure the same insurance cover from other reputable companies at a much lower premium? If so, will he have inquiries made into the possibility that some officers of some housing societies are receiving a consideration for arranging this monopoly-type insurance?

Answer:—

“Co-operative housing societies received moneys from both Government funds and from lending institutions, mainly banks and

insurance companies. In many instances, the banks and insurance companies lending to co-operative housing societies, as a condition of their making money available to societies, did lay down that any business with the society by way of banking and insurance should be directed to them. This practice was a generally accepted one and provision is made in the Regulations to the Co-operative Housing Societies Act that management income would consist of various fees, including insurance commissions. As far as is known, such commissions were paid into the management account, full disclosure being made in the audited financial statements of societies. If the Honourable Member has any knowledge of questionable practice I would advise him to refer the matter to the Registrar.”

INVESTIGATION OF QUEENSLAND SYNDICATION
MANAGEMENT PTY. LTD. AND
D. M. BEAN

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

(1) Have representations been made to him with regard to the alleged fraudulent practices of a firm named “Queensland Syndication Management Pty. Ltd.”, which went into liquidation recently after fleecing people of several thousand dollars, especially as the result of the activities of a man named Donald Maxwell Bean and his association with a swindle known as “The Bristol Street Syndicate”?

(2) Has any attempt been made to bring Bean to justice and has some repayment been made to the many people defrauded and, if so, will he inform the House as fully as possible on the matter?

Answer:—

(1 and 2) “In pursuance of the provisions of section 170 of the *Companies Act* 1961–1971 an Order in Council was issued yesterday appointing Mr. P. D. Connolly, Q.C., to be an inspector to investigate all the affairs of the under-mentioned companies in respect of the periods stated—Queensland Syndication Management Pty. Ltd. during the period November 18, 1969 to November 1, 1972; Budget Finance Corporation Ltd. during the period June 10, 1969 to November 1, 1972; Queensland Syndication Pty. Ltd. during the period December 8, 1969 to November 1, 1972; Queensland Industrial Constructions Pty. Ltd. during the period March 25, 1971 to November 1, 1972; and Queensland Groceries Ltd. during the period November 1, 1971 to November 1, 1972.”

SALE OF "IT'S TIME" BADGES,
TOWNSVILLE

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

Has his attention been drawn to an advertisement in *The Townsville Daily Bulletin* of November 11 wherein a man named Fabian Sweeney offered for public sale "It's Time" badges for 10 cents each? If so, as these badges can be bought wholesale at 85 cents per hundred, or less than one cent each, will he have the Consumer Affairs Bureau investigate the matter with a view to protecting the public from this gross exploitation?

Answer:—

"Yes. It is anticipated that the number of badges sold would not warrant the attention or action of the Consumer Affairs Bureau. After hearing the A.L.P. policy speech it's time to consider more responsible statements made by Government leaders."

SPARE PARTS FOR MACHINERY AND
MOTOR VEHICLES, NORTHERN AND
WESTERN CENTRES

Mr. B. Wood, pursuant to notice, asked The Premier,—

(1) Is he aware of a growing practice by machinery and motor firms of holding stocks of spare parts in Brisbane or Sydney rather than in northern and western centres?

(2) In view of the considerable additional expense incurred in air freight and the delay in delivery of urgently-needed parts, what action can his Government take to remedy this situation?

Answer:—

(1 and 2) "I am not aware that the spare parts supply situation is as described by the Honourable Member but any such arrangements would be quite within the discretion of the companies concerned. However, if the Honourable Member cares to let me have factual details of any particular cases where he considers hardship has resulted, I would be prepared to discuss the circumstances with the company or companies involved."

SITES FOR ACCOMMODATION AND
COLLEGES, BLOCK RELEASE
APPRENTICESHIP TRAINING
SCHEME

Mr. Bromley, pursuant to notice, asked The Minister for Development,—

(1) What areas of land, and in what localities, are being considered for the erection of buildings and colleges under the Block Release System of training for apprentices?

(2) What progress has been made in the acquisition of sites for residential buildings, etc., and the Block Release System generally?

Answer:—

(1 and 2) "This Question should be addressed to my colleague the Honourable the Minister for Education and Cultural Activities."

SUBSIDY FOR AIR-SEA RESCUE
SERVICES

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

(1) Does the new subsidy scheme to assist voluntary rescue services, which was announced in the Budget, cover air-sea rescue services which have been set up in Queensland to assist small boats in distress off the coast?

(2) As the setting up of a State organisation to co-ordinate such air-sea rescue squads would only establish an unnecessary administrative overhead which would increase the cost of running such organisations, is he prepared to grant the subsidy to air-sea rescue services which are properly established, constituted and equipped and have an acceptable accounting system subject to audit, in order to assist them with their high operating costs?

Answers:—

(1) "Yes."

(2) "I refer the Honourable Member to my recent Budget Speech when I stated, *inter alia*, that as for other similar subsidy schemes, the financial assistance will be made available through a State association and the services to qualify must be properly constituted and have an acceptable accounting system subject to audit. However, I have been informed that there is not a single State association to cover air-sea rescue services and this matter is being examined. The scheme will be administered by the Department of Health."

ROAD FATALITIES, FRIDAY AND
SATURDAY NIGHTS

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

(1) Is he aware that a report recently published by the Victorian Police Force indicates that most road deaths occur between 10 p.m. and 2 a.m. on Friday and Saturday nights and that the chances of being killed on the roads are five times greater during these periods?

(2) Has any similar research been undertaken in Queensland and, if so, did it indicate a similar trend?

(3) If no such research has been made, as the general trend of road fatalities in Queensland seems to follow a similar

pattern, will the Police Department increase the number of its road patrols at these times in an endeavour to curb the number of road fatalities in this State?

Answers:—

(1) "No."

(2) "No. To obtain similar figures would require the undertaking of a specific project by the Bureau of Census and Statistics."

(3) "The Police Department for a number of years has been constantly observing traffic accident trends with a view to the greatest possible employment of traffic patrols."

ERADICATION SCHEME, TUBERCULOSIS AND BRUCELLOSIS IN CATTLE

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

(1) Has his attention been drawn to the numerous statements in recent weeks by the Australian Woolgrowers and Graziers' Council, the United Graziers' Association of Queensland's Cattle Committee, the Commonwealth Minister for Primary Industries and the chairman of Elder Smith Goldsborough Mort Ltd. in relation to Commonwealth grants to help combat tuberculosis and brucellosis in cattle?

(2) What sum of money in 1972-73 will be made available in Queensland for this scheme?

(3) Is the Commonwealth grant subject to a matching dollar for dollar from the States and will the maximum grant be accepted?

(4) Will Australian producers, as suggested by the chairman of Elder Smith Goldsborough Mort Ltd., face restriction and loss of market access to the U.S. and other overseas countries if a planned intensive programme to eradicate these cattle diseases is not undertaken?

(5) When will the State commence the provision which will require all cattle from areas with T.B. and brucellosis problems to be tested before going to saleyards or abattoirs?

(6) What funds were expended in 1971-72 on this scheme?

(7) Will compensation be paid to producers whose cattle are condemned?

(8) In the interests of producers and meat workers whose health is adversely affected by brucellosis, what actions are taken by his Department at the Metropolitan Abattoirs and other major meatworks to protect the health of these men and women and the markets of the producers?

Answers:—

(1) "I have seen some statements in this connection."

(2) "The present estimate of expenditure in Queensland for tuberculosis/brucellosis eradication in 1972-73 is \$1.1 million."

(3) "The Federal grant of \$2.1 million for 1972-73 is being matched by the States on a dollar for dollar basis. In addition, the Federal Government is providing up to \$1.5 million on an unmatched basis. The allocation between States of this additional amount has yet to be determined."

(4) "Yes."

(5) "Tuberculin testing of cattle from infected properties prior to entering saleyards was commenced in some areas early this year. Plans will go into operation shortly whereby all cattle will be tested except those for immediate slaughter. The great bulk of cattle going to slaughter are from uninfected properties or properties which have been tested. Similar action will not be taken in respect of brucellosis until the incidence of that disease has been reduced by vaccination."

(6) "\$864,000."

(7) "No."

(8) "Industrial and public health aspects of brucellosis, as with other diseases which may be contracted by people who work with animals, are a matter for the industrial medical authorities. Eradication of the disease will of course eliminate the possibility of human infection and at the same time safeguard the markets of producers."

AUTHORITIES TO PROSPECT AND MINING LEASES, MORETON ISLAND

Mr. Burns, pursuant to notice, asked The Minister for Mines,—

(1) How many authorities to prospect are currently held by mining companies on Moreton Island and what are the names of the companies?

(2) Have any of these authorities been relinquished during the last three years?

(3) What is the total area involved in these authorities?

(4) How many mineral leases are in force on the island, what are the names of the companies and what is the total area involved?

(5) If mining is currently occurring, what is the total area being restored?

(6) What was the recommendation of the committee which surveyed the island for comprehensive land use?

(7) What is the total area of the island?

Answers:—

(1 to 3) "One authority to prospect, No. 831 M, is in existence on Moreton Island. It is held by Mineral Deposits Limited."

This replaced authority to prospect No. 407 M held by the same company over the same area. It was surrendered in 1970. No. 831 M was reduced from about 30.5 square miles to about 28 square miles in June, 1972. The reduction was made to allow the National Park area to be extended."

(4) "There are thirty mining leases and mining lease applications on the island. Some of these are within the boundaries of the authority to prospect. They are in the names of Dillingham Constructions Pty. Limited, Signal Pacific Company, Tangalooma Minerals Proprietary Limited, Mineral Deposits Limited and Stanley Dexter Neale. The total area is some 40.6 square miles."

(5) "No mining is currently being carried out on the island."

(6) "The report and recommendation have not yet been received."

(7) "About 68 square miles."

REGISTRATION OF BUILDERS

(a) **Mr. Bousen**, pursuant to notice, asked The Minister for Works,—

As a builder doing a job under the value of \$4,000 over the past five years does not have to register, what is the position of a builder employing labour who has done jobs over the value of \$4,000 but under the required \$25,000 during the past five years?

Answer:—

"An application from such a person will be considered on the basis of his competency, provided it was lodged by November 14, 1972."

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

With reference to the rate of registration of builders under the recent Act and the frequent recent Press statements alleging a large accumulation of applications as at the closing date of November 14—

(1) How many applications (a) were received, (b) have been granted, (c) are waiting consideration and (d) have been refused up to the closing time on that date?

(2) If there are hundreds still waiting, in view of the closure date of acceptance of plans from non-registered builders determined for local authorities and in view of the fact that some eligible builders who are not yet registered have plans being processed by local authorities and that such builders could suffer grave loss, will he consider granting a stay of rejection until all applications which were received by the due time have been processed?

Answers:—

(1) "(a) 5,700. (b) 2,000. (c) 3,700, of which 2,200 are referable back to the applicant for further necessary information. (d) Nil."

(2) "No. I am informed by the Builders' Registration Board of Queensland that all applications which are in order will have been processed for registration by the end of this week."

INCREASED RENTALS FOR SEWERAGE INSTALLATION, TULLY RAILWAY RESERVE HOMES

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

As the Railway Department raised the rent of homes in the Tully railway reserve by over \$1 per week after the completion of sewerage for the reserve, what right has the Department to inform the tenants that a sum of \$20 per fortnight will be deducted from their pays until January 31, 1973, to offset the cost of implementing the sewerage scheme?

Answer:—

"In January, 1970, the tenants of the railway dwellings were advised of the estimated increased rentals which would require to be charged to cover structural alterations to the dwellings and sewerage installations. Written authority was obtained from the tenants for the increased rental. The present rentals and those which previously applied are set out hereunder:—

	Previous rental per fortnight	Present rental per fortnight
	\$	\$
No. 2 cottage ..	3.96	5.10
No. 3 cottage ..	8.00	9.20
No. 4 cottage ..	4.45	5.60
No. 5 cottage ..	6.00	7.20
No. 6 cottage ..	4.12	5.30
No. 7 cottage ..	7.00	8.20
No. 8 cottage ..	8.00	9.20
No. 9 cottage ..	12.50	13.40
No. 10 cottage ..	8.00	9.20

The additional amounts deducted from the employees' pays in July last were the differences between the old and new rentals. The Honourable Member for Hinchinbrook has already represented this matter to me and the position has been clarified."

SCREENING OF WORKS DEPARTMENT HOUSES, MOURILYAN HARBOUR AREA

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

As the prevalence of mosquitoes, sand flies and other pests makes the Mourilyan Harbour area unbearable in summer because every window must be closed, thus causing a very uncomfortable situation, why are the Works Department homes not screened whereas the Sugar Terminal homes are?

Answer:—

"Funds are not available for gauze screening departmental residences at this stage, other than progressively in western areas of the State."

UPGRADING OF RETURN CREEK SECTION,
HIGHWAY 1

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

Because of the serious accidents which have occurred on a curve on Highway 1 on the eastern side of Return Creek in the Herberton Shire, will he give consideration to the bituminising and widening of this curve for the safety of the travelling public?

Answer:—

"The curve in question is within the bounds of a signed 35 m.p.h. zone leaving Mt. Garnet and considered safe for motorists at this speed. Two fatal accidents have been brought to the notice of the Main Roads Department; one in 1968 and one in 1971. Early in 1972, cuttings and banks were widened and 'Reduce Speed' signs placed approaching the western end of the speed zone from 60 m.p.h. area. It is not considered that any additional work is warranted in this location at this stage."

AMENITIES AND PLAYGROUND FACILITIES,
HEALY STATE SCHOOL, MOUNT ISA

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

Has he received a communication from the Healy State School Parents and Citizens' Association outlining special difficulties facing the association in relation to the provision of school amenities and playground facilities? If so, to what extent has he been able to initiate assistance?

Answer:—

"Yes. As the matters raised, however, came under the control of my colleague the Honourable the Minister for Works, I forwarded the letter to him for his consideration and advised the President of the Healy State School Parents and Citizens' Association, accordingly."

CRITICISM OF MOTOR VEHICLE SEAT
BELTS BY INDUSTRIAL DESIGN
COUNCIL

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

(1) Is he in receipt of the report prepared by the Industrial Design Council of Australia for the South Australian Road Traffic Board, wherein it criticises seat belts in common use as uncomfortable and inconvenient and, if so, is this especially so for ladies?

(2) Will he investigate this matter with a view to support for the recommendation for corrective action at the next meeting of the A.T.A.C. at Hobart next February?

Answers:—

(1) "No."

(2) "The design rule for seat belts is under review by the Advisory Committee on Safety in Vehicle Design of the Australian Transport Advisory Council. I have no doubt the Minister for Transport for South Australia will make the report available for consideration by the council if he considers this course appropriate."

DEATH OF APPRENTICE A. BIANCOTTI,
CAIRNS RAILWAY WORKSHOPS

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

(1) What were the circumstances surrounding the death on October 9 of Alan Biancotti, a second-year apprentice to plumbing, at the Cairns Railway Workshops?

(2) Under what system and/or conditions of work was he employed?

(3) Were all safety precautions undertaken on this day and, if not, what safety regulations (a) applied and (b) were carried out?

(4) What are the alterations to the system and conditions of work which have been made since this tragedy and what safety procedures have been subsequently adopted to avoid a repetition of the type of accident which caused this boy's death?

Answer:—

(1 to 4) "This unfortunate happening, I am informed, will be the subject of coronial inquiry. The matter therefore is *sub judice*."

APPLICATIONS FOR HOUSING COMMISSION
ACCOMMODATION, CAIRNS

Mr. R. Jones, pursuant to notice, asked
The Minister for Works,

(1) How many applications for housing accommodation are at present registered as outstanding with the Queensland Housing Commission through the Clerk of the Court, Cairns, for (a) rental and (b) home ownership?

(2) How many applications were allotted for (a) rental and (b) purchase homes for the year ended June 30, 1972 and to date?

(3) What was the number of new houses erected for (a) rental and (b) home ownership, during the same periods?

(4) How many outstanding applicants, in their respective categories of priority, applied to let rental homes?

(5) How many applications for units are registered for (a) single and (b) married pensioners, under the Dwellings for Aged Pensioners Scheme?

Answers:—

(1 and 4) "(a) 100 points, 2; 40 points, 2; nil priority, 47. (b) 104."

(2) "Year ending June 30, 1972 (a) three, (b) 16; period July 1 to October 31, 1972 (a) five, (b) five."

(3) "Year ending June 30, 1972 (a) nil, (b) four; period July 1 to October 31, 1972 (a) nil, (b) two. At October 31, 1972 contracts were current for construction of 27 houses. In addition in the last financial year \$37,000 was expended by the Housing Society with a further allocation of \$110,000 this current year."

(5) "(a) 23, (b) nine."

REGULATIONS COVERING NURSE TRAINING HOSPITALS

Mr. Melloy, pursuant to notice, asked The Minister for Health,—

What changes are being made or have been made in regulations regarding the qualification of hospitals as nurse-training hospitals and which hospitals are affected?

Answer:—

"The Nurses Regulations of 1965' were amended on September 28, 1972, and published in the *Government Gazette* of September 29, 1972, to provide that only those hospitals with an average of not less than 30 general beds occupied daily, shall be recognised for the purpose of the training of students for graduation as State general registered nurses. The regulations provide however that any hospital may seek approval from the Nurses Board of Queensland to be recognised for the purpose of training general nursing aides."

DEMOLITION OF DISUSED EXPLOSIVES MAGAZINE, COOKTOWN ESPLANADE

Mr. Wallis-Smith, pursuant to notice, asked The Premier,—

Further to local requests for the removal of an old brick explosives magazine situated at the seaward end of the esplanade at Cooktown, and as this building is in a state of disrepair and is often used as accommodation which presents a health hazard, will he take appropriate steps to have this structure removed?

Answer:—

"In May, 1971, the administrator of the Cook Shire Council was informed there was then no objection to the magazine's being demolished. However, as it has been classified by the National Trust of Queensland, the question of its preservation by the trust is being considered."

ELECTRICITY SUPPLY, COEN

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

Have any plans been drawn for the provision of a 240-volt electricity supply for Coen and, if not, will he give consideration to such a supply which could be of great benefit to all residents and provide a long-felt need at the airport?

Answer:—

"Cairns Regional Electricity Board is making a preliminary examination of the cost of providing an electricity supply in Coen township. No consideration is being given to supplying the airport as it is too far away from the township."

REVENUE, EXPENDITURE AND POPULATION, ABORIGINAL COMMUNITIES

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

With regard to Aboriginal communities under Government control—

(1) What was the amount of all annual revenue from each and every source, including wages and funds from the State and Commonwealth Governments, for 1967-68 to 1971-72 inclusive?

(2) What was the expenditure for the same period?

(3) What was the population of each for each of these years, giving the details of males and females 18 years of age and over and under 18 years of age?

Answers:—

(1 and 2) "All of this information is included and available in the Treasurer's Estimates of the Probable Ways and Means and Expenditure of the Government of Queensland tabled in this House each year. The Honourable Member is advised, however, there is no way of determining social welfare benefit payments or personal incomes, these being received directly by individuals."

(3) "Population figures have been detailed in the Departmental Annual Report each year tabled in this House. No information, however, is held differentiating the various groups by age or sex."

HEARINGS, RAILWAYS APPEAL BOARD

Mr. N. F. Jones, pursuant to notice, asked The Minister for Transport,—

(1) How many appeals have been heard by the Queensland Railways Appeal Board since the election of this Parliament?

(2) How many appeals have been upheld?

(3) How many appeals have been dismissed by the Board during the period referred to?

Answers:—

(1) "As from May 29, 1972, 78 appeals have been heard by the Railway Appeal Board."

(2) "Fifteen."

(3) "Sixty-three."

SUBURBAN RAIL SERVICES, BRISBANE

Mr. N. F. Jones, pursuant to notice, asked The Minister for Transport,—

In view of the already inadequate public rail-transport system operating in Brisbane, does the Railway Department intend to discontinue Saturday afternoon and Sunday suburban passenger services within the near future and, if so, from what date?

Answer:—

"Train services operating in all areas served by the Queensland Railway Department are under constant examination, but there is no present intention to discontinue Saturday afternoon and Sunday suburban rail services."

COAL HAULAGE STATISTICS, CENTRAL QUEENSLAND RAILWAYS

Mr. N. F. Jones, pursuant to notice, asked The Minister for Transport,—

(1) What was the total (a) revenue, (b) cost and (c) profit or loss from hauling coal on (i) the Moura-Gladstone line, (ii) the Blackwater-Gladstone line and (iii) the Goonyella-Hay Point line during 1971-72?

(2) What was the total tonnage of coal hauled on each of the lines during each of the last five financial years?

(3) What freight rates are applicable for the annual haulage of (a) one million, (b) two million, (c) three million, (d) four million and (e) five million tons of coal over each of the lines?

Answers:—

(1 and 3) "This is confidential information between the parties."

(2)—

"Year ended June 30	Moura	Blackwater	Goonyella
	tons	tons	tons
1968 ..	2,073,823	475,883	Nil
1969 ..	2,930,941	1,335,487	Nil
1970 ..	3,356,884	2,787,151	Nil
1971 ..	3,427,696	3,755,046	Nil
1972 ..	3,219,949	3,932,317	3,046,230"

RAIL SERVICES, BRISBANE-SYDNEY LINE

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

Are rail services between Brisbane and Sydney and Sydney and Brisbane to be reduced before Christmas, 1972? If so, what are the reasons for the reduction?

Answer:—

"The level of passenger services between Sydney and Brisbane is a matter for determination by the Public Transport Commission for New South Wales. Information is being sought from that body."

JOB OPPORTUNITIES FOR SCHOOL LEAVERS, COUNTRY AREAS

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

(1) Has any survey been made of the possible need to move school leavers from country towns in order to find suitable employment?

(2) Because of the declining opportunities and as this situation has been apparent for some years, why has not a positive move been made to cater for the inevitable migration of school leavers at the end of each school year?

(3) With rural dwellers at a low economic level and unable to foster their children to city jobs and because of the Government's failure to foster decentralisation and provide a balance of population, will he undertake to give special attention to our young inland Queenslanders?

Answer:—

(1 to 3) "I feel I should point out to the Honourable Member that my Department is an educating authority. Matters of employment are administered by the Commonwealth Department of Labour and National Service. My Department has not, therefore, carried out any survey of the possible need to move school leavers from country towns in order to find suitable employment. However, the Department of Education does co-operate with the Department of Labour and National Service in the task of placing school leavers in employment. Officers of the Commonwealth Employment Service visit high schools throughout the State to assist school leavers who have sought help in finding jobs. Guidance officers of my Department advise students on various aspects of employment and, in so doing, are mindful not only of local employment but also employment outside the school leaver's home town. The country apprenticeship scheme and the establishment of rural training schools and colleges of advanced education outside Brisbane all have among their main aims the training of young people for employment outside city areas. Within the limits set by its educational function, the Department of Education is therefore giving as much attention as possible to the matter of employment of school leavers, including those in country areas. Obviously, not all country towns can provide all the positions required by local school leavers. The drift to the cities is not a phenomenon peculiar to Queensland or even Australia."

However, I would contest the Honourable Member's statement that this Government has failed to foster decentralisation. In the field of education alone there has never been greater decentralisation of facilities in this State than has been achieved in the past decade."

INCENTIVES TO INDUSTRY,
DECENTRALISATION PROGRAMME

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

What positive inducements have been offered to industries to settle in inland towns and does Queensland compare in decentralisation figures with the significant number of manufacturers in New South Wales and Victoria who, by pay-roll tax rebates, grants, rail-freight concessions and other considerations, have settled industries in rural areas?

Answer:—

"I refer the Honourable Member to my Answer of yesterday and repeat that my Government offers a wide range of incentives to encourage the establishment and/or expansion of manufacturing industry in decentralised areas of the State. These incentives are at least the equal of those offered by the other States and provide a positive inducement to firms to establish or expand their operations in provincial centres. Finally, I point out to the Honourable Member that with over 51 per cent. of the workforce being employed outside the Brisbane statistical division, Queensland is by far the most decentralised mainland State."

SOUTH AFRICAN INFLUENCE ON
QUEENSLAND'S EXPORT TRADE

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

(1) Has the rising influence of South Africa, which is facing restricted rural production because of limited water supplies, had any effect on Queensland's exports, either processed or unprocessed?

(2) Has South Africa's monetary devaluation had any effect on traditional trading and does this present a future bar to Queensland exports?

(3) Has total wool acquisition been achieved in South Africa or is private buying still a feature of wool selling?

(4) Has the auction system of wool selling been retained and how many auction selling centres exist in South Africa?

Answers:—

(1 and 2) "Not as far as I am aware."

(3) "I understand the new South African Wool Board has the power to acquire the whole clip, but the information currently available does not indicate if the whole clip is being acquired."

(4) "There is no recent information about changes in the method of selling wool there and it would appear likely that wool is still sold at auction through the usual centres."

CLOUD SEEDING BY C.S.I.R.O.,
NORTH QUEENSLAND

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

In view of the drought conditions presently prevailing in the north and north-west of this State and as favourable cloud formations quite often roll in and later disperse without any precipitation having taken place, will he seek the co-operation of the Commonwealth Government to have planes and equipment made available through the C.S.I.R.O. to seed favourable cloud formations in the North in an endeavour to help relieve the present situation?

Answer:—

"In two separate periods during the 1965-70 drought years the Government carried out cloud-seeding in an attempt to end drought. On neither occasion was it demonstrated that cloud-seeding had any significant effect on rainfall. Some years ago C.S.I.R.O. conducted an experiment on the Darling Downs as one of five areas in the Commonwealth in which the effects of the seeding were measured. It is recognised that experiments of this nature are very difficult to evaluate, but in that particular case there appeared to be definitely no response to the cloud-seeding in the treated area. At the present time C.S.I.R.O. are conducting further experiments in the Emerald area and the Government is watching this work with interest. On the available evidence, and on the previous Queensland experience, there would be no justification at this stage in attempting to make commercial use of cloud-seeding as there are no grounds for believing that such a procedure will produce drought-breaking rain."

POLICE STRENGTH, PETRIE

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

(1) When will the officer transferred from Petrie Police Station be replaced?

(2) Is he aware that at present the Petrie police strength consists of a sergeant, three officers on general duties, one traffic officer and a civilian clerk and that due to lack of staff the station is only open from 9.00 a.m. to 5.00 p.m. and patrols cease at 11.00 p.m.?

(3) Is the present police strength at Petrie able to give adequate service and protection to the 22,000 residents in this rapidly-expanding area?

(4) Will he, as a matter of urgency, consider making Petrie a 24-hour police station with the necessary staff to carry out these duties?

Answers:—

(1) "As soon as possible in the immediate future."

(2) "The established strength of the Petrie station is—one sergeant 1/C; five constables (inclusive of one traffic constable); and one general assistant (civilian clerk). When the existing vacancy at the station has been filled, it will be returned to its full strength. Staff at Petrie work generally from 7 a.m. to 11 p.m. on most nights of the week, extending to 12 midnight on Fridays and Saturdays. Before 9 a.m., and after 5 p.m. staff attend to patrols and enquiries which take them away from the station, but they are not continuously absent from 5 p.m."

(3) "In common with all other stations in the State, the workload at Petrie Police Station is being continually scrutinized. Present investigation reveals that Petrie Police Station has sufficient personnel for its current workload."

(4) "At the present time no consideration is being given to keeping the Petrie Police Station open on a 24-hour basis."

HOUSING COMMISSION LAND, REDLANDS ELECTORATE

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

(1) How much land in the Redlands Electorate has been purchased for (a) rental purchase and purchase houses and (b) rental houses in the last 12 months and where are the areas situated?

(2) If there is no provision of land to be used for State rental accommodation, does the Government and/or the Redland Shire Council intend to ban State rental accommodation from the shire?

Answers:—

(1) "Nil since June, 1971. The Housing Commission would be pleased to hear from persons who have residential land for sale at reasonable prices. Land is not purchased with a pre-designation as between purchase and rental. A house constructed on a Commission site, other than for a purchase applicant who has nominated that site, is available for purchase during the construction period and if not sold is then available for rental."

(2) "The Government has no intention of banning construction of purchase or rental houses in the Redland Shire and it would not be competent for a local authority to ban such construction."

COURSES, TEACHERS' COLLEGES

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

With reference to an article by Erica Parker in the *Telegraph* of November 13 concerning courses at the Teachers' College—

(1) How many applicants referred to in the article have been rejected?

(2) How many and what kind of short courses for graduates and others are available at teachers' colleges?

(3) How many teacher-trainees are engaged on such courses?

(4) How many applications were made by persons holding Senior passes or better for admission to teachers' colleges on one-year courses in 1973, how many are required and how many have been accepted to date?

Answers:—

(1) "Two enquiries concerning teacher scholarships have been received from persons who are due to complete the associate diploma in fine art in 1972. No teacher scholarship holders are in the group of students completing the diploma this year. However, provided that these students are successful in completing the associate diploma course in fine art this year and they satisfy the normal requirements for granting of a teachers scholarship, special arrangements will be made for a teacher education course for them in 1973."

(2 and 3) "A one-year course for University graduates or persons with equivalent tertiary qualifications is available at Kedron Park Teachers' College to train teachers for general primary work. Nine students are undertaking this course."

(4) "Applications for the one-year Primary course at Kedron in 1973 are still being received. To date approximately 20 graduates or prospective graduates have applied. No awards will be made until all applications have been received and latest University results obtained. Twenty scholarship holders and five paying students can be accepted into the course."

QUESTIONS WITHOUT NOTICE

ANNUAL REPORT, CONSUMER AFFAIRS COUNCIL

Mr. WRIGHT: I ask the Minister for Justice: Has he received the 1972 annual report on the activities of the Consumer Affairs Council by the chairman of the council, Professor Gates? If so, why has this report not been tabled? If not, is he aware whether Professor Gates has completed his report and will it be available to this Parliament before the Estimates of the Justice Department are debated?

Mr. KNOX: I am somewhat amazed at the nature of the question, because I tabled the report in question well over a week ago.

Mr. WRIGHT: It is certainly not in the Parliamentary Library.

Mr. SPEAKER: Order! Has the honourable member another question to ask?

Mr. WRIGHT: Yes, but I did refer to the chairman's report, not the commissioner's report. I specifically referred to the chairman of the Consumer Affairs Council.

Mr. KNOX: I heard the honourable member quite clearly. I repeat that I tabled the chairman's report more than a week ago.

LICENSING OF MOTOR VEHICLE TESTING STATIONS

Mr. WRIGHT: I ask the Minister for Development and Industrial Affairs: On what basis were garages, service stations, car dealers, etc., selected as authorised inspection or testing centres for the certification of the roadworthiness of second-hand motor vehicles? What action can be taken against proprietors or operators of such testing centres if it can be proved that vehicles granted certificates of roadworthiness are in fact unroadworthy according to the requirements or standards of the Inspector of Machinery?

Mr. CAMPBELL: In terms of the relevant legislation, applications were called for registration as licensed testing stations as well as licensed testers. As applications were received, they were checked out by departmental officers and a determination was made on whether the applicants qualified for such a licence. From memory, more than 1,000 licensed testing stations and something like 1,800 licensed testers have been registered as a result of applications received. I am not in a position to advise the honourable member of the number who were refused registration.

The honourable member also asked what action is taken if certificates are issued in a fraudulent manner or not in accordance with the condition of the vehicle. The Act provides fairly stringent penalties in this regard. I might add that action in this connection is pending in several instances.

ART UNION, GOLD COAST YOUTH CLUB

Mr. HINZE: I ask the Minister for Justice: Has his attention been drawn to Press statements in both this morning's and yesterday afternoon's newspapers regarding an art union being conducted on the Gold Coast by the police welfare club? As the drawing was supposed to have been conducted today, will the Minister make a statement on the matter?

Mr. KNOX: The art union referred to by the honourable member was conducted under the auspices of the Gold Coast Police-Citizens Youth Welfare Association, which is

a very worthy body of citizens who work for the Gold Coast Youth Club. The drawing of the art union was to have taken place yesterday but, as certain requirements relating to the condition of the permit had not been fulfilled, the Under Secretary of the Department of Justice ordered that it should not take place. His instruction was observed and no drawing of the art union has yet taken place.

The fact of the matter is that the promoter applied for permission to conduct an art union with gross proceeds of \$20,000, which necessitated the printing and selling of 100,000 tickets at 20c each. It is understood that between 27,000 and 28,000 tickets have been sold, which means that a sum of about \$5,500 has been collected. In view of a statement by officials associated with the art union that only about \$10 would go to the club, the Under Secretary has today taken steps to delay further the drawing of the art union. An auditor has been appointed, and he is now on his way to the Gold Coast to investigate the affairs of this art union. As a result of that investigation, either the drawing will proceed or some other action will be taken to protect the interests of the Gold Coast Police-Citizens Youth Club.

POLLUTION OF BREAKFAST CREEK

Mr. DAVIS: I wish to ask the Minister for Transport a question without notice. He will recall that I asked him a question two months ago about the pollution of Breakfast Creek by the Railway Department. At that time he assured the House that he would supply the information. I now ask him: How far has the investigation gone?

Mr. K. W. HOOPER: I told the honourable member that I would advise him when the investigation was completed. It has not yet been completed.

DEATH OF CHILD AT CHALLINOR CENTRE

Mrs. JORDAN: I ask the Minister for Health: Is it a fact that the young child who died at Challinor Centre this week was strangled by another person at the centre? What action is being taken in this matter? Is any action being taken to safeguard against similar happenings in the future?

Mr. TOOTH: I do not know the full details of this happening. It is currently under intensive investigation, and I have no doubt that all the details will come out during the coroner's inquiry. As the matter is the subject of a coronial inquiry, I propose not to comment on it.

PRIVILEGE

ANNUAL REPORT, CONSUMER AFFAIRS COUNCIL

Mr. WRIGHT (Rockhampton) (12 Noon): Mr. Speaker, I rise on a matter of privilege. Earlier this morning I asked the Minister for

Justice a question relative to the tabling of the annual report of the chairman of the Consumer Affairs Council. In answer, the Minister stated emphatically that the report had been tabled well over a week ago and, in doing so, endeavoured to belittle me. I claim that the only report presented in the Chamber was that of the Commissioner for Consumer Affairs. No report by the chairman of the Consumer Affairs Council, Professor Gates, has been tabled. I also claim that the Minister has misled the House, and that under section 16 of the relevant Act the chairman of the council is required to present such an annual report. I ask that I now be allowed to place on notice certain questions pertaining to this report.

Mr. SPEAKER: Order! Question time has concluded. The honourable member can raise this matter tomorrow.

Mr. KNOX: I rise to a point of order. The honourable member for Rockhampton has cast a reflection on my integrity.

Mr. WRIGHT: You know very well that what I am saying is correct.

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

Mr. KNOX: The honourable member has said that I misled the House. I repeat the statement that I made earlier, that is, that I tabled the chairman's report at the same time as I tabled the report of the Consumer Affairs Bureau. I tabled it in accordance with the appropriate section of the Act. I have not misled the House.

Mr. WRIGHT: It is not recorded in the parliamentary reports; nor is it recorded in the Parliamentary Library. There is no record whatever of such a report.

Mr. SPEAKER: Order! When I rise to my feet the honourable member for Rockhampton will resume his seat, and he will do so immediately.

Mr. Aikens: Send him out.

Mr. SPEAKER: Order! I will send him out, and I will send out any other honourable member who disregards my authority. No honourable member will interject when I am speaking.

It would appear that there is some confusion over this matter, and I feel quite sure that the Minister will resolve it tomorrow.

Mr. KNOX: In pursuing my point of order, I now ask that the honourable member for Rockhampton withdraw his statement, as it is a personal reflection on me.

Mr. SPEAKER: Order! I understand that the honourable member for Rockhampton cast a reflection on the Minister in claiming that he misled the House. I ask him to withdraw his statement.

Mr. WRIGHT: I will bow to your ruling, Mr. Speaker. But I still claim that the report has not been presented to the House.

Mr. SPEAKER: Order! I will not accept a withdrawal in such terms. The honourable member will withdraw the statement without adding any further comment.

Mr. WRIGHT: I withdraw it.

MOTION FOR ADJOURNMENT

COMMISSION OF INQUIRY, SOUTHPORT GENERAL HOSPITAL

Mr. SPEAKER: I have to report that I have received the following letter, dated 15 November, from the Leader of the Opposition—

"The Honourable W. H. Lonergan, M.L.A.,
Speaker,
Legislative Assembly,
Parliament House,
Brisbane.

"Dear Mr. Speaker,

"Reference is made to your ruling on November 14th, 1972, putting out of order my motion for adjournment on a day allotted to Supply, and your suggestion that the matter be debated during the Health Department Estimates.

"Having accepted your ruling of yesterday, I must point out that my request called for the vote of Parliament on a specific matter and that such vote cannot be taken during the Estimates.

"I therefore beg to inform you that, in accordance with Standing Order 137, I intend this day, Wednesday, 15th November, 1972, to move—

'That the House do now adjourn.'

"My reason for moving this motion is to give this Parliament an opportunity of discussing a definite matter of urgent public importance, namely, the necessity for an open Commission of Inquiry into the administration, staffing and duties being performed at the Southport General Hospital. The Inquiry should be headed by a Queen's Counsel, supported by a medical man of high standing.

"This has become particularly urgent because of—

1. the importance of this area having a well-equipped and adequate General Hospital on which the public can rely with confidence;

2. the recent resignation of doctors and the continuing publicity surrounding the affairs at the Hospital, giving rise to conflicting views and statements which have undermined public and patient confidence in the Hospital and staff;

3. the troubles at the Hospital, which could not possibly be due entirely to one person; and

4. the Government having a clear legal and moral responsibility to clarify the situation.

Yours sincerely,
J. W. HOUSTON."

Not fewer than five members having risen in their places in support of the motion—

Mr. SPEAKER: Despite the fact that yesterday I made it quite clear that every honourable member, or those who were interested, would have an opportunity to debate this matter next week on the Health Estimates, I now propose to allow a debate on this matter.

Mr. HOUSTON (Bulimba—Leader of the Opposition) (12.9 p.m.): I move—

"That the House do now adjourn."

Firstly, Mr. Speaker, I thank you for allowing this debate to proceed. I believe it is in the public interest that it should. My reason for moving this motion is to give Parliament an opportunity of discussing a definite matter of urgent public importance, namely, the necessity for an open commission of inquiry into the administration, staffing and duties being performed at the Southport General Hospital. Such an inquiry, I believe, should be headed by a Queen's Counsel, supported by a medical man of high standing.

This has become particularly urgent because of—

1. the importance of this area having a well-equipped and adequate general hospital on which the public can rely with confidence;

2. the recent resignation of doctors and the continuing publicity surrounding the affairs at the hospital, giving rise to conflicting views and statements which have undermined public and patient confidence in the hospital and staff;

3. the troubles at the hospital, which could not possibly be due entirely to one person; and

4. the Government having a clear legal and moral responsibility to clarify the situation.

Perhaps it may be questioned why we have asked for an open public inquiry after the statements made by the Minister in this House. We do so simply to clear the air and to establish the true facts concerning events at the Southport Hospital. I believe that a completely public and open inquiry will certainly achieve this objective. I am not here to take sides with any section of the community. All I, as a Queenslander, want to know is exactly what is going on in one of this State's very important hospitals.

Many people are involved in this matter. Certainly the nursing and other staffs are involved. Doctors, both those directly associated with the hospital and those in private practice in the area, are involved. The hospitals board and its chairman are

involved. The Department of Health is involved and now the police have become involved.

Last, but certainly not least, the patients are involved; and I refer to all those who have been admitted following bookings, particularly in the maternity section, and those who, from time to time, are admitted to or attend the hospital. There was plenty of evidence before the public, and certainly before this House, that all was not well at the Southport Hospital. This has not applied only in recent days or recent weeks; it goes back over a very long period. In fact, it goes back for years.

I shall quote some of the remarks of people who, I believe, are of very high standing in the community. Of the three I shall quote, two are unknown to me. To my knowledge, I have never spoken to either gentleman in my life. However, the first of the three to whom I refer is the honourable member for Wavell, who is present in the Chamber and who will doubtless speak to this motion. He has made it clear that he believes there should be an inquiry at the hospital and very shortly we will know what his actual views are. The point is that, as a medical man, he is concerned. Nor have I any doubt that his medical colleagues in the House are also concerned.

Let me relate what another doctor had to say. It appears in an article in the "Gold Coast Bulletin" of 14 November. The article is headed, "People scared to go to Southport Hospital. Doctor speaks out." The article reads—

"A 63-year-old Miami doctor said yesterday people were afraid of being sent to the Southport Hospital for treatment.

"Dr. Gwyn Jones added: 'I am sending patients up to Brisbane every day. And many of them are poor pensioners.

"They can't really afford the trip, but they are too scared to go to Southport.

"They have been frightened away by the long history of troubles that have beset the hospital.'

"Dr. Jones said he believed one of the basic problems lay with the Queensland health service itself, which resulted in public hospitals differentiating between the types of service provided for patients."

Mr. Hinze: How many cancellations have there been?

Mr. SPEAKER: Order!

Mr. HOUSTON: The honourable member will have time to make his own speech. He cannot dispute that this doctor is a reputable man in the Southport area.

The third person to whom I refer is Dr. Richardson, who had something to say about this matter about a week ago on the television programme "This Day Tonight". He was a medical officer at the hospital for some time. What he alone said on that open,

public television programme should have brought a reply from the Minister and should have warranted an investigation.

The next set of people involved is the police. The Minister in charge of the Police Department said that there should be an inquiry. He made that statement openly and has not denied it. I have no doubt that he has made that statement in Cabinet, too.

An investigation was conducted by the police, and Cabinet decided to have another one. Were the police who carried out the investigations incapable and incompetent, or did they not come forward with the answers that the Government wants? If the Police Force is so incompetent that Cabinet will not accept the report of the officers who investigated what happened at the hospital in regard to injuries to certain babies and calls for a report from another senior officer, something is wrong with the Police Force, and this also requires investigation.

The Health Department is involved. Why the silence from that department? The Minister for Health has steadfastly refused to make a statement in this House from the department's point of view after being given ample opportunity to do so. Is he protecting someone? Has he not been told what is going on? What is the real position? Does any member of the Government know the real position? I am certain that the honourable member for Wavell does not know, or he would not be asking and saying what he has asked and said. How much information has been received by the Health Department over the years and been completely ignored? I believe that the public are entitled to know these things.

The board has been very quiet on the matter. According to statements—which I believe—it brought the Police Force into the matter either before or on 19 October. It had the Police Force investigating affairs at the hospital on 19 and 20 October. I do not think there is any doubt about that. Yet, on 25 October, when the Minister was asked a question about it, he said, "I will have an urgent inquiry made." In this hospital, which can be contacted from Brisbane by telephone in no more than a moment of time, and which is only an hour's drive from Brisbane, the hospitals board brought in the police to investigate something that could be very serious. There is no doubt that babies were injured, which, without going into the whys and wherefores of it, is a very serious matter. There is no doubt that seven babies were injured, and that the police were brought into the matter on 19 October or earlier. Yet the Minister apparently did not know about it. Why was that so? Is this the normal pattern throughout the State? Or is this sort of thing only going on at the Southport Hospital?

I believe that the public are entitled to know, and certainly Parliament is entitled to know, just what is going on. It is quite

correct, Mr. Speaker, as you ruled yesterday, that this matter could be discussed during the debate on the Health Department Estimates because public money is being used for the running of this hospital. But the welfare of the people concerned has to be considered, too. Why did the hospitals board bring in the police and not notify the Health Department? If the Health Department was notified, why did the Minister call for an urgent inquiry on 25 October, six days after the event? The Minister gave the impression in this House that he knew nothing about the matter. Is he being told the truth?

What is happening today is very serious, and it is part of a continuing story. My association with this hospital goes back quite some time. My first direct association with it was during the Albert by-election following the sudden death of Mr. Cec Carey. Since then, many things have come to light. One was the shocking condition of the Southport Hospital. In fact, another person who was closely connected with that election campaign made a speech on health matters in which he said that the Minister for Health was in general agreement with the major aim of having a well-equipped and adequate hospital at Southport. He then said, "At present, we have nothing of that sort here at Southport." That was said by a Government candidate during the Albert by-election.

After that campaign, it was alleged that babies at the hospital were placed in fruit cases. I do not know whether that allegation was true, but it is quite significant that just after it was made a number of infants' cribs were sent to the hospital.

From time to time questions have been asked in this House, and complaints have been made by local people, about the waiting time at the hospital.

Mr. Hinze: You get that at the Royal Brisbane Hospital, too.

Mr. HOUSTON: I am not saying that the position in Brisbane is not bad. I am saying that much is desired in many hospitals. If I had enough time, I could speak on the whole ramifications of the hospital system as it is run by the Government. But at present we are considering only one hospital. Let us have an inquiry into that one. Let us clear the air. In doing so, many factors at present unknown to the public will be brought to light. After all, we are seeking no more than the truth. In nothing that I have so far said, or intend to say, do I take sides in this matter. All that I, and the public, want to know is the truth. I am sure that expectant mothers in the Southport area want to enter the Southport Hospital with complete confidence, and they want to have that confidence in the hospital not only at the present time but in the future. They want to know that if their husbands or other members of their

families become sick, or if they themselves become sick, they can go to a hospital that has adequate staff.

Mr. R. E. Moore: You are only fighting the Federal election now.

Mr. HOUSTON: I did not put the Federal election on. Why doesn't the Government put this inquiry on? One reason for not holding an inquiry is that the Government is afraid of what would be revealed.

The House also knows that in March of this year four doctors resigned from the Southport Hospital, and those resignations were followed by the resignation of the medical superintendent. There was a small news item in the Press when those resignations took place. Naturally, when a doctor resigns he does not give the full reason for doing so, but is it not significant that four doctors all resigned at the one time? In fact, four doctors and the superintendent resigned. One of those doctors has since made statements about conditions at the Southport Hospital, and there is no doubt in his mind—there is certainly no doubt in mine—that those doctors resigned because of the long hours of work that they had to perform, and also because of the long hours of work that the nursing staff had to perform.

It should not be forgotten that the nurses are also involved. I have left them till last because, in my opinion, they are the ones who are in the middle of all the trouble. Naturally, they have to do the best they can for their patients, but they can only do so much. They are human beings, and if they are overworked and their hours of duty are too long they become tired, as does anyone else. Not only must they be adequately and well trained; there must also be sufficient nurses to do the job properly.

Take the maternity section at the Southport Hospital as an example. Sometimes a junior sister is in charge, supervised by a resident medical officer; at other times a junior sister is in charge, with one trainee midwife nurse performing the actual delivery. There is, of course, a great difference between the treatment of private patients and of public patients, as was pointed out by a doctor from Miami. In the case of two of the babies involved in the matter now under consideration, an assistant matron and a private medical practitioner were actually present at the birth. That is good. But on the other occasions with which the House is now concerned, the births were left in the hands of a junior sister. That is according to the Minister's answer to a question in this House, not according to my statements.

Without labouring the point further, I believe that there must be a full inquiry. I know that the Minister has said that if an inquiry is held it may prejudice some other action that might be taken in respect of a nurse who has been dismissed. The Opposition does not want to do anything

that might affect that case. What we want is an inquiry that will elicit the truth and do justice to those concerned. Surely the more breadth there is in the inquiry, the better it will be.

It has been suggested that the inquiry could be chaired by a stipendiary magistrate. With all due respect to stipendiary magistrates, in most cases the chairman of a hospitals board is an S.M.—

Mr. Hinze: You won't find anything wrong with Jock Rutherford.

Mr. HOUSTON: I am not questioning the honesty or sincerity of any stipendiary magistrate. But is it not better to have an inquiry headed by a Q.C., assisted by a senior medical officer? Joint inquiries have been held before. In the Industrial Commission, for example, two or three commissioners often sit together to hear cases.

(Time expired.)

Mr. MELLOY (Nudgee) (12.24 p.m.): I support the call by the Leader of the Opposition for a full, open inquiry into what has happened at the Southport Hospital in recent weeks. The matter is causing very serious concern in the minds of members of the public of Queensland, particularly on the South Coast, and some of the questions involved are making mothers-to-be on the South Coast reluctant to go into Southport Hospital.

I do not think anybody will deny that something is wrong, and I think that the position must be cleared up in the minds of everybody associated with the hospital.

The honourable member for South Coast commented that Mr. Rutherford is a man of great integrity.

Mr. SPEAKER: Order! The honourable member for South Coast and the honourable member for Brisbane must not converse across the Chamber.

Mr. MELLOY: No-one is saying that the chairman of the Southport Hospital Board is in any way responsible for what has happened at the Southport Hospital. He would not have been present when the events occurred, but I suppose that, as chairman of the board, he feels that he must accept some responsibility.

If we had an open inquiry, headed by a Queen's Counsel and supported by an eminent member of the medical profession, I think we could get a much more satisfactory explanation of what occurred at Southport Hospital than would be possible by any other means.

Before proceeding further I wish to quote from the editorial of the "Gold Coast Bulletin" of 8 November, which indicates the concern felt by everybody on the Gold Coast about this incident. It states—

"The Gold Coast public is getting heartily sick of the mind-changing, the policy switching, and the procrastination

that is turning into a farce official efforts to clear the clouds of doubt from the Southport Hospital.

"The Government grandstanding and by-play gets more incomprehensible all the time.

"It's now up to Mr. Bjelke-Petersen, as Premier and, therefore, the leader in Cabinet to stop the bally-hoo and the buffoonery and do something definite about eradicating the smell that now is really irritating the public nostrils."

Those are very strong words. They indicate the attitude of the public to the situation at the Southport Hospital. I think it must be admitted that something is wrong at the Southport Hospital. The Minister himself should feel concerned. He, too, should want to know exactly what has happened down there.

Police inquiries have been made, but apparently they have failed to disclose any criminal negligence. The attitude of the Government should not be to "pin" something on somebody. There should be no search for a scapegoat. What should be inquired into is not so much who was criminally responsible, but how and why the circumstances under which these accidents occurred came about.

There was some suggestion that one of the babies broke its arm against the side of its cot. I think that is ridiculous. Apparently the child was only two or three days old, although we do not even know that for sure. We do not know whether the accident happened during the actual delivery or on some day subsequent to its delivery. If the baby was only two or three days old, I doubt whether it would be able to swing its arm hard enough against the side of the cot to break a bone. In any event, the bones of a baby of that age are very flexible, not solid.

The Leader of the Opposition referred to remarks made by Dr. Gwyn Jones of the South Coast. What he has had to say is of great significance. In addition to what the Leader of the Opposition quoted, the doctor also said—

"I am sending patients up to Brisbane every day because they are too scared to go to Southport. They have been frightened away by the long history of troubles that have beset the hospital."

That is true. Southport Hospital has a history of misfortunes. Who has been responsible for them, I could not say. This is one of the reasons why we should have a very close look at what is happening generally in the Southport Hospital.

The incident of babies being placed in fruit cases was another unsavoury episode in the history of this hospital. Whatever the circumstances and whoever was responsible for the shortage of cribs, that sort of thing should not have happened in a modern-day hospital of the size of the Southport Hospital, with its staff. There must have

been some breakdown in administration for the hospital to find itself without sufficient cribs for the babies.

This latest incident is only one of those at Southport Hospital that lead the public to the view that something must be wrong there. It cannot be pinned down to an individual member of the staff. I am quite sure that no nurse, doctor or any other member of the staff would act in a way detrimental to the interests or the lives of their patients. There must be some pressure upon them giving rise to a state of affairs that can result in injuries to babies a week old or even less.

The Leader of the Opposition also referred to the resignations of doctors, some of whom were working 70 hours a week. No-one can do this and give full attention to his work, especially work of such a responsible nature.

At various times I have commented on the working hours of nurses and other staff, particularly during night-time hours. The answer given by the Minister the other day relative to the times of birth of these babies and the absence of evidence as to when these injuries occurred leave me no option but to assume that the injuries happened during delivery. If I am wrong in that assumption, I stand to be corrected, but in view of the evidence, or the lack of it, I can only assume that that is when these injuries actually occurred.

Seven babies were injured. Baby A was born at 7.15 p.m. and delivery was made by a student midwife. The Minister's answer to my question gave no evidence as to who else assisted at the birth. Apparently there was a junior sister on duty, supervised by the resident medical officer. As I say, this occurred at 7.15 p.m.

Baby B was born at 3 minutes after noon on 5 October, the mother being attended by a private medical practitioner and the assistant matron. Who made the delivery is not indicated in the Minister's answer.

Baby C was born on 11 October at 8.45 p.m., the delivery being made by a student midwife.

Baby D was born at 5.25 p.m., in the late afternoon, the delivery being made by a student midwife.

Baby E was born on 14 October at 9.51 a.m., a private medical practitioner being in attendance.

Baby F was born at 4.12 a.m. A junior sister was in charge and two junior midwives were present at the delivery, which was made by one of those students.

Baby G was born on 16 October at 9.10 p.m., a senior sister being in charge, and delivery was made by a student midwife.

The significance of what I am saying is that five of the injured babies were born during night-time.

(Time expired.)

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (12.34 p.m.): I have listened to both the Leader of the Opposition and the honourable member for Nudgee and I wish to deal first with some of the remarks of the honourable member for Nudgee, whose speech consisted largely of quotations from the "Gold Coast Bulletin" and answers I have given him. Some of the things he said require immediate comment. First of all, he said that the police have failed in their investigations.

Mr. Melloy: I said, "apparently".

Mr. TOOTH: The suggestion is that they have failed. The investigation is continuing in depth and whether or not they have failed is not for the honourable member for Nudgee to say, nor is it for me to say. We will find out in due course.

Mr. Sherrington: It is up to Cabinet—

Mr. SPEAKER: Order! I think all honourable members will agree that I kept interjections to a minimum whilst the Leader of the Opposition and the honourable member for Nudgee were speaking, and that is the way it will be for the rest of this debate.

Mr. TOOTH: I have a lot to say and I trust that my time will not be eroded. I thank you for your assistance, Mr. Speaker.

The next thing the honourable member for Nudgee said was that he must assume that these injuries occurred at birth. Let me say that the information we have is that none of them occurred at birth.

Mr. Melloy: Then why didn't you give that information to the House?

Mr. TOOTH: I hope that the honourable member will allow me the opportunity of answering his remarks.

He also indicated that there is something strange and peculiar in the delivery of babies by trainee or student midwives. As a general rule in a training hospital, student midwives deliver the babies. They are under supervision, and this is the way they become midwives. If we did not adopt this practice, we would ultimately have no midwives. The honourable member's reference to delivery being made by a student midwife, with his suggestion that the word "supervision" does not mean that a sister or a resident medical officer is present, is unworthy of him, and I am surprised that he makes it. This is accepted practice.

I repeat that in all cases the reports I have received are that there was no birth trauma.

Let us go back to the beginning of this matter. There is some suggestion that I should know all about it right at the beginning. I point out that the hospitals of Queensland are controlled by hospital boards, which have great responsibilities as set out in the Hospitals Act. I do not usurp their responsibilities. Nor do I

interfere and direct them unless there is a major reason for so doing. Of course, there are times when we must do this, but matters of ordinary, day-to-day administration are up to the boards.

Mr. Melloy: But these were exceptional circumstances.

Mr. SPEAKER: Order! I warn the honourable member for Nudgee that if he persists in interjecting I shall deal with him.

Mr. TOOTH: I did not know the name of the nurse who was suspended, and for some time afterwards I did not inquire, as this was the business of the board.

The honourable member says that I then issued a special instruction that an inquiry should be made. When I gave this answer I was particularly careful to indicate that my inquiries were concerned with the health of the babies. I was most concerned about it, as anybody would be.

I want to talk about confidence in the hospital, and perhaps statistics might help. I point out that in the 19 days prior to the revelation of this incident the number of births at the hospital was 64; in the 19 days subsequent the number was 59, which is not very much of a difference. Let me say that I am concerned that there should be complete confidence in the hospital. The thought that anyone associated with the hospital would deliberately injure new-born babies on an indiscriminate and wholesale scale is so bizarre and grotesque that no-one has thought it necessary up till now to take special precautions against such an eventuality. But since this remote possibility has now become a consideration at Southport, special precautions have been taken to guard against it. Prospective parents can be assured that the surveillance will not be relaxed.

Since I have been Minister for Health, approximately 250,000 babies have been born in the maternity sections of our public hospitals. To my recollection, over the whole of those eight years or more, there has never before been any indication of any deliberate attempt to injure new-born babies. But this situation is such that we cannot assume it has not happened.

I want to deal now with the allegations regarding the Southport Hospital itself, firstly, the claim that it is hopelessly overcrowded. To refute such a claim, I point out that for the quarter ended 30 September last the number of available beds was 134 and the average daily occupancy was 123.8; in the maternity section the beds available numbered 33, and the average daily occupancy was 30.7. It is true that at odd times the figures rose slightly above the average and at other times fell well below it. This is a factor that has to be taken into consideration in any hospital at all.

The following table will indicate to honourable members what the staffing position has been at the Southport Hospital since 1968.

Year	Full-time Staff	Total Staff including part-time specialists
1968-69	4	8
1969-70	4	11
1970-71	6	16
1971-72	8	21
1972-73	9	25

Mr. Marginson: Is that the establishment, or the number actually working?

Mr. TOOTH: That is the establishment; they are also the numbers actually working.

Mr. Marginson: Actually working?

Mr. TOOTH: Yes.

It is clear that, within a little over four years, the full-time staff has more than doubled and the part-time staff has trebled. Any suggestion that this hospital is being neglected is quite without foundation.

The staff establishment for the maternity section at Southport Hospital has been increased gradually from 22 in 1967-68 to 30 in the last financial year.

Comments have been made about the resignations of doctors. I wish to refer particularly to the resignation of the Superintendent, Dr. Kleinig. He resigned, as he publicly stated, because he wanted to go into private practice as a urologist. He also made that statement quite clearly and firmly to the board on the occasion of offering his resignation.

I wish to deal now with some of the matters that the Leader of the Opposition has dredged up from the past. He talked about fruit cases. I remember the fruit-case incident very well, and I say that it should never have happened. There was no reason for it because there is a standing rule that, if the number of prospective births appears likely to exceed the number of cots provided, more are available from the major metropolitan hospital. It only needs a phone call to have them provided. A similar incident has not occurred since, and the person who was responsible for this neglect was very severely reprimanded.

The hospital inquiry was initiated by the board when it put the matter into the hands of the Southport police. At all times I have adopted the attitude that, while inquiries are in progress, it would not be helpful and, indeed, it would be improper for me, as the Minister, to intervene or to make statements which might hinder and prejudice the inquiry. Inquiries are still going on and information is being elicited. This morning I received a message to the effect that Detective Inspector McSpornan is eliciting further

information. It is not my intention to impede him in his efforts or in any way prejudice any of the people whom he is interrogating.

As to the various statements that I have withheld information, or that information has been withheld from parents, I emphasise that such allegations are completely incorrect. All parents have been fully advised of the medical nature of the injuries to their babies. What they have not been told, and what nobody is in a position as yet to tell them, is how these things happened. These things are currently under investigation and we are trying to find out how they happened. No doubt we will find out.

The last point I want to make is that one young woman has been suspended for improper conduct. The board, in its wisdom, has done this. She has been advised to appeal, and has appealed. An appeal board has been set up. The chairman of the appeal board is the stipendiary magistrate, Mr. Anderson; the department's representative is Mr. Hotz; and the representative of the Nursing Federation is Miss Schultz, the federation's executive officer.

The board has been constituted and will conduct its affairs, I have no doubt, in a fit and proper way, subject to the decisions of the magistrate in charge. While this is going on, this girl's rights and position should in no way be prejudiced. To some extent, my hands are tied. It is difficult for me to say everything I should like to say on this occasion. I think it is right and proper that I should give due consideration to her rights and interests and that she should not be prejudiced in the appeal that she is to make to this board.

It is true that this hospital has been an area of difficulty and conflict. There are political reasons for this. One of the sources of difficulty has been the honourable member for Albert who has played a very active part in stirring and encouraging this sort of activity. The desire of members of the Opposition to make a great deal of this matter on this occasion is actuated by a desperate attempt to do something to justify Mr. Whitlam's decision to tax every Queensland 1.35 per cent of his taxable income to assist to put his policy into effect.

Mr. D'ARCY (Albert) (12.47 p.m.): I endorse the call by the Leader of the Opposition for a full inquiry, headed by a Q.C., into the Southport Hospital. The Minister has indicated that an inquiry will be held on the appeal by the nurse. He pointed out that it will be a magisterial inquiry. As he well knows, it will be based mainly on technicalities, and will not supply the facts that we desperately need to know about the Southport Hospital.

In his speech the Minister made light of the facts and, in his personal attack on me, accused me of being political in my efforts. I have previously said in this House that my intentions in

regard to this hospital have never been political. They have been directed towards a desire to obtain, for the people of the Gold Coast, the justice they have been denied. The Minister accused me of being political, yet I could refer to the "Hansards" of this Parliament—

Mr. SPEAKER: Order! I advise the honourable member to confine himself to the motion before the House.

Mr. Sherrington: Fair go! He has to answer the Minister.

Mr. SPEAKER: Order! I am prepared to allow some latitude in this debate, but I am in control of the House and honourable members will not argue with me.

Mr. Sherrington: Why did you allow the Minister to attack him?

Mr. SPEAKER: Order! I will not permit any honourable member to argue with me. If the honourable member for Salisbury disagrees with my ruling, he has the right to move a motion of dissent. But he will not argue with me.

Mr. D'ARCY: As has been said by previous speakers, this hospital has for some time been a bone of contention. Press headlines have been quoted. I have one here, dated 23 July 1970, reading, "Hinze lashes at Gold Coast Hospital Overcrowding." The article reads—

"Mr. Hinze (C.P., South Coast) will today tell State Parliament that there is 'serious and intolerable overcrowding' at the Southport General Hospital.

...

"At the moment 45 patients are being accommodated in one 35-bed ward at the hospital . . ."

My predecessors, the late Mr. Carey and the late Mr. Heatley, both made statements similar to that in this Chamber. Mr. Heatley frequently attacked the Government over its handling of the crisis at the Southport Hospital, including the mentioned cases of babies in boxes. One of the most powerful bodies on the Gold Coast, the Australian Medical Association, has stated on many occasions, both in the Press and in various journals, that the "scandalous" situation at the Southport Hospital is the "worst in Australia". "Hospital Bombshell" is the heading to one such article, which contains this passage—

"The Gold Coast's hospital bed-population ratio is .8 per 1,000 public, 1.8 public and intermediate, 2.5 public and intermediate and private, compared with the generally accepted ratio of 6 or 7 approved hospital beds per 1,000."

The hospital on the Gold Coast is catering for a population of 100,000. It has 167 beds, but at the very minimum, according to the world standard of 3.3 beds per 1,000 people, it should have 330 beds, with staff sufficient to handle that number of patients.

The Minister made constant reference to the bed-occupancy rate at this hospital. On his figures, it is extremely high. But he does not take into account the fact that the hospital staff has been instructed to turn away to other hospitals many intermediate patients. For example, Pindarra, a private hospital, has been fully occupied for a long time. Other patients are going to Brisbane. The hospital staff has also been instructed to admit no geriatric patients and no alcoholics. The Southport Hospital caters only for the acutely ill. This is an appalling situation.

I could give details of many cases other than those concerning infants. One case that is not under investigation concerns a baby who was born at the Southport Hospital, under the attention of a private doctor, on 14 October. The baby was found to be bruised, but the parents were informed that there was no injury to it. The private doctor found that there was some injury, and X-rays revealed that the infant had a broken arm. The private doctor suggested that the baby be shifted to Pindarra, and it was moved from the Southport Hospital. At Pindarra, in addition to having a broken arm, the baby was also found to have a broken leg. Incidentally, the parents are still receiving accounts from the Southport Hospital for X-ray photographs, although they should never have been submitted.

I have frequently attempted to raise this matter and to obtain an assurance from the Minister that something will be done about the Southport Hospital. As I have said before, I wrote to the Minister on 2 August requesting an interview. The Minister acknowledged my letter, but he has never granted me an interview. I mentioned the matter to the Minister once privately when we were attending a function, and at that time he said to me, "What is happening in the private sector?" This seems to be a "passing of the buck" by the department.

I have often wanted to discuss conditions at the Southport Hospital. The Minister has indicated that this would merely be dredging up what has already been dredged up. What has already been dredged up is that this hospital is in the most critical position of all hospitals in Australia, and the people of the Gold Coast are suffering as a result. People are dying there every day. The Treasurer may laugh, but I could produce cases, the details of which are on my table now, that would shock the House and any medical man. I could name the people involved in incidents that occurred long before the present babies' case. I could take cases such as the Cindy O'Brien affair, of which the Minister must have knowledge.

On one occasion I wrote to the Minister after I had waited for four hours in the casualty section of the Southport Hospital

and eventually sought the assistance of a private doctor. In the last paragraph of the reply from the department, this appeared—

“No patient requiring medical attention on weekends is ever forced or asked to leave the hospital and seek treatment from a private medical practitioner. If patients do not wish to wait while more urgent cases are being treated and leave to seek treatment elsewhere they do so at their own volition.”

Let me cite one case that has been brought to my attention in the last few weeks by a man from Coomera who took his wife to the Southport Hospital. She was obviously suffering, and he asked that she be seen in casualty. She was not seen in casualty—this happened at 10 o'clock in the morning—but was told to come back when the out-patients' department opened at 12 noon. The man returned to the hospital with his wife at 11.30 a.m. She had not been seen by any doctor by half past 3 in the afternoon, and the man then appealed to the matron. Because of the situation that existed, he suggested that he would ring me if he could not get attention. He was then advised to leave the hospital, and he did so. His wife, who was only in her thirties, saw a private doctor and then went home. She died 10 days later. That is only one of the cases that have come to my attention.

Although I endorse the remarks of the Leader of the Opposition, I also appeal to Cabinet to ask the Minister for his resignation because of his performance in the case now being considered. I believe that his resignation is a necessity. He has stumbled from crisis to crisis, not only at the Southport Hospital but in other instances in which he has not taken the people of Queensland into his confidence, and cases have blown up out of all proportion, as this one has.

Mr. Davis: You could talk about the Westbrook incident.

Mr. D'ARCY: One could speak about the Westbrook incident, the Somerville affair, and so on. The Health portfolio is one in which the people of Queensland should have the greatest confidence, not the least confidence, and even members of the party that the Minister represents do not have confidence in him. In fact, they were hoping for his retirement before the last election, when he did a “Madam Melba”. One hears in the corridors of this building that members on both sides of the Chamber are not satisfied with his performance as Minister for Health and the way he controls his department. As far as the people of Queensland are concerned, the Minister's “No comment” and “I certainly will not” do not indicate that he is representing them adequately on health matters in Cabinet.

There is one further incident in regard to the Southport Hospital Board to which I think I should refer. It is very important,

because the Minister has continually shunted the blame onto the hospitals board. As all honourable members realise, hospitals boards are really no more than buffers. Under Labor Governments, of course, they were elected, not appointed.

(Time expired.)

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

Mr. HINZE (South Coast) (2.15 p.m.): Today the House has been subjected to an attempt by the Labor Opposition to play politics with the Health Department of this State. I say that advisedly. For the life of me I cannot think of any other reason for the motion moved and supported by honourable members on the other side. The Minister has been asked questions about matters concerning the Southport Hospital, and he has answered them. I am quite sure that, whatever happens today, the A.L.P. will gain nothing whatsoever. Honourable members opposite have brought forward this matter purely for political purposes. Their Federal Leader, Mr. Whitlam, has indicated his attitude to hospitalisation. If, by some strange accident, the Australian Labor Party was returned in the Commonwealth Parliament on 2 December, we in Queensland would have to acknowledge for the first time that our free hospital system had gone.

Opposition Members interjected.

Mr. HINZE: Obviously that is the only reason honourable members opposite have initiated the debate. They are silent now. I have shut them up.

Mr. SPEAKER: Order! I suggest to the honourable member that he stick religiously to the motion.

Mr. HINZE: Religiously?

Mr. SPEAKER: Do not wander.

Mr. HINZE: I find it very difficult to become religious.

Here and now let me clear the air about the chairman of the board, Mr. Jock Rutherford, S.M., and the eight other responsible people who with him form the board. In my opinion it has done everything right in its handling of this case. I scotch for all time the stupid suggestion of secrecy that has been bandied around the place. Immediately the board learned of the case, it advised the editor of the local Gold Coast newspaper. It immediately contacted the C.I.B. of the Police Department of this State. What else would the A.L.P. have done? In the circumstances, what would honourable members opposite have done?

Mr. Houston: Did the board contact the Health Department?

Mr. HINZE: Its own department? Obviously.

I am refuting the statement about secrecy. The board has done everything right.

The nurse who has been suspended is Penelope Kay Bushby. She did her training at the Southport Hospital. As we know, an appeal board has been set up to hear her appeal, which, I understand, will take place in a few days' time.

The only contribution to the debate by the honourable member for Albert was his call for the resignation of the Minister for Health. Why? Because he believes that the A.L.P. would have adopted different tactics. We will prove that what the Government has done has been in the interests of all concerned. The Minister's concern has been for all parties, not merely one side. Having had the facts placed before him, he has answered clearly, plainly and truthfully the questions asked of him in the House. The young lass who has appealed against her suspension will have every opportunity to state her case before the appeal board. Obviously, if anything is found to be wrong, charges will follow. What else could the Minister do? Frankly, I cannot understand the attitude of the honourable member for Albert in asking Cabinet to call for the Minister's resignation over this particular case.

We have heard much from the A.L.P. about hospitalisation in Queensland, but let us look at the sorry record of that party on the Gold Coast. It was in office for 40 years in this State, with a break of three years, and what did we have in the way of hospitals on the Gold Coast? Nothing at all. All that the A.L.P. could give the Gold Coast was an 18-bed maternity hospital.

Since it attained office, this Government has provided a 167-bed hospital, 134 general and 33 maternity. The average occupancy of those beds is general 103, and maternity 30. For the 167 beds, the occupancy averages 133. The hospital has a staff of nine doctors. I know something about this hospital. I was on the board before I entered Parliament, and I hope I made some contribution towards its development. The honourable member for Albert did nothing but scream and cry and whinge and whine and wail—wailing, woeful Willy.

Mr. D'ARCY: I rise to a point of order. I ask that the honourable member for South Coast withdraw those remarks. They are offensive to me.

Mr. SPEAKER: Order! Make your point of order.

Mr. D'ARCY: I have, Mr. Speaker. His criticism—

Mr. SPEAKER: Order! The honourable member will resume his seat. The remarks of the honourable member for South Coast are offensive to the honourable member for Albert. I ask him to withdraw them.

Mr. HINZE: I apologise. I repeat that there are nine doctors on the staff of this hospital and 13 specialists covering every field of specialty. There is, of course, only one matron, Matron Ward, who is as good a matron as any in Queensland. As well, there are two deputy matrons, 33 sisters and 97 student nurses. The hospital has an administrative staff and a staff of domestics and wardens totalling 107. As the honourable members will see, over all it is a well-equipped and well-staffed hospital.

Mr. D'Arcy: Rubbish!

Mr. HINZE: I agree with some of the things the honourable member has brought up here. Time and time again I have asked for more hospitalisation for the Gold Coast. I know that the architects have developed a sketch plan for a 12-storey 500-bed hospital at Southport and I hope—

Mr. D'Arcy interjected.

Mr. SPEAKER: Order! I warn the honourable member for Albert.

Mr. HINZE: It might be an idea to throw him out. I am suggesting to the Minister and to the department that they give serious consideration to building another hospital in the Miami area to meet the development that is taking place there. I accept that the major base hospital must be built at Southport, and I appreciate that the department has done, and is doing, everything it possibly can to assist the Gold Coast in this regard.

It is obvious that this debate has been undertaken, as I said at the outset, for the very special reason that the A.L.P. is bereft of any ideas and has therefore to criticise, ridicule and complain about what we all know has been proper conduct relative to a matter of real concern. The Minister for Health is charged with administering a very important department. He is doing what he believes to be the right thing and answering questions in this House when called upon to do so.

As I say, this matter has been brought forward by an irresponsible Labor Opposition which believes it will obtain some political mileage out of a matter they should have been ashamed to even think of bringing into this House. There is no doubt that this matter is taking its proper course. The Police Department has been informed, and today Detective Inspector McSporran is at the hospital conducting his inquiry. There is no-one more capable of carrying out such an inquiry.

(Time expired.)

Mr. AIKENS (Townsville South) (2.25 p.m.): I hope to introduce a temperate and unbiased viewpoint into this debate, which has become quite exacerbating and heated. As a representative of the people and being quite unconnected with any major political party, I ask one question of the House,

through you, Mr. Speaker: Why wait until now to have this inquiry conducted into the Southport Hospital?

This Parliament met first in July, and, except for the usual short recesses, since then it has been sitting continuously. During that time, except in questions directed to the Minister and his answers thereto, no mention has been made of the Southport Hospital. I will admit that speeches were made by one or two A.L.P. members, but certainly until yesterday no move at all was made to seek an inquiry into the Southport Hospital.

I shall deal now with what I think is the most contemptible and detestable aspect of this motion, and in doing so I shall quote from Volume 257 of "Hansard". I remind the House that today is Wednesday. On Wednesdays, after the conclusion of formal business and question time, the House usually devotes the remainder of the time until 1 p.m. to the debate on matters of public interest. During the debate on Wednesday, 15 September 1971, from which I shall quote, the Opposition claimed that the debate on matters of public interest was sacrosanct.

On that date the Premier asked leave to move a particularly urgent motion, and what happened? The Leader and the Deputy Leader of the Opposition loosed their venom and viciousness on the Premier and other honourable members, and even on the then Speaker for accepting the motion, because they claimed that the period following the conclusion of formal business and question time on Wednesdays was sacrosanct. They claimed that, like the law of the Medes and the Persians, this practice was unalterable.

On that occasion the Leader of the Opposition said—

"I can appreciate the Government's desire to carry on with its legislative programme, but let us have a look at the events that led up to the setting-aside of this period . . ."

Mr. SPEAKER: Order! I suggest that the honourable member deal with the Southport Hospital.

Mr. AIKENS: I shall deal with the Southport Hospital, Mr. Speaker, but I think I have the right to expose the sickening, slobbering hypocrisy of the A.L.P., and to put forward some reason for doing so. I will not quote from the speech made by the Deputy Leader of the Opposition; nor will I refer to the division that the Opposition called for and succeeded in obtaining in order to prevent the Government from interfering with this so-called sacrosanct hour on Wednesdays in order to put urgent business through the Parliament. This hour must not be interfered with, the Opposition said.

Mr. SPEAKER: Order! I hope the honourable member will get on with the matter before the House.

Mr. AIKENS: Yesterday, Mr. Speaker, the Leader of the Opposition tried to move this motion, and you, quite correctly, ruled that you could not accept it on a day allotted to Supply. Today, believe it or not—forgetting all that they had vituperatively screamed only last year—members of the Opposition brought forward this motion during the period that they say is sacrosanct and should be devoted solely to matters of public interest.

Why have they done this? I form my own honest and temperate opinion. They have done it in order to try to stop the tremendous ground swell of public opinion in Queensland against the Federal Opposition's health scheme, as enunciated by Mr. Hayden. The Labor Party knows that the people of Queensland, from Cape York to Coolangatta and as far west as the Northern Territory border, will reject the Federal Labor Party's health scheme.

Mr. SPEAKER: Order! I have been rather tolerant with the honourable gentleman. He will now return to the matter before the House.

Mr. AIKENS: You have anticipated me, Mr. Speaker.

In order to lay this smoke-screen the Opposition submitted this hypocritical motion about the Southport Hospital, three or four months after they could, and should, have moved it. I am prepared to believe that there could be reasons for an inquiry into the Southport Hospital, and I would be quite prepared to support such an inquiry. I would have supported the motion had it been moved in the ordinary, normal, decent course of events. But I will not be a party to a cheap, political-propaganda stunt such as this.

It has been ruled time and time again that a matter must be urgent before it can be the basis of a motion for the adjournment of the House. Is this matter urgent? As a matter of fact, inquiries are already under way. A board has already been appointed to inquire into certain happenings at the hospital. No children are in danger of death, and there is no chance of future anguish for parents. What has been done, unfortunately, has been done.

All that A.L.P. members want to do is to rehash things that have happened during the last several weeks in order to wring every possible drop of political propaganda out of it. In doing that, the most shocking, monstrous part of their action is that they will jeopardise the chances of the unfortunate nurse who has been dismissed in her fight to rehabilitate herself in the opinion of the people and to justify her actions before the appeal board.

I have never known of anything that has been done in this Parliament in the years I have been here as contemptible as the motion now before the House. What chance

does the poor, unfortunate nurse stand if this motion is carried and there is an open inquiry? The A.L.P. wants an inquiry before the current investigations are completed. Before a basis is determined for an appropriate inquiry, the A.L.P. wants to engage in a fishing expedition that is open to the public and will be attended by lawyers galore. I have not the slightest doubt that the A.L.P. will brief Mr. Gardiner and Mr. Wyvill to represent it. All the legal filth in the world will be tipped on the floor of the court. The Press and the A.B.C., which is a subsidiary of the A.L.P., will be represented by reporters with their news and television cameras. It will be a disgusting exhibition of political skulduggery.

What chance will the unfortunate nurse who has been dismissed have of getting a "fair go" in such circumstances? The A.L.P. is not interested either in the nurse, in the babies who have been injured, or in the anguish of the parents. If it were, why wasn't this matter raised before? Why wasn't an inquiry sought before?

Mr. D'Arcy: We did raise it.

Mr. AIKENS: Opposition members did nothing of the sort. They crawled up the first hollow log they could find. Only when they knew, as they now know, that Labor's Federal health scheme stinks to high heaven did they bring this motion forward as a smoke-screen.

I can visualise what an open inquiry would mean. I recall some royal commissions that started off innocuously enough with a row of barristers, with their moth-eaten wigs and their tattered and patched gowns with little pockets behind the shoulder-blades—some had taken the little pockets out and had sugarbags sewn in in their place—with a compliant judge as the royal commissioner. Away the inquiry would go, to drag on for weeks and weeks with all the political and medical filth in the world being tossed from side to side and the lawyers reaping a harvest.

I believe that the Somerville inquiry cost the unfortunate Queensland taxpayers some \$40,000. Does the A.L.P. want another \$40,000 spent on this inquiry, merely to sacrifice or immolate an unfortunate little nurse? For all I know, she may be guilty and may deserve to be punished. But again, she may well be innocent. The A.L.P. is not concerned with her guilt or innocence. It is concerned only with making political capital out of something that happened some weeks ago and on which, until now, its members have been cravenly silent. If these happenings started years ago, why didn't the honourable member for Bulimba, as the titular, and actual, leader of the A.L.P. in this House—at least he was until 27 May this year—ask for an inquiry then?

(Time expired.)

Dr. CRAWFORD (Wavell) (2.35 p.m.): Two quite clear issues have emerged from the over-all situation we are debating today, first, the very definite issue of seven babies being injured at the Southport Hospital over recent weeks, and, second, the consideration of the over-all functioning of hospitals not only in this area but throughout the rest of Australia and the world. I have made earlier statements, both inside and outside this House, on the direct involvement of our system with the injury of seven babies. I have done this for the very simple reason of making it absolutely crystal clear that there is no basis whatsoever for a society such as ours to assume that there is anything wrong with our nursing profession.

Mr. Aikens interjected.

Mr. SPEAKER: Order! The honourable member for Townsville South has had his opportunity to make a speech.

Dr. CRAWFORD: It is absolutely essential that we affirm dogmatically and vehemently, from the floor of this House, that nurses in our society, individually and collectively, are first-class persons and that theirs is a noble profession of which we are proud.

As honourable members are aware, there has been some altercation between the Minister for Development and Industrial Affairs and me on this subject. I should like to assure the House that he and I now agree on the basics of this matter and that he had misinterpreted my previous remarks.

The over-all situation in Southport is not a new one, and the difficulty always is to predict that any individual person—be it doctor, nurse, radiographer or any other person who is dealing with a patient in a professional sense—will behave in a bizarre fashion or will injure people under certain circumstances. There is no way by which medical science can predict this sort of occurrence. I draw the attention of the House once again to the very unpleasant happening in the United Kingdom last year when a doctor went berserk and killed three children.

This does happen, and it is a fact of human nature. Whatever efforts we make to psychoanalyse or make a psychiatric assessment of people who are dealing with patients, we will not prevent this happening occasionally. However, it is worth saying dogmatically that, when it does happen, it is usually an isolated incident perpetrated by one individual. There is no reason at all to assume that there is any sort of epidemic and that it will be repeated. It is most important to realise this. This has been the basis of my remarks on previous occasions. We must maintain confidence in our professional services and individuals in them.

This does not apply in other parts of the world. Anybody who has recently been in South-east Asia or the islands closer to our shores will realise that the standards of professional nursing and medical behaviour in those areas are not at our level. Anybody who has practised in the United Kingdom knows that the same applies to people from the Middle East and other countries, who have not had the advantage of receiving a British type of education in their medical or paramedical spheres. Their standards are not those accepted by us.

My second main point is the over-all functioning of hospitals. As it is only two weeks before a Federal election, automatically we find that the situation at the Southport hospital is being given political overtones. This is inevitable and cannot be helped. As honourable members are probably aware, I debated this subject with Mr. Hayden, the Federal A.L.P. spokesman on health matters.

It is important to speak briefly about the quality of care at Southport and other hospitals. There are always difficulties in improving hospital services. It is a fact that there are insufficient beds in the Southport area. And more beds are needed in the Brisbane area. The Royal Melbourne Hospital has recently undertaken an extensive inquiry with a view to increasing the quality of services provided at that hospital. There is no doubt whatever that more money can always be spent and that medical services can be reorganised. By so orientating our thinking, we will find ourselves running more efficient services in specific areas.

This needs to be done progressively and continuously throughout the medical services of the Commonwealth, and it is erroneous to look upon a specific service in a particular area as something that will automatically be corrected by the holding of an inquiry. I support an inquiry into the Southport Hospital, as I have said before. The Leader of the Opposition has asked me if I still support it. I support an inquiry to ascertain the method by which these babies were injured. That is the important thing at this time. It is extremely important that this be done so that confidence in the hospital can be restored. If we have an inquiry and it is conducted efficiently, we will accomplish a great deal.

As to the over-all quality of medical services in the community, nowhere in the world is there a hospital and medical service so highly efficient that it satisfies everybody. The closest approach to this ideal is the Kaiser-Permanente, in the California area, which I have mentioned before. This is a marriage of big business and medical services, with no Government interference at all. Coming back to Australia, I mention that the whole of the medical services of the Sydney Hospital have been reorganised on the basis of efficiency, with "efficiency" being the crucial word. A witch-hunting type of

inquiry into the Southport Hospital will in no way help over-all medical services in the future.

As to the policy of the Federal Labor Party, centralised control in Canberra, with all decisions being made in Canberra and with the services in this State at the end of a long string manipulated from Canberra, would be quite disastrous to the over-all efficiency of medical services.

Mr. Sherrington: What has this to do with the Southport Hospital?

Dr. CRAWFORD: It has everything to do with the Southport Hospital, because the House has before it an instance of the quality of service being questioned and examined in some detail. I say quite emphatically to honourable members opposite that it is vital to keep the issue clear. It is important, too, of course, that we campaign on the basis of our own political philosophies, and at this time, with a Federal election pending, I do not blame the Labor Party for doing that.

Mr. Sherrington: That is unworthy of you.

Dr. CRAWFORD: I am pursuing the same purpose. Let us make it absolutely crystal clear that the important point is not the political philosophy to which we subscribe, but the quality of service provided to patients. If we introduce in this Commonwealth a system that is detrimental to the quality of patient care, we will end up with a very inferior service.

Mr. Bromley: I don't think you know our policy.

Dr. CRAWFORD: I know a great deal about it.

I make final reference to the quality of medical care. When one looks at various parts of the world where a socialised bureaucratic medical service has been in operation for years, it is found that, for the individual patient, it does not work in practice. I have referred before to the recent report to Sir Keith Joseph as head of the Department of Social Services in the United Kingdom in which it was stated that the aged, the infirm, and those who cannot look after themselves, have been reduced to a state where they have to be satisfied with a "toilet-and-meal" type of existence. This is the direct result of centralised, bureaucratic control.

Even with the best will in the world, whoever tries to introduce and implement a system of that type in Queensland or Australia will find the result is the same.

I have one final word to say concerning the babies at Southport. The information is that they were not injured at birth; that they sustained their injuries subsequently. This could only have been done by a person who does not have for babies the tender, loving care that the nursing profession usually provides. In this situation one person must be responsible.

(Time expired.)

Mr. MARGINSON (Wolston) (2.45 p.m.): From time to time over the years many serious allegations and charges have been made against the Queensland hospital system and also against particular hospitals. On this occasion, the spotlight has once more been focused on the Southport Hospital. I say that because it is not the first time this has happened.

I can recollect the construction of the Southport General Hospital. I can recollect also the agitation of public organisations and interested people in the Gold Coast area against the Department of Health shortly after the hospital was opened. In my opinion, there has been ample warning in the intervening period of what was likely to happen at Southport. In fact, members of the Southport Hospital Board at that time were outspoken in their criticism of the Department of Health, and I recall quite well that the honourable member for South Coast, who was then a member of the board, and I had discussions about the trouble that existed at Southport. Of course, it has continued over many years.

The House probably would be surprised to know that the position was so serious that at least one member of the board, who was, in my opinion, a follower of Government policies, resigned his position many years ago because of criticism of the Southport Hospital. The department realised the seriousness of the situation and was compelled to appoint a top-ranking departmental officer—a man who was working within the Chief Office of the Department of Health—to be chairman of the Gold Coast Hospitals Board. Although he occupied that position, he still worked within the Chief Office of the department and actually resided in the Brisbane area. That was the state of affairs that existed when the department appointed Mr. James—I will name him—as chairman of the Gold Coast Hospitals Board.

The trouble has continued ever since. Serious allegations have continually been made about the Southport Hospital. Should that not have been a warning to the Government that this hospital should be watched very carefully and closely? There has been a continual shortage of staff at Southport Hospital (I know that similar shortages have occurred at other hospitals); there have been continual allegations of over-crowding at the hospital; medical officers have been leaving the hospital in large numbers; and then there was the very serious allegation made public by the Opposition's shadow Minister for Health that new-born babies at the hospital were being accommodated in fruit cases. In spite of that, these things were allowed to continue. Now the House is considering one of the most serious allegations that can be made against a hospital—that new-born babies have sustained injuries while they have been in the Southport Hospital with their mothers.

No wonder the Minister admitted today—these are not my words; they are the Minister's words—that this hospital had always been an area of difficulty. It is quite obvious to me that the honourable gentleman was well aware of the matters to which I have referred and that there was an area of difficulty at the Southport Hospital. That was the admission he made to the House.

With that history in mind, it would appear to me, as a citizen—and also, I think, to many thousands of Queenslanders—that there has undoubtedly been an air of secrecy about the Southport General Hospital. Any reasonable person must concede this. It has not been for the want of trying by the honourable member for Albert, for example, that this air of secrecy has prevailed. Have you noted, Mr. Speaker, how seldom the honourable member for Surfers Paradise, whose area this hospital is in, has mentioned the very serious situation that exists at the Southport Hospital? To my knowledge he has not even asked a question about it.

I notice that the Treasurer has just walked over to the honourable member for Surfers Paradise and spoken to him. He has prevented me from succeeding in what I was trying to do, that is, to get the honourable member to his feet and speak for the first time on this subject.

At least, since this motion was moved we now know two more things about this whole matter—two more things that we have been looking for during the past four weeks. They both came from the Minister. I have already referred to one of them, that is, that the Southport Hospital has always been an area of difficulty for the department. No doubt that is true. The second point—it startled me as I am sure it startled many other honourable members—was his statement that he is satisfied that the injuries to the babies were the result of a deliberate act. They are not his actual words, but it was quite obvious what he meant. He went on to tell us that there had never previously been deliberate actions of this nature. He said that they had taken certain action to prevent such deliberate acts occurring again. It is quite obvious that at least the motion has brought two more things to light.

I am second to nobody in my respect for the medical profession and the nursing profession in the discharge of their duties.

Mr. AIKENS: I rise to a point of order. The honourable member for Albert said that the matron of the hospital sends complaining patients to him.

Mr. SPEAKER: Order! There is no valid point of order. The honourable member is being facetious.

Mr. MARGINSON: The honourable member for Townsville South delivered an oration on the Labor Party and what he suggested it is doing. Let me make the

position quite clear. The honourable member did not mention the worried expectant mothers on the Gold Coast. They are one of our greatest concerns. They can have no peace of mind until this position is resolved. They are worried; they are living in fear. To use the honourable member's expression, they will be living in anguish until this very serious matter has been resolved.

I am concerned about the delay in this matter. It is quite obvious to me that the Gold Coast Hospitals Board knew of the injuries to these babies before 19 October, which is almost four weeks ago. It knew of them at that date because today we were told that it asked the police to investigate the position at the Southport Hospital. We know that the first police investigations were carried out on 19 October. It was some time before that date that the Gold Coast Hospitals Board knew what had happened. We still have not heard when the dismissed employee will be able to bring her case before the appeal board. In the meantime, I repeat that expectant mothers on the Gold Coast are living in fear and anguish, wondering if the same thing is going to happen to their babies in the Southport Hospital. Also in the meantime, Cabinet Ministers are fighting and disagreeing, or at least differing with one another, about the method to be adopted in having the matter resolved. We have had statements from the Minister in charge of police, and we have had statements from the Minister for Health.

Every effort should be made to expedite this matter. I know that, under the regulations, certain periods of time must elapse before the nurse can appeal and before her appeal can be heard. However, I ask that the appeal be brought on as expeditiously as possible in the hope that it will allay the anxiety presently being felt by many people.

(Time expired.)

Dr. EDWARDS (Ipswich) (2.56 p.m.): I rise to participate in this debate because of my concern over this outrageous and infamous attack on the Government by the Opposition in an attempt to gain political mileage out of a most regrettable incident which the Opposition and others are now using to denigrate and slander hospital services that are a credit to those involved.

At the outset, I pose this question to the Opposition: what is the real motive behind the motion?

Mr. Marginson: I have just given it to you.

Dr. EDWARDS: The honourable member need say no more. Is it really out of concern for the seven babies who suffered injury in a very rare situation which, in my opinion, is still being investigated fully and completely by police and hospital authorities? Or is it to try to discover if there is really a lack of confidence in the Southport Hospital, which, in my opinion and

the opinion of many others throughout this State, has a record of dedicated and efficient service in a situation that is made difficult because of the varying needs and requirements resulting from continuing changes in population and the services they require? Or, thirdly, has this motion been moved as a cheap political trick to lower the standard of nursing, medical and hospital care in this State on the eve of a Federal election in reference to which the A.L.P. has divulged a Federal health policy that is totally irresponsible and irrelevant to the health needs of Australia, and especially of Queensland?

The Opposition, in this instance, is sponsoring a motion involving patient care and service and at the same time supporting and propagating a Federal health policy that is economically based—it was prepared by economists—but in which no thought or consideration has been given to patient care. To my way of thinking, this is sheer political hypocrisy.

Over the past few years, we in Queensland have experienced an increasing number of live births and, in line with the rest of the State, there has been such an increase at the Southport Hospital. I remind the House that, in 1971, 39,970 live births occurred in Queensland yet, over the years, with hundreds of children being nursed in hospital wards throughout the State, there have been seven—I repeat, seven—reported injuries, about which the Opposition is now setting up this great hue and cry.

Do we hear honourable members opposite sponsoring motions in this House about the increasing road toll or the increasing number of broken homes and of disturbed parents bashing their children? No; not a word! But, suddenly, the injury-conscious Opposition opens an attack on dedicated, efficient and concerned men and women who are working in our hospitals for the benefit of the sick and the injured. We have heard a scurrilous and unnecessary attack on the Minister for Health, who is endeavouring to see justice done to all concerned, including the nurse who is involved. I feel that this unjust and irrelevant attack on a Minister who, by his fair, correct and just approach, has shown his courage and concern for everybody involved, is deserving of nothing but contempt.

This is a rare and isolated problem, the tragic nature of which we are all aware. I pledge my support for the Minister's attitude and that of his department. In Queensland hospitals in June, 1972, approximately 6,500 female nursing staff were employed in 133 public hospitals. This incident, I agree, is totally unacceptable and tragic, but it is being used to denigrate what is a dedicated and excellent service in every hospital in Queensland, including the Southport Hospital.

Throughout Queensland, both the nursing and medical staffs are giving thorough and supervised training in all aspects of their

profession. As a medical practitioner—there is no such qualified member on the Opposition side—I know that the supervision that is carried out is of a very high standard. In my years of experience as a medical practitioner I have had a continuous association with hospitals, and because of the large number of obstetric cases with which I have been concerned I can speak with authority. My experience, as well as that of numerous medical men throughout Queensland, is that the dedication of our nursing staff is something of which we can be very proud.

The incident at Southport is a tragic and isolated one. The attitude of the Labor Party will do nothing more than result in anxiety and concern, and even contempt, among many dedicated medical people, who already have a difficult job to perform in caring for the community. Of course, the Opposition knows very little about this and, furthermore, appears to care very little about it.

The Leader of the Opposition claimed that an open inquiry will show what is going on at such an important hospital as Southport. Might I ask him: how long does he expect such an inquiry to last? It would have such wide terms of reference that it would take a long time to examine the activities of the hospital. The Leader of the Opposition suddenly accepts Dr. Richardson and Dr. Jones as authorities on the health problems that confront the Gold Coast area. However, he prefaced his acceptance of these authorities by admitting that he does not even know them. What a terrible business this could be! I wonder whether the Opposition has listened to the other 60 or 70 medical practitioners on the Gold Coast.

The honourable member for Albert called for the resignation of the Minister for Health, and based his demand on this scurrilous motion as well as the dreadful Somerville affair. Just as the Somerville affair was brought to the surface just two weeks before a State election so, too, is this matter brought forward as a political gimmick two weeks before a Federal election. The Opposition has shown how false its purpose is, and I prophesy that its highlighting of this matter, only for cheap political propaganda, will bring as much disgrace upon it as did the Somerville affair.

The Health Department in Queensland is providing a wonderful service to hospitals, including the Southport General Hospital. The Minister has dedicated himself to his portfolio, which involves every member of the community. We can be justly proud of our nursing staff, who enjoy the confidence of the people. Despite the claims of the honourable member for Wolston, the nursing staff at the Southport Hospital enjoy the confidence of the great majority of residents on the Gold Coast.

The investigation into the Southport Hospital is being carried out under the control of both the Health and the Police Departments. As a medical practitioner as well as a member of this Government, I assure the people of Queensland that, although a difficulty has arisen in just one of this State's 133 hospitals, they can have every confidence in our hospital system. I am appalled at the iniquitous, unfair and totally unnecessary attack levelled by the Opposition in this motion, based not on substance but on dubious political motives to cover up the Federal Opposition's health scheme, which is vulnerable to severe criticism.

Mr. TUCKER (Townsville West) (3.4 p.m.): The honourable member for Ipswich has claimed that the Minister for Health is fair. I ask: Was the Minister fair in his attack today on the honourable member for Albert? Not at all. In fact, it was one of the most unfair attacks that we have seen in this Chamber. It was made on a young man who was endeavouring to do his duty as he saw it, and who has represented his constituents at all times in a decent and proper manner. He was subjected to an attack by an older man—a Minister of the Crown—who should have known better. Far from being fair, the Minister has been very unfair. If the honourable member for Ipswich believes that he was being fair, I can only say, "God help his electorate."

The incidents at the Southport Hospital provide a typical example of this Government's actions in brazenly—I use that word advisedly—ignoring the wishes and the welfare of the people of the State. It appears to have lost sight of the fact that it is the servant of the people. Instead, it now seeks to dictate to the people and ram its decisions down their throats rather than govern on their behalf. I suppose that has been going on for the last 15 years, but the Government now feels secure and is brazenly ramming its views down the throats of the people.

The people of Queensland, particularly those on the South Coast, want to know how these babies were injured.

Mr. Tooth: So do I; so does everybody.

Mr. TUCKER: That is so. The proper way to do it is to hold an inquiry.

Of necessity many honourable members travel thousands of miles to come to Parliament. Wherever they go they are asked the question, "How in the name of all that is good could these newly-born babies receive such injuries? How could they have broken arms and legs?" People have said to me, "Perhaps they could sustain green-stick fractures, but how the devil could babies sustain such injuries?" In the past few weeks everyone in Queensland has been asking similar questions. The people's confidence has been destroyed because the Government has not been prepared to act in an open way. Perhaps the Minister's hands are tied. I do

not know what goes on behind the scenes in Cabinet. I do not know whether or not he wants an inquiry, but I believe the best way to dispel the worries troubling people throughout Queensland, particularly in the area that this hospital serves, is to hold an open inquiry, which the Opposition is seeking today.

The Government, predictably, has adopted an irresponsible attitude. It seems to be saying, "Do not tell the people what is happening; keep them in the dark; let them know as little as possible." Surely that is the wrong attitude. Once that atmosphere is created all sorts of rumours and fears are nurtured and engendered. I have heard, as have many other honourable members, the statements that have been bandied around about the psychiatric problems of some people down there. I do not know whether they are right or wrong. I have heard whispers about karate chops and all sorts of things like that. If the Minister has not heard them, I would say that he has lost touch with the people around him.

Mr. Tooth: I have heard them.

Mr. TUCKER: The Minister must have heard those things. It is a sorry state when such rumours are bandied and whispered around. They have arisen because of the people's fears, and because they have been kept in the dark.

Today, the Minister seemed to indicate that he knew something that we did not know. I do not wish to misquote you but you—

Mr. DEPUTY SPEAKER (Mr. Lickiss): Order! The honourable member will address the Chair.

Mr. TUCKER: I do not wish to misquote the Minister, but it appeared to me that he had some knowledge we did not have. He seemed to infer that this happens only once in a lifetime and that the Government was able to correct it. That left the impression—I am entitled to draw conclusions, like everybody else—that this situation arose because the Government refused a free, open inquiry. Closed or secret inquiries always arouse suspicion. There is an old adage that justice must not only be done but must also appear to be done. If it does not appear to be done, the people of Queensland will become suspicious. They have a fear that it will be a whitewash inquiry, and there have been many of those. They think that, after a certain period, this may be forgotten and dropped.

Had a child of mine been injured, I would want to know the circumstances. I would demand to know the reason. It is only natural that anybody concerned would adopt the same attitude. Would any Government member not demand the same information if a child of his had been injured? Would he not demand that the matter be brought out into the open to let everybody know

what happened? I say that I have a right, as a citizen of this State, to know what took place.

The demands of the Opposition are simple. We have asked for an open inquiry by men of knowledge and integrity so that everybody will know what has gone on. What has the Government to hide? What is it afraid of? Why is it procrastinating? Is it political, as the Minister said? Is he painfully aware that an open inquiry would reveal many of the shortcomings that the Opposition has enumerated over quite a long period? Is the Minister afraid of an open inquiry? Is he afraid that it will in fact reveal the shortcomings that we claim exist in Queensland's Health Department?

We have seen the Minister ducking and diving on a number of occasions. He "waffled on" for 10 minutes today and said nothing. He threw up a cloud of dust. I know him and understand him. The Treasurer, who is laughing at the moment, has never been able to take anything seriously in his life. This is serious. The Minister for Health hides behind officialdom. He has been hiding behind the police. He has been hiding behind the hospital board. He stated that he would not dare interfere with the board. At the moment he is solicitous of the standing of boards. What a laugh! On many occasions there has been interference with a board of some kind. The Minister cannot pull the wool over my eyes or over the eyes of other Opposition members.

It is noticeable that, whenever the Minister is bereft of argument, he resorts to character assassination. I instance his attack today on the honourable member for Albert. The Minister resorts to throwing dirt. I have heard him name young doctors in this House when they have dared to step out of line in expressing their opinions. His denigration of the honourable member for Albert today was unforgivable. He had to introduce Labor's health scheme to confuse the issue and hide his own ineptitude in this sphere.

Only an open inquiry will clear the air. Only an open inquiry will restore the confidence of the people in this particular hospital and in the health services of this State. What is more important, an open inquiry will restore the confidence of the people in those who administer our health services.

We have been accused today of attacking the matron, the nurses, the hospital doctors, or those who administer the Health Department. This is not so. The inquiry we have asked for will remove the smudge that has been placed on all of those dedicated people. The Minister, by refusing an open inquiry, has placed a cloud over those people. He is not prepared to come out into the open.

(Time expired.)

Dr. SCOTT-YOUNG (Townsville) (3.15 p.m.): I have listened today to many allegations of hospital malpractice. I wish to explain to the House exactly what happens

when trouble arises in a hospital, because Opposition members have obviously never read the Health Act. This is a procedure that takes time. When there is any trouble in a hospital ward, it is reported to the ward sister, who should immediately make a written report to the sectional head. The sectional head reports to the matron, both in writing and in person. The matron should report to the medical superintendent, or the chairman of the hospitals board. The chairman is a stipendiary magistrate, and, if he thinks that it is a criminal offence, he can, of his own volition, notify the police. However, usually he calls his board together. The board then discusses the matter, and there are certain avenues open to them. They notify the Director-General, the Minister for Health, and/or the police. Those are the procedures in a medical matter.

In the case of a non-medical matter, such as the stealing of goods or maladministration, the sectional head reports to the secretary or manager, who in turn reports to the chairman of the board, who, as I say, is a stipendiary magistrate. I have noted that Opposition members wish to remove stipendiary magistrates from any position of authority. These are men of authority and integrity, and they should be where they are. They are worthwhile members of hospitals boards.

Mr. Marginson: That is not in the Health Act.

Dr. SCOTT-YOUNG: The chairman can report, through the secretary, to the Under Secretary, to the Minister, and even to Cabinet. That is the line of communication.

Mr. Marginson: You don't know the difference between the Hospitals Act and the Health Act.

Dr. SCOTT-YOUNG: The honourable member for Wolston should know this. He worked for long enough in the Health Department—or didn't he work there? Probably he took his salary but did not do any work for it.

Let me digress for a moment. I have been a medical practitioner for 31 years, and only once have I seen a child in a maternity ward struck by a nurse. As the honourable member for Wavell said, this is something that cannot be checked. It is not possible to test or probe for it, and it cannot be predicted. Recently in England, murder was done in a happening such as this. Unexpected behaviour happened once at Townsville, and now it has happened at Southport.

There is no way of ensuring that this type of thing does not happen. But when it does happen, certain action must follow, and this is what has happened at Southport. Action has been taken in the correct manner. The person responsible was investigated and dismissed. She has exercised her democratic

right of appeal, and that is why delay has occurred. The Labor Party says it wants this type of democracy, but now that it is taking its course it objects to it.

These babies are now healed, and their parents know what happened. The parents are not belly-aching. There has been no recurrence of this behaviour, and there has been no decrease in admissions to the maternity ward. That indicates just how "terrified" mothers on the South Coast are of going to the Southport Hospital. The number of admissions has not decreased.

Although I accept the things that have been said about the Labor Party making an election issue of this matter, I think they are really acting more out of ignorance. They really do not know what they are playing with. They have found something that they think they can blow up into a bushfire. All that they are doing in fact is disadvantaging the dismissed person in her appeal.

The honourable members for Albert and Wolston mentioned what they said were the inadequacies of the Southport Hospital. This is subject to much debate. A world authority on hospital figures, Dr. Lawson, said in the Australian Medical Journal of 8 January 1972 that 30 obstetrical beds to 1,000 births per annum would be quite adequate. The Southport Hospital is therefore adequate. When built, it was more than adequate. But it is not possible to keep adding blocks every year. Because there is an increase of 10,000 people in two or three years as a result of normal population expansion, it is not possible to provide another block immediately. There has to be further planning, and planning will come.

For general beds, the figure is 3.4 per 1,000 population. This means that the Southport Hospital is slightly below standard in general and surgical beds, but the maternity beds are adequate for the job they have to do.

Mention has been made of two expert doctors, Dr. Jones and Dr. Richardson. I have checked on these two gentlemen. Neither of them holds a Diploma of Hospital Administration, and I do not think either of them is in a position to discuss the intricacies of hospital medical services. Therefore, I would not pay much attention to what they said.

Mr. Marginson: Not even if they worked there?

Dr. SCOTT-YOUNG: Not even if they worked there.

Mr. Houston: What qualifications have you to be a member of Parliament?

Dr. SCOTT-YOUNG: Just as many as the honourable member has. The difference is that I have a brain and he has not.

Opposition Members interjected.

Mr. SPEAKER: Order!

Dr. SCOTT-YOUNG: The honourable member for Townsville West seemed very disturbed—

Mr. F. P. Moore: What did you do to Pat Flecker?

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

Dr. SCOTT-YOUNG: As the honourable member has asked the question, Mr. Speaker, I will answer it. As far as I was concerned Pat Flecker was a drone and was not pulling his weight in the health service, and I recommended that he be not reappointed. I would do that to anyone in the hospital service who is not pulling his weight. The board, in its wisdom, accepted my advice. It has since regretted reappointing him to the staff.

The honourable member for Townsville West was very upset about the way the honourable member for Albert was criticised. That criticism was not half as bad as the criticism of me some years ago by the honourable member for Townsville West when I recommended to the Townsville Hospitals Board that it should dispense with the services of a certain group of people who were undermining the health service of the State.

Mr. SPEAKER: Order! The honourable member will return to the matter before the House.

Dr. SCOTT-YOUNG: I think that the honourable member for Albert got off very lightly. I gave him some advice recently. He asked me about certain figures at the Southport Hospital, and I pointed out that the question was largely one of planning. I said that if there were difficulties at the Southport Hospital, the medical profession and the board should get together and discuss the situation with the Department of Health. At no time while I was in Townsville did I have any problem in discussing matters with the Department of Health and obtaining about \$10,000,000 worth of buildings and a first-class general hospital. The department came to the table every time. There was no animosity in the discussions, and all matters were freely discussed and debated.

(Time expired.)

Mr. SHERRINGTON (Salisbury) (3.24 p.m.): In view of the welter of public material that has flowed from the tragic happenings at the Southport Hospital, one would have thought that the Minister for Health and the Government would have welcomed the opportunity offered by the Opposition to indicate to the public that it desired to clear up once and for all any problems that may exist at the hospital. But having sat and listened to the debate, one is led to the inescapable conclusion either that the Health Minister and the Government consider

that there is absolutely nothing wrong at the Southport Hospital or that they are trying desperately to cover something up.

There has been so much controversy about this very serious matter that one would have thought the Government would welcome the opportunity and say, "We want to clear this matter up. We want to find out what caused these tragic happenings." But the whole attitude of the Minister and succeeding speakers on his side has been one of dodging for cover.

The Minister can shake his head if he likes. I remind honourable members that every Government speaker has tried to tie up this move by the Opposition for an open inquiry with the Federal election campaign and the A.L.P. health policy. If that is the only answer of honourable members opposite, then it shows very clearly that the Minister and his Government are skating on very thin ice.

What makes me more suspicious is that even on the Government side there is an explosive situation. All afternoon the Treasurer has been running around the Chamber telling his members to sit down and shut up. When a clash between the Minister for Development and Industrial Affairs and the honourable member for Wavell appeared imminent, the Minister was told very smartly by the Treasurer to shut up. Only a short time ago the Treasurer ran right across the Chamber to tell the honourable member for Surfers Paradise to sit down and not to open his mouth.

This situation is not only explosive publicly but also explosive within the Government ranks. That has been made obvious by the attitude of the Minister for Health when, first of all, as my Deputy Leader pointed out, instead of trying to reassure Parliament and the people of Queensland that his Government would do everything possible to satisfy public opinion, he spent most of his time in dealing with A.L.P. health policy and the rest on attacking a new and inexperienced member of this House. One would have thought that he would have had more to offer in such an important debate.

I am completely astounded at the three medical men in the Chamber. Previously I did have some respect for the perspicacity of a couple of them. When it suited them the same three medical men have steadfastly defended the hospitals system, and it is to their credit that they have done so. But on this occasion do they want anything done to remove any doubts that exist in the public mind? Did they indicate that there was nothing to hide? Should we not have a public inquiry? Would any of them support that proposal? Each of them on this occasion has used the debate to attack the A.L.P. health plan. That has been their attitude towards such an important matter. One would have thought that as medical men they would have been the first to

their feet to ensure that there was no smirch on our hospitals system because of such an occurrence. The chain of events strengthens the stand of the Leader of the Opposition and the A.L.P. that the only way in which the public will eventually be satisfied about this matter is to have an open inquiry where witnesses can give their evidence under oath.

What has been the chain of events? First of all, an announcement appeared in the Press that these babies had been injured. Next a nurse was dismissed. Has the whole trend of events been fair to the nurse involved? So far, the only obvious action that has been taken is the sacking of a nurse. Do not the circumstances indicate that, because of a lack of information, she would stand condemned in the eyes of the public? Today the position has been worsened by the statement of the Minister for Health that he could tell us a lot of things about this matter, but will not do so. By the use of half sentences and what amount to half facts, he has implied that the cause of the problem at the Southport Hospital is malicious injury.

Mr. TOOTH: I rise to a point of order. I said "the possibility of malicious injury", which is a very important distinction. At no stage have I indicated otherwise.

Mr. SHERRINGTON: I thank the Minister for his comments, because they substantiate my claim. The situation is that one nurse has been dismissed, and the Minister says that there is the possibility of malicious injury to these babies. What position does such a comment put the nurse in? Instead of telling the House that he will have the matter cleared up, the Minister has further clouded the issue.

It is obvious that there has been a controversy among Cabinet members over this issue. In fact, the Press reported a clash between the Minister for Health and the Minister in charge of police.

Mr. Tooth: I have denied that. It was not true.

Mr. SHERRINGTON: Of course the Minister for Health has denied it; but has the Minister in charge of police denied it? He has not. The Press also reported one police officer as saying that Cabinet could better spend its time in looking at the administration of the hospital. Whether such statements are true or not, they are another link in the chain of events at the Southport Hospital.

The Government has had a police inquiry and an investigation.

Mr. Tooth: It is continuing.

Mr. SHERRINGTON: Maybe it is. An investigation was made and a report presented to Cabinet. Next a call was made for a second police investigation. Does that imply

that the police officers who conducted the original inquiry were inefficient and did not carry out their duties in a thorough manner? As I have said, there is also this reported clash between the two Ministers over the second police inquiry asked for. The Minister for Health can deny it as much as he likes, but it is significant that the Minister in charge of police has not denied it.

Mr. Houston: He has not come into the debate, either.

Mr. SHERRINGTON: That is so. The latest occurrences are the issue of a writ, about which I am not permitted to comment, and the setting up of an appeal board to hear the nurse's appeal against dismissal.

(Time expired.)

Hon. Sir GORDON CHALK (Lockyer—Treasurer) (3.34 p.m.): On behalf of the Government, I wish to indicate quite clearly the reasons why it has taken certain action in this matter. I preface my remarks by reminding the House that it is debating the question, "That the House do now adjourn." Consequently, because the Government believes that there is not sufficient reason for such a motion, it will oppose it. I also make it clear that at no stage has the Government indicated its opposition to a public inquiry into the happenings at the Southport Hospital.

The third point I wish to make concerns the remarks of the honourable member for Wolston that the honourable member for Surfers Paradise had remained silent during this debate. Both the honourable member for Surfers Paradise and the honourable member for South Coast have been very closely associated with the Government in its consideration of happenings at Southport and, in their wisdom, they have been guided by the advice that has been tendered to them and to the Government of the day. Consequently, there can be no reflection on the honourable member for Surfers Paradise simply because he has not spoken on this matter. The honourable member for Albert was entitled to exercise his prerogative, and he chose to make what I regard as some political advantage out of this debate. But, so far as I am concerned, that is his right.

I make it clear that, from the Government's point of view, we have adopted a certain policy relative to these happenings, and we propose to follow that policy. Today the Opposition chose to raise this matter in the House in the only way it could, that is, by moving that the House do now adjourn. But what have we heard during this debate, which so far has occupied approximately 2½ hours? First we heard the Leader of the Opposition, supported by the member for Nudgee, advocating that there should be an open public inquiry into these happenings. The Government has not refused to hold such an inquiry. Those charged with the responsibility of administering the Health Department and the

Southport Hospital, as well as the Crown Law officers, have a right to be advised of the procedure that may be adopted.

Immediately these events occurred on the South Coast, the hospitals board took certain action. It called in officers of the Police Force. I commend Mr. Rutherford, and the other people associated with the board, for taking that action. At the same time, the Minister in charge of police reported to his Cabinet colleagues that certain incidents were causing some concern. The Minister for Health, in his responsible position, and very rightly, also made certain inquiries.

It has been confirmed by the speeches of various honourable members today that there is some doubt about how these happenings occurred. It is equally true that the board has taken action against a certain young lady. As I understand it, the board has not clearly defined the basis of her dismissal, but it did take action which, I believe, was advisable and in keeping with proper administration. Consequently, the young lady was given a dismissal notice. She had a right of appeal, which she exercised by lodging a notice of appeal last Thursday with the Minister for Health. We then proceeded immediately to set up an appeal board.

Has the Government in any way been shown to be inefficient in its responsibility in that direction? It has given not only the board but also the young lady their full protection and rights under the Hospital Act, under which she was employed.

Having said that, let me deal with the other side of the inquiry, which has been demanded by many people. The Government makes no secret of the fact that the first report tendered to it by certain police officers clearly indicated that there were some happenings. However, on the advice of the Solicitor-General and two of his legal advisers, the Government believed that, on the basis of the report and the information tendered—which was taken from only certain people—it would be very inadvisable either to take any action on the report or to start any inquiry, because the necessary evidence had not been secured.

It was for that reason that the Government then decided to ask the Commissioner of Police to appoint a top inspector for the purpose of making a full and proper inquiry. This is not something new. It has been done before with other happenings concerning offences of stealing or any other charge. This was the basis on which Cabinet, in its wisdom, asked the Commissioner of Police to instigate this further investigation.

I make no secret of the fact that we hoped Inspector McSparran would finish his inquiry last week and that on Monday last we would have had a full report, together with advice from the Solicitor-General as to what we should do. The Minister for Works and

Housing, accepting his responsibility, reported to Cabinet on Monday that Inspector McSparran had not finished his report. Cabinet was concerned about this. It is public knowledge that we then asked the Commissioner of Police to have the report completed before next Monday. Therefore we have kept the public informed, throughout these unfortunate happenings, on the action that has been taken. When the report is available to us, we will make our decision based on doubt on advice from the Crown Law Office on what further action might be taken.

Let me again make it clear that at no stage has the Government indicated that there will not be an inquiry. What it has indicated is that the Government is a responsible body, charged with the administration of the affairs of the State and the Health Department. Therefore, as a protection not only of every nurse and doctor employed at the Southport Hospital but also of the hospitals board and the Department of Health, we have followed a pattern which I believe every Queenslander is prepared to accept as right and proper.

Today we have had clear evidence of the A.L.P. endeavouring to launch certain insinuations against the Southport Hospital, which I believe has, over a long period of years, carried out its functions admirably. We have had problems because of circumstances for which neither we nor anybody else can be held responsible. They have been created by population fluctuation and the development of this area. There has been a growth factor there that is second to none in Queensland. The statement has been made today that people on the Gold Coast are dying because of a lack of adequate attention. I deny any such assertion.

(Time expired.)

Mr. HOUSTON (Bulimba—Leader of the Opposition) (3.45 p.m.): This debate has taken over two hours and it was not until the last speaker from the Government side that we knew whether or not the Government is in favour of an inquiry. Earlier today, the Acting Premier stood over every member of the Government. He said, "You won't speak unless I tell you to." We saw the Minister for Development and Industrial Affairs rising to take a point of order, and he was physically pulled down by the Treasurer. The honourable member for Surfers Paradise wanted to talk about the hospital in his area, but he was told, "Sit down. You might say the wrong thing. You might tell the truth, and it would embarrass the Government." Why has not the Minister in charge of police told the House about the police inquiry?

Sir Gordon Chalk: Why?

Mr. HOUSTON: Why shouldn't he? The Government selected as its speakers three back-benchers, two of whom have been here for only a short time. The Government

used doctors in this House; it made them place their party allegiance before their oath as doctors. That was a shameful thing to do, and I condemn those who did it. The Government used doctors to give respectability to its case. It knows that it actually has no case.

I give credit to the honourable member for Wavell who said, exactly as I thought he would, that he wanted an inquiry. The Government used doctors to say that there is no need for an inquiry. Two do not want an inquiry, but one does.

Sir Gordon Chalk: That is not so.

Mr. HOUSTON: Yes, it is. The honourable member for Wavell can deny it if he wishes. He said, "I support this inquiry."

Sir Gordon Chalk: He is entitled to do that.

Mr. HOUSTON: Let us look at some of the other matters. I believe that the Minister in charge of the Police Force should at least have made some statement concerning police activity. The Government has openly said of two of its officers that they did not do their work correctly. The Minister in charge of the Police Force indicated, by his silence, that they had not efficiently carried out their job.

Mr. HODGES: I rise to a point of order. There is no reflection at all on the integrity of the police in this matter. The scope of the inquiry was broadened on the second occasion to enable the police to investigate further aspects of the administration.

Mr. HOUSTON: What is the point of order?

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

Mr. HOUSTON: Let us consider the case presented by the Minister for Health. He started by saying that he had received no information from the board, as the board was completely independent, and, till 25 October, he had not received any details. Yet the honourable members for South Coast and Townsville said that hospital boards have to report to the department whenever anything serious happens. The honourable member for Townsville said that, if something goes wrong in a ward, a report is made to the ward sister, then to the matron, then to a member of the board, and finally to the board. The board then asks police to come in, or takes whatever action is necessary.

Mr. Hinze: Surely you do not say that the board would not report it to the police?

Mr. HOUSTON: The Minister said that it did not. I was not the one who said it. The honourable member for South Coast went further than that. He said that the board called together representatives of the

local Press. How ridiculous can you be! Why would we not want an inquiry? Why would we not want to know what happened?

Let us look at the hospital itself. We do not know who caused the injuries. The fact is that the babies were injured, the first one some time after 26 July. The next one was injured some time after 5 October, and others on various days to 16 October. Irrespective of whether someone injured the babies or they injured themselves, someone must have known that they were injured. Someone other than the person who injured them, if someone did in fact injure them, must have known that they were injured. I cannot believe that a baby would not be weighed, checked and bathed, and would not have its clothing changed many times each day.

Honourable members should not forget that the policy inquiry did not begin until 19 October. The babies born on the 5th and the 11th must have been handled many times in the Southport Hospital by quite a number of people before the police inquiry began. Were those injuries seen, or were they not?

An Honourable Member: Only an inquiry will tell.

Mr. HOUSTON: That is right; only an inquiry will tell. The babies were injured on four successive days. Why was that not reported? If someone did report it, why was action not taken more quickly? When was the Department of Health first told that these things were going on?

It is said that the board of inquiry into the dismissal of the nurse will clear the matter up. It will not clear it up, because no witness is compelled to give evidence before that inquiry. On the other hand, people would be compelled to give evidence under oath before an inquiry such as the one proposed by the A.L.P., and they would be protected if they did give evidence. Before a board of inquiry into the dismissal of the nurse, a person could say, "I don't know", and get away with it. What will the finding of the board show? Only whether or not the nurse did it. That is all it will show. In fact, it may not even do that. It may say only whether or not the nurse should be dismissed, because her appeal is against dismissal. It will not show whether or not someone else knew about it and did not report it; whether or not other factors came into it; whether or not the girl concerned was tired; whether or not other people were tired; whether there was complete supervision; or whether there was sufficient staff.

The Federal election has been used as a smokescreen. Did the Labor Party injure the babies? Did it use the fruit cases? Did it cause the doctors to leave? It is pure coincidence that a Federal election is imminent. But what is worrying the Government is that on this occasion coincidence is favouring the A.L.P. Honourable members opposite

know that a full inquiry will show that the Southport Hospital needs more money, that every hospital in Queensland urgently needs more money.

Sir Gordon Chalk: Now we are getting to it!

Mr. HOUSTON: Who introduced politics into the debate? I did not mention one word about politics in my speech. It was honourable members opposite who raised the issue. If the Government is not frightened, let it have the inquiry. We will then see exactly what the position is and where we stand.

Honourable members opposite spoke about the sacking of a girl. On what evidence was she sacked? They say that they have not enough evidence from the police who investigated the matter and reported to Cabinet. Honourable gentlemen opposite say that the Crown Law Office did not have any case on which to act and that Cabinet wanted a further investigation. In spite of that, the hospital board saw fit to sack the girl—at least, the matron sacked her.

Mr. Tooth: You are making assumptions that you have no grounds for making. You do not know the grounds on which the girl was dismissed.

Mr. HOUSTON: Do you know?

Mr. Tooth: You are making quite improper accusations.

Mr. HOUSTON: The honourable gentleman does not know; I do not know. Only a full inquiry, with a Q.C. assisted by a first-rate medical man, will be able to get the evidence and sift it.

Mr. Tooth: All in proper time.

Mr. HOUSTON: Never mind about that. The honourable gentleman was not game to say anything. He rose in this Chamber and talked a lot of nonsense. He said, in effect, "I wish to take this opportunity, first of all, of congratulating the gentlemen on my side who spoke. They were marvellous speakers. I thoroughly understood all that you said, gentlemen, and you did a good job on behalf of the Government and on behalf of the people of this State. Congratulations! As far as speakers from the other side are concerned, we heard a lot of rubbish from them. None of you over there knew your subject."

I have left till last the aged gentleman from Townsville South. For his benefit, I point out that the injuries were not known to anyone until 19 October. Therefore, it was physically impossible for the Labor Party to raise the matter before then. Again he has proved on this occasion that he is only a weak stooge for the Government.

(Time expired.)

Question—That the House do now adjourn (Mr. Houston's motion)—put; and the House divided—

AYES, 32

Aiken	Jones, R.
Baldwin	Jordan
Blake	Marginson
Bousen	Melloy
Bromley	Moore, F. P.
Burns	Newton
Casey	O'Donnell
D'Arcy	Sherrington
Davis	Tucker
Dean	Wallis-Smith
Hanlon	Wood, B.
Harris	Wood, P.
Harvey	Yewdale
Houston	
Inch	Tellers:
Jensen	Leese
Jones, N. F.	Wright

NOES, 44

Ahern	Hughes
Aikens	Knox
Alison	Lane
Armstrong	Lickiss
Bird	Low
Camm	McKechnie
Campbell	Miller
Chalk	Moore, R. E.
Chinchen	Müller
Cory	Murray
Crawford	Neal
Edwards	Newbery
Fletcher	Porter
Frawley	Rae
Gunn	Row
Hartwig	Scott-Young
Herbert	Small
Hewitt, N. T. E.	Tooth
Hewitt, W. D.	Wharton
Hinze	
Hodges	Tellers:
Hooper, K. W.	Kaus
Houghton	Tomkins

Resolved in the negative.

AUCTIONEERS AND AGENTS ACT

PROPOSED DISALLOWANCE OF REGULATION

Mr. WRIGHT (Rockhampton) (4.3 p.m.): I move—

"That the amendments to the Auctioneers and Agents Regulations 1971 under the Auctioneers and Agents Act 1971, as made on 14 September 1972, and tabled in the House on 28 September 1972, be disallowed."

Of all the legislation that has been enacted by this Parliament in recent years, no measure would have received more criticism than the Auctioneers and Agents Act 1971. It is no wonder that very strong rumours are circulating in the political world as well as in administrative and commercial fields that, in the very near future, the Act will be repealed and, furthermore, redrafted. Anyone who listens to comments made by auctioneers and real-estate agents, employees of finance companies and motor-vehicle salesmen will realise how lacking this legislation is and how important it is that major amendments be made to it.

It might be said that these amendments in themselves indicate that the administration has realised the need for a revision and

that some action has been taken to overcome the anomalies that exist. Whilst on the surface this might be true, a close study of the amendments will show that, instead of improving the provisions of the Act and the efficacy of the regulations, they are eroding and destroying the original intention of the subordinate legislation.

It is unfortunate that honourable members who oppose only some amendments to regulations are required to move for the disallowance of all of them. These amendments embody changes that are supported by the Opposition; but unfortunately the Standing Orders provide that any motion for disallowance applies to all amendments gazetted at a specific time. I stress, on the one hand, that there are certain provisions to which members on this side of the Chamber are not opposed. On the other, as honourable members will realise as the debate continues, there are some very important ones that should be disallowed. Unfortunately, in the time available, it is virtually impossible to debate the issue fully. That is a great pity, but it is important that we should try to get across our specific points.

The amendments under debate refer to many of the activities of auctioneers, debt collectors and various agents. I believe that the opposition can be tied to two main aspects, first, the requirement concerning information about vehicles which have been lowered or lessened, and, second, the unwarranted exemption being given to certain sectors in the motor vehicle industry or business.

The first concerns regulation 27, which is being repealed. The regulation provides that, before a purchaser pays any money or signs any contract, agreement, or legally binding offer, the motor dealer or his agent has to give a statement in writing outlining the make, the body model, the engine number and other information about the car. When this legislation was first debated in 1971, both Government and Opposition members said that this information should be stated. Yet the regulations are being amended to remove this obligation.

It is intended to repeal the provision so that it will simply be necessary for such data to be given at the time of delivery. If honourable members think about it, surely they will realise how ridiculous and unwarranted the amendment is. What is the sense of giving this information at the time of delivery? Surely the original intention of the Act and the subordinate legislation in the form of regulations was to ensure that this information was given at the time of purchase, before anything was actually signed. However, the provision is to be repealed. People do not want to know all these things after they have signed on the dotted line, or paid up; they want to know beforehand. It is ridiculous that the information should be given, as the regulation now states, at the time of delivery.

I believe that the deletion of some of the information required is unwarranted. The regulations are designed to require information as to chassis numbers. This morning I rang a member of the R.A.C.Q. to ask him if a chassis number was necessary and if it was normal in current models to have a chassis number. He explained to me that it was still the practice, and that the chassis number was imprinted on the body of the car. He said that it was looked upon as the car or body number. He explained to me that there are such things as a side number, an identification plate, and an engine number. He also said that, in many cases, the three numbers are one and the same, but that that was not necessarily so. He impressed upon me that it was important to have a chassis number because, to use his words, "the engine could be transplanted". It is important to make this information available, and I believe that no sensible reason exists for removing the requirement.

I am also concerned about another aspect which relates to the removal of certain responsibilities and requirements from certain sectors under this Act. The proposed amendments mean that exemption will be given to hire-purchase companies. There will be no need for them to make this information available to the hirer or the lessee on the termination of a hire-purchase transaction or lease agreement. The legislation means that we do not intend to worry about these people and, on the surface, it seems that it does not really matter. However, when it is remembered that most motor-vehicle sales today are made under hire-purchase contract—in fact, most people hire vehicles—we see its importance.

Mr. W. D. Hewitt: You worry about them when they enter into the contract.

Mr. WRIGHT: With all due respect to the honourable member, I think he will find that that is not so. I spoke to some of the finance people at the dinner we attended. They told me the difficulty they had because of this provision. I understand that it was on their recommendation that one part was repealed and the other amended. The Minister can tell us if that is so. The point is that such information will not now be given to a purchaser who, because of socio-economic status, has not enough money to pay cash. He will not have this right that is enjoyed by persons who pay cash. He will not have that information.

Mr. P. Wood: Most people enter into hire-purchase arrangements for the purchase of motor vehicles.

Mr. WRIGHT: That is my point. Most of the sales or transactions that take place will involve the hirer, yet exemption is given to this person. We must question this very carefully. It may be warranted, and I will accept it if the Minister will give reasons.

After all, this is the main opposition I have to regulations. They are brought down and no-one is told why. It is up to committee members in Opposition or in Government to find this out for themselves. Things are simply deleted, as I shall point out later. The point of the matter is that special exemption is being given to a sector of the community, namely, the hire-purchase firms, and the hirer or lessee is suffering because of it. It is not good enough. I do not believe that exemption should be given in this case.

Unfortunately, this is not the only exemption, if one looks at the old Act. One finds that special exemption is now being given to the licensed corporation. In the past few weeks the Minister has made reference on numerous occasions to the importance of bringing the Crown under its own legislation. I am sure he will agree that many of the amendments he has introduced, on the recommendation of the Law Reform Commission, have stipulated that the Crown will now be subject to those Acts. It is debatable, I suppose, but we could regard the licensed corporation as a body set up by statute—in a sense, the Crown or, say, the S.G.I.O., as it was defined under the old Act.

The point is that it is provided now that these people who auction vehicles do not have to provide this information, yet under regulation 46 a vendor who goes to the licensed corporation must give the licensed corporation this information. Surely what is good for the goose is good for the gander. We cannot allow this to continue. If it is good enough for the licensed corporation to receive such information, it is surely good enough for it to pass this information on to the new purchaser. We cannot allow this to happen. These exemptions will lead to a breakdown of the Act.

To start with, let us consider the thousands of cars sold on hire-purchase. The person who re-sells his will not have had the information made available to him, yet it will be incumbent upon him to make such information available to a motor-vehicle dealer or it will be the motor-vehicle dealer's obligation to find out that information. I do not think we are looking at this question hard enough.

When I first looked at the Act—I think it was 1970—I was pleased because I thought it was a start in overcoming many of the problems. In fact, I thought it was the start in establishing the system that exists in some American States of having a log-book. Those States have a system under which people can check back to see not only whether the engine number has been changed because of transplants but also whether the car was a certain colour and model, and, more specifically, how many miles it had been driven and, even more specifically again, how many owners it had had and what type of maintenance and repairs had been carried out on it.

As we improve and become more mindful in this field, I believe the Government will see fit to make these regulations more binding, more explicit and applicable to all people, so that the information will be available for the protection of the motor-vehicle dealer and the purchaser.

This is certainly not the position now. Instead, provisions are being removed. There is an amendment to Regulation 28 to remove the stipulation that the year of manufacture must be given. Instead, the approximate year of manufacture must be given. When people buy a car, the first thing they look at is the year of manufacture. They think of it as a 1968 Holden or a 1972 Holden. They look for a specific year of manufacture. Yet the regulation now prescribes the approximate year of manufacture. What is meant by "approximate"? Is a 1967 Holden "approximately 1962", or is it "approximately 1972"? What does this mean?

What is wrong with stating the actual year of manufacture? After all, this usually decides the price of the car. To ascertain the price one looks at the red book used by dealers, and the price is tied to the model and year of manufacture. The price varies with model from year to year, and the difference of a year usually means an increase or decrease of \$200 or \$250. This provision is being removed, and I do not think that it should be.

I believe that we must maintain what we have. There is no sense in lessening the strength of the legislation; that does not help anybody. It will not help motor-vehicle dealers, because they already have a bad enough name. Most are reputable, but there are always the fly-by-night dealers. I think that the more stringent the regulations, the better it will be, and, if dealers are required to abide by such regulations, the more effectively will the customer be protected.

I do not believe that finance companies really need exemption. The lack of exemption may cost them a few dollars, but paperwork always costs money. This is a requirement that should be maintained. After all, it was the intention of the original Act and regulations, and it was only after pressure was put on the Government that this was removed. I believe that the hirer as well as the ordinary purchaser has a right to this information. I believe that this whole legislation has to be redrafted.

I accept that there is a need for change, but I believe that there is no need to lessen the effectiveness of the present regulations. There is no need to remove the requirement concerning the chassis number, and there is certainly no need to give special exemption to hire-purchase companies or licensed corporations. I believe that the Auctioneers and Agents Act 1971 needs to be redrafted. I believe that the regulations need to be revised, and that the amendments before the Chamber should be disallowed.

Mr. BURNS (Lytton) (4.18 p.m.): When this legislation was originally brought down, no doubt the aim was to protect the consumer from the operations of real-estate sharks and the "Ned Kellys" in the used-car yards. That would have been a major opportunity to introduce regulations controlling the activities of modern-day bushrangers who call themselves used-car dealers. These are the fellows who, instead of holding a gun as Ned Kelly did, use their slick tongues, false contracts and warranties, and the turning back of speedometers, as their methods of operation in robbing the ordinary consumer.

The prevalence of dishonesty in the motor-car industry, as well as the real-estate industry, is a national responsibility. It was covered in the Molomby report, on which I asked a question this morning, and it has also been covered in a number of other reports in South Australia and elsewhere in relation to consumer credit and consumer protection. Mrs. Luxton, secretary of the Licensed Real Estate Agents, has highlighted problems of sole agency and multiple listing by real estate agents. Motor-car dealers, in selling both new and used cars, hide behind guarantees and warranties. I noticed in the Press today a fellow advertising himself as "Genuine Joe" and offering a "12/12 warranty". What does that mean? It is nothing but false advertising, and it should be branded as such and mentioned in these regulations.

Dealers perpetrate fraud and misrepresentation by these means. A fellow advertises in the "Telegraph" every day of the week: "New Australians—If you want transport, contact me." We know as soon as we see such an advertisement that it is a fraud. We know that he is a "con" man and is out to take people down. Very few honest traders operate in that way. The major traders certainly do not; it is the fellow in a small way down on the corner who does that.

I believe that a large proportion of used-car dealers operate honestly and that many second-hand cars are genuine bargains, but confidence tricks from the criminal minority in the user-car business not only swindle the buyer but also place large sections of the community in danger by the lethal hazards that they create in putting "bombs" on today's overcrowded roads. I am sure that accident records would show that the regulations should be strengthened to get some of these "bombs" off the road, and that the legislation that introduced the worthwhile idea of roadworthiness certificates is not working in the way intended. In fact, a major section of the R.A.C.Q. journal, "The Road Ahead", recently attacked the system under which roadworthiness certificates are issued. People who buy used cars today think that the issuing of a roadworthiness certificate means that a vehicle is mechanically sound. It does not mean that at all, and regulation 27 should have been protecting those people.

When regulation 27 was being considered, an attempt should have been made to ensure that a person did not buy a substandard "bomb", that the printed tag that was stuck on the back of the vehicle, or handed to the buyer and signed, as the regulation provides, really meant something. Things should not have been taken out of it; they should have been added to it.

The first part of regulation 27 says something to this effect—"The motor dealer at all times being responsible for the submission..." What does "responsible" mean? Is that some form of guarantee? Does it mean that if what is contained in the statement is wrong a person will be able to go to the dealer and say to him, "The statement is 'crook'. I want my money back."? It does not say that. The section dealing with the fidelity bonds of motor traders refers only to situations in which the dealer does something that he is not permitted to do with the money he puts into his trust account. It does not mention anything about a "crook" deal when a dealer robs a person buying a car or when he puts something false into a statement. The fidelity bond referred to in the Act covers only situations in which dealers take a person's deposit and misuse it in some way.

What does "responsibility" mean? How responsible will the dealer be for the statement? The regulation does not go far enough. The person buying the vehicle is told, "If the engine is replaced, we will tell you about it". The regulation says, "If the engine has been replaced by the licensee, state that fact." But provision is also made for selling to a hire-purchase company or to another motor dealer. The statement does not then have to be transferred, and it is no longer necessary to state the fact that the engine has been replaced. If a person wants to replace the engine, he can easily do it by selling the car to his mate in the used-car yard down the road, who then sells it back again. There is then no need to worry about repeating the statement that the engine has been replaced. It has not been done by the licensee.

What about automatic transmissions, in this day and age when they are becoming accepted? In many instances a short motor can be put into a car far more cheaply than a new automatic transmission. So if it is reasonable to say, "Has the engine been replaced?", is it not also reasonable to mention the other major components that make up the expensive section of the car?

Why not mention all the owners? Why mention only the last owner? For example, a friend of mine bought a Ford Capri car and she had all sorts of trouble with it. I believe that the problems associated with that car have been mentioned in other places. She knows that it has been sold three times since she sold it. According to the certificate, it is necessary to give only the name of the last owner. A person buys a car like that, finds that it is a

"bomb", and then sells it. Only the name of the last owner is required on the certificate. Why not go a little further? If it had really been desired to protect the consumer, the regulation could have done that.

What does "clear title is guaranteed" mean? What is meant by "guaranteed"? One of the most dangerous words in the field of consumer affairs today is "guaranteed". Take the warranty on new Holden cars as an example. It says, in effect, "We will guarantee all these things as long as you pay for the labour." So, when the front door-handle falls off the car, the owner is charged \$6.40 to have it put back on. "Genuine Joe" gives a 12/12 guarantee. It does not mean a thing. If we look at it mathematically, I suppose it means 144. What does it really mean? The fellow who is smart says it means 12 months or 12,000 miles. Is that what it means? That is not what it says. Later, when a person goes back with his receipt in his hand and says, "This does not stand up to the guarantee. It does not meet the warranty," he gets nowhere.

In the Victorian Parliament, and in New South Wales, the suggestion is being made that cars sold for more than a certain price—and a similar provision could have been included in these regulations—should have to be warranted and that the seller must carry out repairs over a certain period of time if he sells under that warranty. Why couldn't that have been done in Queensland?

Why are hire-purchase companies—the places to which ordinary people go for finance—being exempted? The average man buys his car at the week-end. One of the first tricks pulled on him is that the dealer says, "We have a few things to do to it, mate. We will fix it up and give it to you on Monday. Give us a holding deposit." When the man goes back on Monday, he may have changed his mind. The dealer has told him, "If you change your mind on Monday, it will be all right." But just try to get the deposit back! I have written a number of letters for people in the Lytton electorate trying to get deposits back for them, but they have never got them back.

Having fallen for the holding deposit and accepted the sort of standard that is laid down, a person says, "It is guaranteed." The guarantee does not stand up, and the regulations should have ensured that it will stand up if their intention is to protect the consumer. If not, the dealer is being protected and given a way out. All he has to say is, "If you sign these things, she'll be sweet."

The situation now is that the hire-purchase companies are exempted from these provisions. It is not necessary to hand in the notice. Most of the used-car yards in this country are completely controlled by hire-purchase companies. They provide the finance and put the cars on the floor. Most of the cars on the floor in used-car yards are owned by the hire-purchase companies. They tie a

man up under a franchise or a floor plan which says, "You must send buyers to us for hire-purchase agreements and you must send them to our insurance company." If that is not done, the person is not in business. The hire-purchase company says, "If you don't do that we won't lend you the money to stock your yard."

The principle of tied dealers should be outlawed. Buyers are signed up for three years with heavy repayments on their cars. Everyone knows about the "jack-up" system. A person takes his old car to a dealer and the dealer says to him, "Listen, mate, it is only worth \$50 but you need \$150 for a deposit on another car. What we will do is give you \$150 for it. Of course, we will have to add a bit on the end."

A couple of months ago the "National Times" showed how, under this system, a \$1,260 car cost \$2,300 over a three-year period. The dealer says, "Buy your insurance through us. We will put it into the hire-purchase agreement on this floor-plan scheme." The buyer never receives the benefit of a no-claim bonus. Even though he might be the best driver on the road, he never receives the benefit of a no-claim bonus from the insurance company, which is being paid through the hire-purchase company.

Why do we exempt the people who are financing and, in many cases, are the major operators under the scheme? If I am selling a car to the honourable member for Townsville South, why is it that I have to give him a certificate whereas, if I am selling it back to the hire-purchase company or to a dealer, or one dealer is taking it from another dealer, no certificate is necessary? For the sake of consistency, the car should have a record covering the whole of its life. The first person who sold it could pass it on and, in turn, he could then pass it on to the next owner.

(Time expired.)

Mr. HANLON (Baroona) (4.27 p.m.): In the absence of a committee to consider subordinate legislation, which would more or less act as a watchdog on behalf of the Parliament generally, it is desirable that the Opposition be over-sensitive rather than under-sensitive in its reaction to regulations, and to ensure that the onus is always on the appropriate Minister to justify the use of the regulatory power contained in an Act.

As the honourable member for Rockhampton mentioned, it is true that in the amendments to the regulations involved here one could imagine that there are frequently grounds on which dealers, finance companies and others may have put before the Minister an objection to the amount of paperwork in which they are involved. As we endeavour to extend protection to the ordinary citizen, he may feel that he is being slowly drowned in a stream of forms and paperwork because of the requirements under various Acts, some of which he may not even know about.

It is understandable that when this is done at a business level it can snowball and create a considerable amount of expense which, in turn, would be passed on to the consumer. Therefore, we have to approach these matters from the rational point of view and say, "Is this form really necessary?" If the Government is moving to relieve some of the burden of paperwork and form-filling-in, which may prove of ultimate benefit to the consumer, nobody will have any objection. On the other hand, we have to ensure and be doubly certain that we are not removing something that will mean a loss of warranted protection to the consumer in the activity in which he is engaging and in which he has previously enjoyed protection.

I do not intend to deal at any great length with the matters already canvassed by the honourable members for Rockhampton and Lytton. However, I wish to deal briefly with the amendments to the regulations where we are dealing with an application by a corporation for a licence in respect of an employee, being a commercial agent. I am somewhat concerned about the original legislation that was passed in about the March session of 1971 and that incorporated provision for the committee appointed under the Act to compile a code of professional conduct as a guide to the standard expected of commercial agents and subagents.

In this instance, we are seeking certain information from the corporation that is applying for a licence in respect of one of its employees. In Form 1A under regulation 14, we require information from the employee as to his date and place of birth, and so on. It is some time since the Act was passed and enabling legislation was brought down in 1971, yet we still have not reached the stage of issuing this code of ethics. This applies equally to car dealers, because section 60 of the relevant Act provides for a code of professional conduct for them.

On a realistic basis, it is probably true to say that in prescribing a code of ethics we are more or less making a pious resolution. Nevertheless, those people who are licensed in terms of the regulations are made aware of what is required of them. As I have said, they are required to furnish information as to their place and date of birth. I consider it to be of greater importance to inform them of the manner in which they are expected to act. If I were "taken down" by some person, I would not care where he was born. However, I would be concerned that he should be informed as to the manner in which he is expected to act so that he will not endeavour to "take me down" again.

Mr. Wright: Do you think a code of ethics should be prescribed?

Mr. HANLON: Such a code is provided for in the legislation, but it has not been forthcoming. It may be that, owing to a

linking-up between this legislation and the Invasion of Privacy Act, a certain amount of dual licensing has occurred and machinery troubles have perhaps inhibited the committee in taking certain action.

The Minister may remember my drawing his attention to a case involving the repossession, in error, of a motor vehicle. In that case an employee of a commercial agent, acting as a repossession agent, had been provided with an incorrect registration number and repossessed the vehicle in the early hours of the morning. A neighbour of the owner of the car woke him and informed him that someone was stealing his car. The owner went out to his vehicle and nearly got himself into some difficulty by doing some physical harm to the person who was, without legal right, taking the vehicle. The commercial agent was acting in a bona-fide manner, because he believed that the registration number supplied to him was the correct one. However, the source of information proved to be unreliable with the result that he had been given the incorrect registration number. Fortunately, nothing arose from the incident because explanations were given and the matter was settled before any real damage was done. However, the owner of the vehicle could have become involved in an altercation with the repossession agent and done him some injury, thereby making himself liable to a charge of assault.

When I raised this matter with the Minister, he suggested that it would be dealt with in due course by the promulgation of the regulations or the code of professional conduct as set down by the committee.

I hope that in future, by regulations or amendments to the Act, there will be embodied a code of ethics to acquaint those persons who wish to be licensed with what is expected of them. If a licence is granted and the operator falls down in some way, the committee will be able to give more than a pious indication of what should have been done. It will be able to say, "You were aware of what we contend should have been the code of ethics or the standards expected of you. You have not carried them out." It will then be able to use its disciplinary powers under the Act, remove the licence, or deal with the offender to some lesser extent according to the seriousness of the offence.

I mention this matter because I duly passed on to the gentleman concerned and his solicitor the Minister's advice that this matter would be tidied up under the code-of-ethics provision in the Act. However, six months has elapsed since I took the matter up with the Minister and two years have passed since the Bill went through Parliament. But the necessary regulations do not seem to have been passed.

As to the matters raised by the honourable members for Rockhampton and Lytton, it may well be that there are cases in which

the amendments in themselves are not particularly significant. In some instances, when exemption is granted it is restricted. I notice that, under regulation 46, there will be no need to furnish a statement as to make, body, model, colour, etc., as outlined by those two honourable members, between licensed auctioneers, motor dealers and people who engage in hire-purchase transactions, if both parties agree. Of course, this indicates that in certain cases it is recognised that one party may feel that such information is necessary. In any event, he is protected in such a transaction unless he agrees to waive his rights.

(Time expired.)

Mr. SHERRINGTON (Salisbury) (4.37 p.m.): I wholeheartedly support the remarks of other Opposition members, capably led by the Opposition shadow Minister, who moved that the regulations under discussion be disallowed. I do so in the belief that regulations should be designed to strengthen an Act rather than weaken it. I also believe that the intention of an Act should not be detracted from by any subsequent regulation. That is very important, because regulations are designed mainly to simplify the process of Parliament by strengthening or adding to existing legislation without the need to bring it before Parliament.

Mr. W. D. Hewitt: Not by adding to it; by being consistent with it.

Mr. SHERRINGTON: My point is that most Acts provide that the making of regulations will ensure that the intentions of the Act are carried out.

Mr. W. D. Hewitt: But not by adding to it.

Mr. SHERRINGTON: That is fair enough. I accept that view.

I am dismayed whenever I see regulations detracting from the intention of legislation. One Act that comes particularly to mind is the Door to Door (Sales) Act, which was introduced by the former Minister for Justice. It came to pass because both the Government and the Opposition at the time believed that there was an immediate necessity to protect people from becoming the victims of door-to-door salesmen who were "pressuring" them into purchasing various items, without any right of redress in the way of returning, after a cooling-off period, any of them that they did not really want. After the Act was passed, the regulations appropriate thereto catered for a great variety of articles that were being peddled by various door-to-door salesmen. Gradually, however, the whole validity and intention of the Act were whittled away because the exemptions were introduced by Order in Council.

I remember on one occasion a whole host of articles that had been classified under the regulations as coming within the

scope of the Act were removed, and it was not until the Government instituted an inquiry into consumer protection that even Government back-bench members realised what had happened. If my memory serves me correctly, it was the inquiry conducted under the chairmanship of the present Minister for Transport that elicited the information that the previous Minister for Justice had removed these items from the regulations under the Act. It even escaped the notice of Opposition members—although I do not know how it did. I believe that those amendments to the regulations completely opposed the original intention of the Act.

There could be a parallel today. On a cursory examination of the regulations under discussion, it would seem that it is the obligation of every dealer who sells a used motor vehicle, either on his own behalf or as an agent, to supply particulars of the make, body model, colour, engine number, etc. One would imagine that this is laudable and is putting into effect the intention of the Auctioneers and Agents Act. However, a careful examination reveals what appears to be a grave anomaly. I accept the point raised by the honourable member for Rockhampton that there is perhaps a valid reason why a statement of this nature need not be given to a hirer or lessee on the termination of a hire-purchase transaction; but I fail to see why such information is not given to the person concerned.

There has for many years been some controversy surrounding the disposal of motor vehicles. It goes back for as long as I can remember. The issuing of roadworthiness certificates for all motor vehicles was being advocated when I first entered Parliament in 1960, and it has taken until now to have that principle embodied in legislation. We should be seeking every avenue of consumer protection, particularly in the sale of used machinery of any type.

Many of the items listed in the roadworthiness certificate are laudable. However, there is no obligation on the seller of a motor vehicle to supply any information in regard to steering, which is a very important aspect of motor vehicles. Inefficient steering is one of the big problems in the motor industry. I have owned my present vehicle for four years. The steering system has cost me hundreds of dollars, and, if I take my eyes off the road momentarily, I am still likely to finish up on the footpath. This is also the position with other cars.

Mr. Tucker: It depends on where your eyes go.

Mr. SHERRINGTON: As I am a respectable person, my eyes travel in different directions from those of the Minister. If the Minister is in fact safety conscious, he should have a long and hard look at the type of steering fitted to the fast-moving motor vehicles of today. I repeatedly had

my car back for attention to the steering, but finally I "gave it away". I find it easier to keep my eyes on the road than to pay garage bills in an unsuccessful attempt to have the steering corrected.

Mr. W. D. Hewitt: There are lots of pretty things on the footpaths.

Mr. SHERRINGTON: That is so—and I am still not past looking at them.

I say in all seriousness that information such as the engine number and the date of its replacement is not really very important. Actually, a modern vehicle can have so many other mechanical faults that the least important thing to know is whether the engine has been changed.

(Time expired.)

Hon. W. E. KNOX (Nundah—Minister for Justice) (4.47 p.m.): This has been a somewhat disappointing debate. One would have expected in the limited time available that speakers who felt that the amendments should be disallowed would have confined themselves to the regulations. A number of speakers devoted themselves to the Door to Door (Sales) Act, the Machinery Act, and things not in the Act that should be there, whereas the whole purpose of the debate was to deal with the regulations.

It appears from the relevant submissions on the issue that the regulations in dispute are 27, 28 and 46. They are the ones that were specifically mentioned. It appears that the Opposition is of the opinion that these regulations are the only ones governing the roadworthiness of vehicles, and the description of a vehicle that may be changing hands. Of course, since the Auctioneers and Agents Act was brought down in 1971, the Machinery Act has been amended to cover roadworthiness of vehicles, and to a large degree it has superseded the requirements under the Auctioneers and Agents Act.

It is also important to realise that the public is the first consideration in the Act, and nothing in the regulations takes anything away from the public. Indeed, the amendments have assisted the public in transactions in which they have been involved, and in no way do they take away any protection that was previously given.

Mr. Wright: What about the hirer and the purchaser?

Mr. KNOX: The hirer, of course, is the purchaser. That is where the honourable member was confused. He spoke of the purchaser, when the owner is in fact the hire-purchaser company. The person who ultimately owns it is, for the time being, the hirer.

Mr. Wright: Doesn't he have some rights?

Mr. KNOX: What we are debating is regulation 27, and in that case we are talking about a motor dealer who sells for

someone or on his own behalf a used motor vehicle, and, whether the ownership passes immediately to the purchaser or whether the ownership does not pass immediately, he shall, before the person making the payment, called the purchaser, pays any money to the motor dealer or signs any contract, agreement or offer legally binding or intended to legally bind the purchaser in respect of the sale, give to the purchaser a statement in writing—

Mr. Wright: That has been changed.

Mr. KNOX: It has been changed only to a certain degree. For example, the chassis number has been eliminated. Those honourable members who have had any experience in this field will know that it is almost impossible to find the chassis number on old cars, but it is always possible to find the engine number. That, of course, gives a greater degree of identification than the chassis number.

Mr. Hanlon: Are not the police recommending that people put additional markings where they cannot easily be found?

Mr. KNOX: Yes. However, the Auctioneers and Agents Act is under consideration, not the Vagrants, Gaming, and Other Offences Act or the Inspection of Machinery Act, which also relates to motor vehicles. Honourable members are discussing what should be required of a dealer, what he should do, and how he should conduct himself.

Mr. Hanlon: Engine numbers can be either obliterated or altered.

Mr. KNOX: That is so. New vehicles will have a special plate with all the necessary information on it. That will make it much easier to identify the whole vehicle, including all the parts, wheels and other features that have to meet certain design specifications. The plate will be under the bonnet, easily read and easily accessible.

These regulations deal mainly with the sale of second-hand vehicles, many of which are some years old, and information regarding the chassis number is not easily accessible. The engine number is readily accessible and can be ascertained quickly. The change is for the convenience of the purchaser and will not be to his disadvantage. He will not lose anything by it.

In regard to regulation 28, the amendment simply adds the word "approximate". Again, it is very difficult to ascertain the actual date of manufacture of a vehicle, particularly if it is somewhat ancient. Certain terms are being used quite freely in the trade, and they have been used freely for many years. When people talk about a 1969 model, if one looks for the identification marks and looks in the catalogues one finds that it was manufactured in 1968, although it is called a 1969 model on the showroom floor.

Mr. Wright: What do you mean by "approximate"? Is it going to be 1962 to 1970, or what?

Mr. KNOX: I think that is a generally accepted term. Again, there is no disadvantage to the purchaser; he does not lose anything by having the word "approximate" inserted. Indeed, as in the case of the previous amendment that was discussed, it reduces the paperwork involved in the transactions and reduces the number of unnecessary delays that would have been experienced if the regulations had been retained in their original form.

Regulation 46, which was the other one of which there was some criticism, says—

"Every auctioneer, licensed corporation or partnership shall when accepting a motor vehicle for sale by auction or consignment, obtain from the vendor or his agent a statement in duplicate signed by the vendor or his principal showing (certain particulars)."

Again the Government is very concerned about title, and the change, of course, relates to "free of encumbrances". It is important to know the legal situation. It is difficult to know whether or not there are encumbrances on a vehicle. It is important for people to know that they get a clear title. The wording that was previously used has now been changed so that it will be clear that they do get a clear title.

Mr. Wright: We accept that, but why exempt the licensed corporation?

Mr. KNOX: Every auctioneer, licensed corporation or partnership is not exempted under this regulation. It is quite clear in the amended regulation that it applies to them. It is a protection to the auctioneer who may innocently misrepresent the vehicle auctioned. It has been re-worded to clearly set out the procedure required. It is a protection to the purchaser. I am indeed surprised that there was any objection to that amendment.

They are the only regulations under challenge, and it is not intended to accept the proposal of the Opposition.

Question—That the motion (Mr. Wright) be agreed to—put; and the House divided—

AYES, 31

Aiken
Baldwin
Blake
Bousen
Bromley
Burns
D'Arcy
Dean
Hanlon
Harris
Harvey
Houston
Inch
Jensen
Jones, N. F.
Jones, R.
Jordan

Leese
Marginson
Melloy
Newton
O'Donnell
Sherrington
Tucker
Wallis-Smith
Wood, B.
Wood, P.
Wright
Yewdale

Tellers:
Davis
Moore, F. P.

NOES, 43

Ahern	Lickiss
Alison	Low
Armstrong	McKechnie
Camn	Miller
Campbell	Moore, R. E.
Chalk	Müller
Chinchen	Murray
Cory	Neal
Crawford	Newbery
Edwards	Porter
Frawley	Rae
Gunn	Row
Hartwig	Scott-Young
Herbert	Small
Hewitt, N. T. E.	Sullivan
Hewitt, W. D.	Tomkins
Hinze	Tooth
Hodges	Wharton
Hooper, K. W.	
Houghton	Tellers:
Kaus	Bird
Knox	Hughes
Lane	

Resolved in the negative.

CRIMINAL CODE AMENDMENT; DEATH RESULTING FROM RAPE

Mr. AIKENS (Townsville South) (5.4 p.m.): I move—

"That the Criminal Code be amended to provide that death as a consequence of rape constitute murder."

I shall not speak at very great length on this occasion because I know that the proceedings of the House today have dragged on for quite a while. However, there are certain comments that I wish to make on this motion. First, there are two main laws in most countries, and this includes Queensland. One is statute law as passed by Parliament, the other is judges' law or lawyers' law. Lawyers of course are eventually promoted and become judges, their promotion depending mainly on which political party they support. When dealing with lawyers' law and judges' law, we must remember that, to a lawyer and a judge, justice is merely a verdict for the client. We must remember, too, that lawyers spell the word "justice" in a manner different from the way we spell it. They spell it "just-us".

We make the law and we then leave it to the judges to interpret it. The law we make is made in basic terms only. Judges then have a happy harvest-time, working in conjunction and collaboration with their lawyer friends, in interpreting the law to suit the lawyers. When I say "to suit the lawyers" I mean "to suit the predatory and financial interests of the lawyers".

Time and time again since I have been in Parliament, members of this House have found that it is in their own interests, and in the interests of ordinary justice, as we understand it and spell it, to bow to the weight of public opinion. When there is a ground swell of public opinion, in order to protect their seats and their regular pay envelopes, politicians see to it that they bow to that public opinion.

I do not intend to cite many cases, but one of the most remarkable ones concerns my being able, over a period of years, to mould public opinion into a ground swell that finally forced this Government to override judges' law with statute law. It related to a law that we inherited from the judiciary of Great Britain. It provided that neither wife nor husband could sue each other. In a case of injury or death in a car accident, for instance, even if the husband was driving the car negligently and injured his wife, under third-party insurance she could not sue him and vice versa. That was because, under the judges' law that we inherited from Great Britain, a husband and wife were considered in law to be one indivisible person.

I started an agitation against this law, and people were shocked to hear of it. I spoke against it on the public platform, in the Press, in this House, and on radio and television, till finally I won the support of some legal members of Parliament. I even won the support of Mr. P. R. Smith, a lawyer who was also a Liberal Party member of this House for some years. He is the man who holds multifarious lucrative positions. He had to bow to the weight of public opinion and support me in making statute law in this particular case override judges' or lawyers' law. A wife can now sue her husband and a husband can sue his wife; either can get damages from the other and, of course, under third-party insurance law.

Parliament lays down a basic law for murder as well as a basic law for manslaughter. When I say that it lays down a basic law, it does little more than provide a penalty for manslaughter and also a penalty for murder. Strangely enough, both penalties are the same. The maximum penalty for manslaughter is life imprisonment, as is also the maximum penalty for murder.

It may well be asked why I am trying to have death as a result of rape made a crime of murder rather than one of manslaughter. It is because the life sentence for manslaughter is at the discretion of the judge. I have known people who have been found guilty of manslaughter before a Supreme Court judge to be fined \$50. I have also known such people to be released on a bond or on probation. Others have been let off with piffling sentences of a couple of years' gaol. When death occurs as a result of a motor-car accident and the jury returns a verdict of manslaughter it is pooh-poohed by the judiciary, who apologise to the killer for the inconvenience caused to him by having him brought before the court.

Although the maximum penalty for manslaughter was previously death it is now life imprisonment. But a judge, or the Court of Criminal Appeal, can impose any sentence at all. It is at the discretion of the judge. But where the verdict is murder, the judge has no discretion. If a murder case is taken to the Court of Criminal Appeal and that

court upholds the conviction, it has no discretion on the sentence, and must also uphold the mandatory sentence of life imprisonment. I desire, by this motion, to have death as the result of rape constituted as murder so as to ensure a mandatory life sentence.

Judges have ruled that, before a jury can bring in a verdict of murder, they must be convinced beyond a reasonable doubt that the person committing the murder did so with an intent either to murder or to seriously injure the person who was killed. It is difficult at times to convince a jury that the killer had an intent to seriously injure his victim. That is why the verdict in such cases is more often manslaughter than murder.

I admit that, in most cases, there is not much chance of rape causing the death of an adult female or even a well-developed female child. However, a recent case in Townsville highlights the point I brought up in the House about 15 years ago. Although a child might not actually die as a result of the raping, it might be smothered in the act of rape. As long as the killer or the rapist can prove to the satisfaction of the jury that he meant not to injure the child but only to rape her—according to judges' law, rape is not injury—and if in fact the child dies, it is, according to judges' law, manslaughter and not rape.

Other crimes, such as breaking and entering a dwelling at night, as well as rape, carry a maximum penalty of life imprisonment. People may say, "Why bother to charge a person with manslaughter or murder? Why not charge him with rape?" Why wasn't Manson charged with rape? Had he been, he undoubtedly would have been found guilty of rape and, in that case, the imposition of the sentence would have been in the judge's discretion and he could have imposed a minor sentence or released him on a bond.

So we have to deal with the case as it affects a child who has been raped. Fortunately, these cases do not happen very often. When they do happen, it is up to us to close this loop-hole in judges' law through which it would be possible to drive a diesel locomotive.

I shall deal briefly with the Manson case because it sparked off the action I am taking, although I mentioned a similar case 15 years ago. A little child of about 2½ years of age was left in Manson's custody. I shall not relate all the details of the case—how he reported the disappearance of the child and told all sorts of lying stories. The Supreme Court evidence disclosed that he had viciously and savagely raped the child in his house at Mt. Isa and that he had killed her in the act of rape. He then took her body a couple of miles away and placed it under a bush near a road. A week or so later, the police finally pinned him down. They knew that he had raped the child, but rapists are "smart alecs," as cunning as

kitchen cockroaches, and they are hard to pin down. But finally he broke down and took the police to where the child's body was hidden under a bush.

Then came the big problem of proving Manson guilty of any offence at all. He had, of course, the assistance of the Crown Law Office. They provided all the money, as the taxpayers always do for such people, for his defence. He was a glib-tongued liar. He went into the witness-box, and reputable Press reporters who were there and heard the case told me that he was probably the most plausible and fluent liar they had ever heard in a witness-box.

Finally, the jury retired. It was obvious that Manson had killed the child, but then the question arose, according to judges' law, of how he had killed her. Medical evidence was produced. The doctors, who are quite honest in these matters, said, "There is no clinical or pathological evidence of death, because the child's body was so badly decomposed, and when we conducted a post-mortem examination we could not determine how death occurred." But, fortunately for Manson, who was grinning his head off, they did give evidence that the child had been brutally and savagely raped.

If he had wanted to, Mr. Justice Kneipp could then have broken down the charge of murder to manslaughter. He could have said, "There is only evidence that the child was raped; there is no evidence of murder", or he could have let the case go to the jury for them to decide if it was rape or murder. Had the jury brought in a verdict of guilty of murder, naturally Manson would have appealed to the Court of Criminal Appeal. And why not? It would not cost him a cent. The Attorney-General would have provided the money for his appeal, and the Court of Criminal Appeal, in accordance with the judges' law, would have ruled that the verdict was incorrect in that the child was not murdered because there was no evidence of murder, and that the verdict should have been manslaughter. I have no doubt that they would have quashed the conviction and sent Manson back for trial before the Supreme Court again.

Three hours after the jury had retired, they sent a note to Mr. Justice Kneipp. The text of it was, "If we consider that the child died as a result of rape, is that murder or manslaughter?" I am not criticising Mr. Justice Kneipp, because he acted in accordance with judges' law, which was inherited from Great Britain. He sent back a note which said, "If you think the child died as a result of rape, that is manslaughter. It is not murder." The jury returned a verdict of guilty of manslaughter. Then, to the astonishment of the grinning Manson, Mr. Justice Kneipp sentenced him to life imprisonment.

Manson had been found guilty of manslaughter, consequently the sentence of life imprisonment was not mandatory. He can now appeal to the Court of Criminal Appeal. No doubt he will, as the taxpayers will find the money for it and the Minister for Justice will probably bring Mr. Greenwood from Townsville to represent him at his appeal. If honourable members would like me to, I could name three judges who, if they constitute the Court of Criminal Appeal in Manson's case, will either quash the conviction or uphold it and release him on a bond. They can do that under judges' law as it stands today, because a life sentence for manslaughter is not mandatory.

If Mr. Justice Kneipp had been able to say to the jury, "If you think the child died as a result of rape, you can bring in a verdict of murder", that is the verdict they would have returned and Manson would have received the mandatory sentence of life imprisonment. If Manson then went before the Court of Criminal Appeal and the verdict was upheld, the court could not interfere with the sentence. That is the point I am making. The sentence would have been mandatory as fixed by this Parliament.

Naturally, this cannot be made retrospective; but in the event of there being another case similar to the Manson case, I want Parliament to act now. It could happen tomorrow; on the other hand, it may not happen for another 10 or 20 years. But if a little child of tender years—in this case she was two years old—is raped by a human monster and dies as a result of the raping and the jury finds him guilty of murder, neither the trial judge nor a "trilogy" of judges sitting as a Court of Criminal Appeal can reduce the sentence of life imprisonment, as they can today, if they uphold the conviction.

I shall not develop my argument any further than that. I hope I have made the position very clear in regard to discretionary life sentences and mandatory life sentences. All I want Parliament to do is face up to the fact that has emerged from the Manson case and say that if in future any little child dies as a result of being raped, the jury shall be competent to bring in a verdict of murder, not only a verdict of manslaughter, as was the case with this monster, Manson. I think we owe a duty to ourselves and to the women and children of Queensland in this respect.

If a political party—it could be the Liberal Party, the Country Party, or even the Labor Party—said to the people during an election campaign, "We have as one policy the castration of sexual offenders against children," it would romp home, just as I have romped home when I put that simple proposition to the people in my electorate.

I shall not digress by developing that argument. I simply reiterate that this Parliament has a duty to itself, as the only law-making authority in the State, to override judges' law when it finds that that law does not meet the circumstances of the case and does not meet the wishes of the people. Members of this Assembly have a duty to the women, the children, the parents and every decent citizen in Queensland to ensure that if there is another case similar to the Manson case, if another little child dies as a result of a raping, a jury could be advised to bring in a verdict of murder instead of being restricted to a verdict of manslaughter.

Dr. SCOTT-YOUNG (Townsville) (5.23 p.m.): I support the motion moved by the honourable member for Townsville South. Over a period of years the honourable member has raised subjects such as this but, unfortunately, has not received any support, and it gives me a considerable amount of pleasure to support the motion he has moved today. I know that many people have opinions similar to those expressed by the honourable member but have never been able to voice them.

The honourable member has made very clear the definition of "rape" and "murder". I should like to briefly touch upon and explain the meaning of the word "rape", which is not always well understood by the medical profession or even by laymen. Rape is the penetration of the female sex organ, or vagina, by the male penis. This may not mean full penetration. In law, it need only be penetration into the introitus or vulva, and that constitutes rape.

There can be rape of a married woman by her husband. Cases of that type do not usually come before the courts. The matter usually goes to a divorce court, or one sees the results of the problems of children of the marriage because of their unstable and unsettled family life. There can be rape of a prostitute by a male. A prostitute still has complete coverage by the law and is entitled to the protection of the law. In the eyes of the law, she still has the right to say "Yes" or "No". A single woman is also protected by the law against rape.

The main point brought out by the honourable member for Townsville South was the rape of an immature female. In some cases the child is raped and then stabbed, smothered or wounded with bullets, but the medical officer performing the autopsy says, "It was the stabbing, smothering or wounding with bullets that killed the child." He completely disregards the other shocking wounds that the child might have. The male erect penis can completely disrupt the perineum of the child, tearing deeply into her internal organs, so that the child will die from blood loss and shock.

We have read about happenings in the old days at besieged cities surrounded by ramparts. Men were strung out on sharpened stakes. A sharpened stake would be shoved through the male perineum and the victim would be hung out in front for all the defenders to see what was going to happen to them when the besieged city was taken. Rape victims die for the same reason. They die from blood loss and shock. It is quite plain to anyone who knows anything about anatomy or physiology that rape can cause the death of a victim. Unfortunately, in most cases the victim has other wounds. In order to hide his identity, the rapist very often kills—by smothering or some other means.

Recently a psychologist stated—

"There is a tremendous latent insecurity about the masculine sex role in Australia.

"Australia is a mother dominated society where mum has complete control of the child's nurture pattern."

It is said that mass rape is very common in Australia. When speaking of a rapist, very often the blame is put back on Mum. How often have we heard it said, "He had an unhappy childhood"? Let us be quite frank in our own thoughts; there is no male in this Chamber who, at some time or other, has not had an urge. Men who rape have an abnormal urge. They are animals and there is only one satisfactory treatment for them. It is all very well to talk to them all day about pie in the sky, Father and Mother, the good Lord, punishment and all the rest of it, but there is only one thing that drives them on—their hormones. That was where the honourable member for Townsville South was correct. The simplest way to treat them is to get rid of their hormones, and the way to do that is with one quick snick of the knife.

Dr. Crawford: Without any anaesthetic.

Dr. SCOTT-YOUNG: With no anaesthetic.

Under our present system it is extremely difficult to get a jury to understand the law the way the honourable member has explained it. If we could emphasise the fact that the damage done to the human body by a rapist during the act of rape is sufficiently severe to kill a child, the point would be won. Government medical officers and others who perform autopsies must realise that.

The child at Toonpan was viciously raped, but the finding of the doctor was that death was caused by smothering. That child died from smothering when an animal-like male assaulted it from the rear, pushing her head into the sand. That is how he killed her, but he also tore the perineum and the anus to such an extent that the child would have died in any event. It was a shocking case.

I have seen one case in which the male spent three days "preparing" his victim with a carrot. If he had not panicked when the little girl screamed and he saw great quantities of blood, she would have died.

However, fortunately the mother brought the child to the hospital, where it received blood transfusions. It had suffered the most shocking wounds and injuries and, although it survived, it must have suffered a dreadful psychological trauma. If a man who uses force such as that and does not heed continual screams of agony is able to convince a jury that it should accept his defence that he had no intention of killing the child, all I can say is that there is something wrong with the jury. I have great pleasure in seconding the motion.

Hon. W. E. KNOX (Nundah—Minister for Justice) (5.31 p.m.): The debate so far indicates—

An Honourable Member interjected.

Mr. KNOX: I am not closing the debate. I should have thought members of the Opposition would hope to hear from me as Minister.

Mr. HOUSTON: I rise to a point of order. I hope that the Minister is not casting a reflection on me. It was the honourable member for Clayfield, not an Opposition member, who interjected.

Mr. KNOX: The voice I heard came from the Opposition. I would have presumed that the Minister would be expected to speak at this stage.

Mr. Houston: We have no objection.

Mr. KNOX: Honourable members should follow the example of the mover and seconder of the motion and debate it quite seriously. It is important to understand the nature of the law so that this problem can be clearly defined. For that reason I think it would be as well to quote some definitions.

Section 302 of the Criminal Code provides—

“Definition of murder. Except as hereinafter set forth a person who unlawfully kills another under any of the following circumstances, that is to say,—

(1) If the offender intends to cause the death of the person killed or that of some other person or if the offender intends to do to the person killed or to some other person some grievous bodily harm;

(2) 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;

(3) If the offender intends to do grievous bodily harm to some person for the purpose of facilitating the commission of a crime which is such that the offender may be arrested without warrant, or for the purpose of facilitating the flight of an offender who has committed or attempted to commit any such crime;

(4) If death is caused by administering any stupefying or overpowering thing for either of the purposes last aforesaid;

(5) If death is caused by wilfully stopping the breath of any person for either of such purposes;

is guilty of murder.

“In the first case it is immaterial that the offender did not intend to hurt the particular person who is killed.

“In the second case it is immaterial that the offender did not intend to hurt any person.

“In the three last cases it is immaterial that the offender did not intend to cause death or did not know that death was likely to result.”

From that honourable members can see that in cases where death results from rape the offenders are charged with murder. There is no doubt that this has happened.

Section 347 of the Criminal Code defines rape as follows:—

“Any person who has carnal knowledge of a woman (or girl), not his wife, without her consent, or with her consent, if the consent is obtained by force, or by means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false and fraudulent representations as to the nature of the act, or, in the case of a married woman, by impersonating her husband, is guilty of a crime, which is called rape.”

The penalty for rape is set out in section 48 in these terms, “Any person who commits the crime of rape is liable to imprisonment with hard labour for life.” That sentence, of course, is similar to the punishment for murder.

However, there are problems associated with these particular cases. I wish to deal briefly with the unfortunate case raised by the honourable member for Townsville South, the Mt. Isa rape case that was heard in Townsville. Firstly, the Crown charged the accused with murder. That charge was unsuccessful, and he was found guilty of manslaughter. I make it quite clear that the charge was murder, because it may not have been made clear from the speech of the honourable member for Townsville South. In this instance the offence of rape was extremely difficult to substantiate, because, as the honourable member pointed out, the body was decomposed and it was not possible to clearly identify whether a sexual assault had taken place. No doubt the honourable member's information is correct and there was some form of sexual assault. However, there was not sufficient evidence on which to charge a person with rape. Indeed, even if there had been, it would not have been possible to join the charges of rape and murder. That raises some problems concerning what people should be charged with. If an accused is found guilty of rape, he is liable to imprisonment with hard labour for life.

Mr. Aikens: It is not mandatory.

Mr. KNOX: I do not know what the honourable member means by that. If the offender is guilty, that is the ultimate penalty that can be applied.

Mr. Aikens: Do not quibble. The judge can let a rapist off with a bond.

Mr. KNOX: I will not agree with the honourable member on that. Indeed, it is possible to have variations in sentences for murder.

We should concern ourselves with what has happened in practice over the years. I think that is what the honourable member was alluding to when he referred to judges' practice and rules over the years. This is where the problems arise. There is a long history of rape cases but in very few of them has murder been a result of the rape. Murder has resulted subsequent to rape due to people protesting and saying that they will report the matter to some authority. They have been murdered either an hour later, later in the day or at some subsequent time.

Mr. Aikens: But they do not die as the result of the rape.

Mr. KNOX: That is so. I think we should be quite clear about that.

The situation is not quite as bad as the honourable member suggests in his reference to an absence of charges of murder against rapists. In the particular case he mentioned, which was heard in Townsville, the charge was murder. However, there is a difficulty, in that certain interpretations by the High Court of Australia indicate that there is some doubt as to whether death is caused by rape. This is the core of the problem to be borne in mind when discussing this motion. In *Mraz v. The Queen*, 93 C.L.R. at page 493, the High Court quashed a conviction for manslaughter although the girl died, apparently from shock, either during or immediately after an act of intercourse which was regarded as rape. As against this, the House of Lords, in the 1920 case, *Director of Public Prosecutions v. Beard*, upheld a verdict of murder where the girl died as a result of Beard placing his hand over her mouth to stop her screaming.

Mr. Aikens: She still did not die as the result of rape.

Mr. KNOX: No, but indeed she died, and this is where we have an area of difficulty in being able to lay down, in clear terms, what would happen in the case of murder following on or because of rape. Unless witnesses are standing there watching the proceedings, it would be virtually impossible to know what happened. In the Townsville case, this in fact was the situation. Nobody knew exactly what had happened to that child. What was known was that the child had died as the result of an assault of some kind and a person was charged with murder and found guilty of manslaughter.

Mr. Aikens: And she had been sexually assaulted before she died.

Mr. KNOX: By whom?

Mr. Aikens: The jury said that Manson did it.

Mr. KNOX: I do not think that that is correct.

Mr. Aikens: Then why did they find him guilty of manslaughter?

Mr. KNOX: Because that in fact was the situation.

Mr. Aikens: Oh, bum!

Mr. KNOX: The honourable member may be a bush lawyer of some standing, but I am sure that his comments on this matter would not be regarded highly in a court of law.

The difficulty is that the section, as interpreted by the High Court, applies only if it can be established that some unlawful act distinct from the rape itself caused the death, and this, I think, is the point where there is some blurring of the definitions that I read out in the first place. It is because of this that there is a need for examination of the Criminal Code on this matter, and it would be well for the matter to go to the only authority we have available to assist us in this regard. I intend to ask the Law Reform Commission to examine the Criminal Code to see if it is possible to draft an amendment which will give a clearer definition than has hitherto been the case.

Mr. Aikens interjected.

Mr. KNOX: I presume that the honourable member would simply like to pass this motion and have it become the law of the land.

Mr. Aikens: Yes, face up to our responsibilities.

Mr. KNOX: The honourable member can do it that way if he wishes, but I am sure that it would be far better to have the Law Reform Commission examine it and present a paper, which could then be debated by Parliament. We could then decide how the Criminal Code should be amended. There is nothing to be lost by having this body examine the matter thoroughly. That seems to be a better course than simply moving a motion, debating it, and coming to a decision, which may have ramifications that none of us in this Chamber would know anything about. It would be far more useful to ask the Law Reform Commission to examine the provisions of the Criminal Code in this regard, and I intend to do so.

Debate, on motion of Mr. Porter, adjourned.

The House adjourned at 5.44 p.m.