Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 12 OCTOBER 1973

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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:—

Proclamations under—
- Hen Quotas Act 1973.
- Stock Act and Other Acts Amendment Act 1973.

Orders in Council under—
- Agricultural Chemicals Distribution Control Act 1966–1972.
- The Banana Industry Protection Acts, 1929 to 1937.
- The City of Brisbane Market Acts, 1960 to 1967.
- The Fauna Conservation Act of 1952.
- The Fruit Marketing Organisation Acts, 1923 to 1964.
- Meat Industry Act 1965–1973.
- The Milk Supply Acts, 1952 to 1961.
- Primary Producers' Organisation and Marketing Act 1926–1973.
- Stock Act 1915–1973.
- Wheat Pool Act 1920–1972.

Regulations under—
- Primary Producers' Organisation and Marketing Act 1926–1973.
- Sugar Experiment Stations Act 1900–1973.

By-laws under the City of Brisbane Market Acts, 1960 to 1967.

PRIVILEGE

POLICE QUESTIONING OF MEMBER

Mr. D'ARCY (Albert) (11.3 a.m.): In my speech on the Budget on Tuesday evening last, I referred to the activities of S.P. bookmakers in this State and the subsequent loss to the Government and the people of Queensland of revenue because of these activities. Yesterday, in his speech on the Budget the honourable member for South Coast referred to this part of my speech and said that a police inspector had called on me and also that I had refused to give any information on this matter to the inspector.

This matter of S.P. betting, in more detail than in my speech, was referred to in "Sunday Sun" of 23 September 1973 under the headline, "S.P. back stronger than ever. Gangs cut up on the Gold Coast."

It is of great concern to me that, in the first instance, a police officer visited Parliament House on the morning immediately subsequent to my speech. He was informed by the attendant that I was not in attendance here—I was at the airport. When I returned to the House a message was on my desk to contact a Mr. McGrath at a certain phone number. I rang this number and was informed that Senior Sergeant McGrath would come to the House in a couple of minutes' time as he wanted to interview me. When he arrived, he informed me that he was acting on instructions from the Acting Commissioner of Police and sought information on my speech in this Parliament.

Mr. Speaker, I claim your protection and ask whether the police had your permission to visit Parliament House and question me on a matter that I had raised in a speech in this Chamber. I claim that if I had wanted to give further information I would have done so either in my speech or at some future date, and I still claim the right to do this. It is also a matter of great concern that the honourable member for South Coast, less than 24 hours after the police interrogated me in Parliament House, was able to give an account of that interview.

Mr. Speaker, would it be out of order to ask the Minister in charge of Police if the "Sunday Sun" reporter who wrote the article I referred to earlier was interrogated by the police? I claim your protection, and ask that you have these matters investigated. I also request you to initiate an investigation to find out how this information, from what I believe to be a private conversation with a police officer, came to be in the hands of the honourable member for South Coast within 24 hours. It is no encouragement to citizens to assist police in their investigations when details of conversations or interviews with them can be transmitted in this manner.

Mr. SPEAKER: Order! I will have inquiries made, and I will let the honourable member know the result.

QUESTIONS UPON NOTICE

SPECIAL FEES, TITLES OFFICE, BRISBANE

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

With further reference to Titles Office fees, what was the amount of special fees paid on documents lodged at the Brisbane office in the first five working days of the financial years 1956-57, 1966-67 and 1972-73?

Answer:—

"Amounts paid in special fees on transfers lodged in the Brisbane office in the first five working days of the financial year 1956-57 would be nil as special fees only operated from November 1, 1956. Figures for the same days of financial years 1966-67 and 1972-73 are not ascertainable as the break-up of fees in the journal was dispensed with prior to those periods."

APPRENTICESHIPS IN SMALL-TYPE MOTOR INDUSTRY

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

In view of the marked increase in the ownership of small boats in Queensland and the consequent rise in the number of smaller-type motors used to propel them, as well as motor scooters, lawnmowers, etc., has any consideration been given to establishing apprenticeships in the field of maintenance and restoration of small motors? If so, what was the result and what are the reasons for and against such a proposition?

Answer:—

"This matter has been under consideration for some time and steps are being taken towards providing this industry with skilled labour."

LOCAL GOVERNMENT BOUNDARIES TRIBUNAL

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

In view of the Acting Premier's advice on October 11 that the report on Maryborough–Burrum local government boundaries is still not forthcoming from Professor Gates and the Institute of Urban Studies and, as it is now 18 months since the institute and the professor were commissioned with a grant of $16,000 to carry out this survey within a few months and as it now seems that the Government can write off the $16,000 to "experience", will he immediately set up a Local Government Boundaries Tribunal in accordance with a recent resolution of the Local Government Association, to firstly review the local government boundaries in the Maryborough, Burrum, Tiaro and Woocoo areas and then the boundaries in the rest of the State?

Answer:—

"As a result of the passing of a resolution for the establishment of a tribunal to give consideration to the alteration of local authority boundaries by the Annual Conference of the Local Government Association of Queensland held in Bundaberg recently, I propose to have discussions with the executive of the Association on Thursday, November 1, to discuss this and other matters. Following such discussions, I intend to make a submission to Cabinet thereon. Should such a tribunal be then established I will discuss with that tribunal a programme and I anticipate Maryborough–Burrum will be high on the priority list."

MR. KEVIN CAIRNS

Mr. K. J. Hooper, pursuant to notice, asked The Premier,—

In view of the statement on October 10 by the Minister for Development, concerning the employment of former Commonwealth Housing Minister, Mr. Kevin Cairns, that he is not subject to the Public Service Act—

(1) What annual salary is Mr. Cairns paid by the State Government?

(2) What is the title of his position and is it subject to a Public Service classification and, if so, what classification?

(3) Is his attachment to the Public Service confined to the Industrial Development Department or is he available, on call, to other departments or Ministers?

(4) Who determines the hours of employment regarding Mr. Cairns and what are those hours?

(5) How many other people receiving a salary from the State Government are in a position similar to that of Mr. Cairns, in that they are not subject to the Public Service Act?

Answers:—

(1) "$7,301 per annum."

(2) "Industrial Officer (Advisory). No."

(3) "To the Department of Industrial Affairs."

(4) "Mr. Cairns is under the direction of the permanent head of that Department."

(5) "As at June 30, 1973, approximately 250."

ELECTORAL ENROLMENT CAMPAIGN, 18 TO 21-YEAR-OLDS

Mr. K. J. Hooper, pursuant to notice, asked The Minister for Justice,—

(1) On what date did the Government commence its current TV campaign to encourage 18 to 21-year-old persons, who are eligible to vote, to enrol on the State Electoral Roll?

(2) How many additional enrolments were lodged from the date of commencement of the campaign to October 5?

(3) What was the cost of TV and newspaper advertising incurred during the same period?

(4) What are the current enrolment figures for each of Queensland's 82 electorates?

Answers:—

(1) "The advertising campaign encouraging 18 to 21 year old persons to enrol commenced on September 23, 1973, and will conclude on October 20, 1973."

(2 to 4) "The information the Honourable Member is seeking will be obtained when the campaign has been completed."

DELAY IN SUPPLY OF SUPERPHOSPHATE

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

Can any action be taken against A.C.F. and Shirleys Fertilizers Ltd. who, after taking orders from farmers at Mount Mee for superphosphate to be delivered in September, have now advised that delivery will not be until October 3 and that a price increase will apply from that date even though the orders were taken in August?

Answer:—

"In the absence of any evidence of fraud, the matter is one of contract. Fraud is a matter for the police to investigate while in contract the parties should seek their own legal advisers. I have no power in the matter."

SUBSIDIES TO SPORTING BODIES, GREATER BRISBANE AREA

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

What is the name of each sporting club in the Greater Brisbane Area which received a subsidy from the Sporting Bodies Assistance Fund during the past year and how much was received by each?

Answer:—

"I would refer the Honourable Member to the First Annual Report of the Director of Sport, which was tabled in this House on September 11, 1973. The report includes a list of all sporting clubs and associations which received assistance during the financial year 1972-73, together with the amounts paid. Allocations have not yet been made for the current financial year."

STAFFING AND BED ACCOMMODATION, PUBLIC HOSPITALS

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

(1) What was the number of (*a*) beds available in public wards in all hospitals in Queensland and (*b*) resident and part-time doctors employed in all public hospitals at June 30, 1972 and 1973 respectively?

(2) What was (*a*) the daily average number of occupied beds in public wards, (*b*) the number of in-patients treated in all public wards, (*c*) the number of out-patients treated and (*d*) the number of (i) trained and (ii) student nurses employed in all hospitals at June 30, 1972 and 1973 respectively?

Answers:—

(1) "(*a*) Available beds in public wards were:—June 30, 1972, 10,294; June 30, 1973, 10,180. (*b*) The total of full time and part time medical staff employed was:—June 30, 1972, 1,011; June 30, 1973, 1,032."

(2) "(*a*) The daily average of occupied beds in public wards was:—Year ended June 30, 1972, 6598·75; year ended June 30, 1973, 6485·42. (*b*) The number of inpatients treated in public wards was:—Year ended June 30, 1972, 206,853; year ended June 30, 1973, 210,850. (*c*) The number of outpatients treated was:—Year ended June 30, 1972, 999,761; year ended June 30, 1973, 1,007,573. (*d*) The numbers of trained nurses and students employed were:—Trained nurses June 30, 1972, 1,997; June 30, 1973, 2,205. Student nurses June 30, 1972, 2,781; June 30, 1973, 2,686. Other untrained staff of assistants in nursing, nursing aides and trainee nursing aides employed were:—June 30, 1972, 1,951; June 30, 1973, 2,195."

PROSECUTIONS FOR TRADING IN PROTECTED BIRDS

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

(1) Were charges which were set down for hearing in the Frankston Magistrates Court on December 19, 1972, proceeded with against the pilot and passenger of an aircraft intercepted in Victoria when carrying approximately 2,000 birds, a large number of which were seized as protected fauna?

(2) If so, what was the result of the hearing and what Queensland birds were involved?

(3) How many prosecutions involving protected Queensland birds have been made since that time?

Answers:—

(1 and 2) "Yes, on February 2, Dallas Albert Hill of Nunawading was convicted and fined $354 for possessing 354 birds, all of which came from Queensland. The charge against the pilot, John Charles Wells of Moordoc, was dismissed. Hill and Wells had in their possession approximately 2,000 protected birds from Queensland. However, the Victorian authorities could only seize those species which were protected in that State."

(3) "One successful prosecution. Two other prosecutions are in the hands of the Crown Solicitor, whilst several possible breaches of the Fauna Conservation Act are currently under investigation by fauna officers."

DECLARATION OF FISH HABITATS, BIG TUAN AND SANDY STRAITS AREAS

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

Have decisions been made, following a visit by his Department's biologists, to declare the Big Tuan, or any other Sandy Straits area, a natural habitat or fish-breeding area? If so, what conditions apply to the area?

Answer:—

"No, the report is still being considered. If an area of land in the Sandy Straits is set aside as a fish habitat reserve it would become an offence to damage or alter the land or the plants and trees growing on the land in any way. There would be no restrictions in respect of fishing other than those currently in force."

AMENDMENTS TO FOOD AND DRUG REGULATIONS

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

(1) Were 19 of the 22 recent amendments to the Food and Drug Regulations made as a direct result of the National Health and Medical Research Council's recommendations?

(2) Did most of the amendments stem from recommendations made by the council at its 71st session in November, 1970 and 72nd session in May, 1971?

(3) Is there any reason for the delay in introducing the amendments?

(4) When will the recommendations made by the council in the last two years be introduced for adoption?

(5) Does this long delay create problems for authorities endeavouring to achieve uniform food regulations throughout Australia?

Answers:—

(1) "Yes."

(2) "Yes."

(3) "There was no unusual delay in their introduction—the amendments are incorporated in batches as opportunity offers. Except in emergency or in case of special need, it is not the practice to amend the Food and Drug Regulations more than once in each year. This is designed to avoid confusion amongst those subject to their operation."

(4) "Those recommendations which are adopted will be included in due course. Some are ready for incorporation now."

(5) "No. Where it is intended that a uniform standard will be incorporated in the Regulations no person or company is penalised by reason of the fact that the standard has already been adopted in another State if he is complying with that standard. In the matter of authorities endeavouring to secure uniformity of food regulations throughout Australia, Queensland compares very favourably with the rest of Australia in the number of recommendations adopted. A table published in the August 1972 edition of 'Food Technology of Australia', the official journal of the Council of Australian Food Technology Associations, shows that of the total number of standards evolved by the National Health and Medical Research Council at that time, the State adoptions were:—Queensland, 177; New South Wales, 201; Victoria, 175; Tasmania, 162; South Australia, 114; and Western Australia, 112. Since this time we have adopted a further 48 recommendations with numerous others in the course of adoption."

TREATMENT AND REHABILITATION OF ALCOHOLICS

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

(1) What and where are the present special treatment and rehabilitation facilities for alcoholics?

(2) How many beds are available in these facilities and how often has there been a waiting list for alcoholic patients seeking treatment in each of these facilities in the last three years?

(3) What is the number and what are the qualifications of the staff?

(4) How many officers of his Department have been overseas in the last ten years to study treatment facilities for alcoholics and what were their recommendations?

(5) Is any officer of his department who has been overseas for such purposes, presently engaged in implementing the recommendations and, if not, what is the reason?

Answers:—

(1) "The treatment facilities specific to alcoholism are at the Rehabilitation Clinic, Wacol, and Pavilion 4 of the Royal Brisbane Hospital. Other cases are treated at psychiatric units and general hospitals."

(2) "There are 113 beds at the Wacol Rehabilitation Clinic and 14 at Pavilion 4, Royal Brisbane Hospital. Whilst it is recognised that there is a wide-spread problem of alcoholism in the community, there is no waiting list at any of the facilities mentioned."

(3) "The professional staffing, aside from nurses at Wacol Rehabilitation Clinic, is one psychiatrist in charge, one psychiatric registrar, two psychologists, and one social worker. The post of psychiatrist in charge is at present vacant. The equivalent staffing at Pavilion 4 is one part-time medical practitioner, one psychologist, one full-time social worker, one half-time social worker."

(4) "Dr. Rodney Milton spent one year overseas in 1964 studying alcoholism. The Director of Psychiatric Services made a study of alcoholism facilities overseas as one purpose of his visit in 1965. The Director of Psychiatric Services commenced an overseas visit in June this year which was unfortunately interrupted by illness. A further study of alcoholic facilities was one of the particular reasons for this visit but the results of the Director's examination of these facilities insofar as they were possible are not yet available. Dr. B. E. Blicharski, the then medical officer in charge of the Wacol Clinic made an overseas study tour devoted to alcoholism and drug addiction between August and October, 1972. The recommendations resulting from these visits are too complex to present in this context. In general they stress the importance of early case finding and of detoxification centres as a means to achieve this, in addition to their other functions, the importance of adequate follow-up of treated cases, the importance of providing help and advice to the families of alcoholics and the importance of education aimed at prevention."

(5) "Dr. Milton and Dr. Blicharski are no longer employed in Queensland. The recommendations that are to hand have been considered in the Department and it is planned to implement a number of them as necessary staff and finance become available."

EXEMPTIONS UNDER CLEAN WATERS ACT; WATER POLLUTION BY MINING COMPANIES

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

(1) Will the seven companies exempted from the provisions of the Clean Waters Act be covered by the Act in the future?

(2) When will their agreements with the State Government expire?

(3) In view of the statement by the Director of Water Quality that adherence to promises by mining companies with respect to water pollution had not been satisfactory in many cases, what action has been taken to ensure that companies comply with the requirements of the Water Quality Council?

(4) What are the names of the mining companies referred to?

Answers:—

(1) "The *Clean Waters Act* 1971 provides that an occupier of premises who is a party to an agreement made under section 10A of the *Health Act* 1937–1971 prior to the coming into operation of the Clean Waters Act and any company which is a party to an agreement a copy or draft of which is set out in the Schedule to any of the Acts enumerated in paragraph (*b*) or section 6 (2) of the *Clean Waters Act* 1971 is not guilty of an offence under that Act or any Act or thing done or omitted to be done under and in accordance with the terms, provisions and conditions of the agreement during the period it has effect. Upon the expiry of the agreement, the occupiers and companies concerned will be subject to the provisions of the *Clean Waters Act* 1971."

(2) "As the agreements were made under legislation not coming within the scope of my administration, my Department has no record of the information sought by the Honourable Member."

(3) "Subject to the provisions of the Act previously mentioned, any mining company which desires to discharge wastes to any waters will be required to obtain a licence from the Water Quality Council of Queensland and adhere to the conditions attached to the licence."

(4) "I am advised that the Director of Water Quality's statement did not specify any particular mining companies."

COLOURED CLOTHING FOR STREET NEWSPAPER VENDORS

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

Will he investigate the need for newspaper boys to be issued with yellow jackets or similar protective clothing of a distinctive colour, such as is supplied to Main Roads Department workers, to help reduce the risk of these lads being involved in road accidents, especially while vending in traffic and particularly during inclement weather and during the winter months?

Answer:—

"No investigation is needed to establish the desirability of the wearing of distinctive clothing by persons likely to be involved in hazardous traffic situations. The Queensland Road Safety Council has advocated this as a general precaution for many years and has, for instance, strongly recommended the wearing of yellow rain coats. The special clothing referred to by the Honourable Member as being supplied to Main Roads workers is made available as part of the Department's commendable safety policy for its employees. Conditions for employment of children and others engaged in the vending of newspapers is not a matter coming within my jurisdiction; however, I might say that if the persons concerned were to operate within the requirements of the Traffic Regulations the need for conspicuous clothing would be considerably reduced. In this regard, might I invite the Honourable Member's attention to the provisions of Regulation 147 of the Traffic Regulations and suggest the matter

be referred to my colleague, the Honourable A. M. Hodges, M.L.A., Minister for Works and Housing."

APPRENTICES, RAILWAY DEPARTMENT

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

(1) In each of the years ended June 30, 1971 to 1973, for (*a*) the Brisbane area, (*b*) Ipswich, (*c*) Rockhampton, (*d*) Townsville, (*e*) Toowoomba, (*f*) Maryborough and (*g*) Cairns, what was the intake of new apprentices by the Railway Department and in which trades were they engaged?

(2) How many apprentices completed their training with the Department and in which trades?

(3) How many of these employees (*a*) continued to be employed in the Department, (*b*) were given notice because no vacancy existed within the Department and (*c*) were employed within the Department in another field?

Answer:—

(1 to 3) "As a considerable amount of work is involved in the preparation of the information sought, it is requested the Honourable Member ask the Question again on Tuesday, October 16."

SANYO-GUTHRIE COMBINE; INLAND WOOL AND MEAT-PROCESSING PLANTS

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

(1) Is he aware of the Japanese firm, Sanyo, combining with the Guthrie organisation to establish an inland manufacturing plant in Victoria to produce colour television and other electrical equipment and the Victorian Government's offer of concessions of pay-roll tax rebates amounting to $100,000, rail-freight subsidies, staff-training allowances, housing assistance, assistance to transfer families and also local-government concessions?

(2) As the Commonwealth Government has demonstrated its willingness to allow foreign investment participation with Australian organisations and as the Sanyo-Guthrie merger is by no means an isolated case, has his Government any similar plans to establish inland industries, particularly in towns like Cunnamulla, Charleville, Blackall, Mitchell and Barcaldine which possess strategic advantages as centres for wool and meat-processing plants?

Answers:—

(1) "Yes, I am aware that the company to which the Honourable Member refers has indicated its intention of establishing a plant at Wodonga on the border of Victoria and New South Wales."

(2) "The Honourable Member can rest assured that my Government, through the Department of Commercial and Industrial Development, has constantly under review the possibilities of establishing manufacturing operations in country centres directly related to the resources of the regional areas of the State."

HYDATID DISEASE

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

(1) Is hydatid disease on the increase in Queensland, and what is the risk of infection to humans from dogs, particularly house dogs and pet dogs which are cuddled and played with by children?

(2) Is the disease hereditary in dogs or is it usually contracted?

(3) Does feeding on raw animal offal or animal meats form a major source of hydatid infection and what steps has the Government taken to acquaint dog owners of the potential danger of infection?

Answer:—

(1 to 3) "I am advised that hydatid disease is caused by a type of tapeworm. In those areas where it does occur the reservoir of infection is in animals, with a transference from one type of animal to another. In grazing areas, a dog-sheep-dog cycle may occur with dogs becoming infected by eating infected uncooked viscera from sheep. In such areas human infection may occur where there is a close association with dogs. Dogs in rural areas are more likely to become infected but house dogs are not immune. The notification in humans in Queensland is only one or two a year in persons who have spent some time in areas of infection in other parts of Australia. There is no evidence of an increase in incidence and reports indicate that there does not appear to be any local source of infection in Queensland."

STATE SCHOOL, MANGALORE

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

Does the acquisition of a reserve for a State school at Mangalore indicate that a school will be built in the near future or will the many representations by interested parties for the establishment of a school be ignored?

Answer:—

"There has been uncertainty about enrolments at the Mangalore State School ever since its establishment. The acquisition of a school site has been made against the possibility that the enrolments will stabilize, and the matter of the construction of a new school has been kept under constant review."

RESIGNATIONS, POLICE FORCE

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

(1) How many resignations within the Police Department were lodged during 1972-73 and, of these, how many were effected on the date of lodgment and how many were required to wait three months?

(2) How many resignations were (*a*) received and (*b*) effected during September?

Answers:—

(1) "During this period 116 resignations were lodged and 101 members were discharged on resignation. 15 members were required to wait three months before the resignation became effective and 101 members were discharged on resignation at the end of the pay period appropriate to the nominated date."

(2) "(*a*) 8. (*b*) 13."

BREAKING AND ENTERING OFFENCES, STATE SCHOOLS

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

(1) How many schools were reported as being broken and entered or attempts were made to break and enter, and from which schools were full reports received, (*a*) during 1972-73, (*b*) from July 1 to September 30, 1973 and (*c*) from October 1 to October 10?

(2) What is the estimated total cost of (*a*) repairs following such crimes and (*b*) the replacement of equipment?

Answer:—

(1 and 2) "This statistical information is not readily available but will be supplied as soon as it has been researched and collated."

OPERATIONS, HOUSING COMMISSION

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

(1) How many houses were sold by the Queensland Housing Commission in (*a*) the metropolitan area and (*b*) country areas for each of the years 1959-60, 1960-61, 1970-71 and 1971-72?

(2) How many houses were constructed by the Queensland Housing Commission prior to (*a*) June, 1950, (*b*) June, 1960, and (*c*) June, 1973, in (i) the metropolitan area and (ii) country areas?

(3) How many dwellings were allocated as State rental accommodation for more than ten years prior to sale?

Answers:—

(1)—

" Year	Metropolitan	Other
1959–60 ..	968	373
1960–61 ..	984	478
1970–71 ..	365	602
1971–72 ..	314	578 "

(2)—

" Constructed prior to June 30	Metropolitan	Other
1950	3,189	1,010
1960	16,724	5,650
1973	25,969	19,276 "

(3) "A total of 15,223 houses have been or are being purchased under contract of sale and the detailed statistical information sought by the honourable member is not available."

BONDING OF TEACHER-SCHOLARSHIP HOLDERS

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

What is the estimated amount of money which would not be available to the Queensland Government if it decided to bond teacher-scholarship holders, in view of the Commonwealth Government's decision to make funds available for tertiary education where students were not bonded?

Answer:—

"At the meeting of the Australian Education Council held in Melbourne in June of this year the Commonwealth Minister for Education, Mr. Beazley, stated that it was not his Government's intention that the new tertiary allowance scheme would apply to teachers in training. He said, although all State Ministers had interpreted his letter otherwise, that his Government had assumed that States would continue their present schemes of offering teachers scholarships. Details of the Commonwealth scheme have recently been released and the allowances are in fact available to students on a means test undertaking teacher education courses provided they are not in receipt of allowances from scholarships in excess of $350 per annum and are not bonded. If I interpret the Honourable Member's Question correctly there will be no money available to the Queensland Government if it continues to bond teacher scholarship holders. Eligible students will have the option of receiving Commonwealth allowances which are means tested or

State teacher scholarships which are not means tested but are bonded. The State will of course continue to meet the cost of its scholarships. If the Honourable Member wishes to know how much Queensland spends on Teacher Scholarships, I refer him to the Estimates where the amount provided for 1973-74 is $7,959,338. This would be the maximum saving if the State completely abolished teacher scholarships."

APPLICATIONS FOR COMMONWEALTH ALLOWANCES, TERTIARY EDUCATION

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

(1) With regard to entrance to tertiary institutions, will all interested students still be required to make written applications for tertiary scholarships?

(2) If so, (*a*) what are the closing dates for the receipt of the applications and (*b*) who is to produce the application forms and have they been distributed to schools and students?

(3) If no written applications have to be made by students, how will the scholarships be allotted?

(4) Are schools and students now made aware of the new requirements?

Answers:—

If the Honourable Member is referring to the new scheme of Commonwealth tertiary allowances the answers are as follows:—

(1) "Yes."

(2 and 3) "(*a*) There is no closing date but applications for allowances during 1974 must be made before the end of 1974. (*b*) The Commonwealth. No."

(4) "The new requirements are a matter for the Commonwealth. However, I understand schools have been advised by the Commonwealth of the general nature of the allowance scheme but precise details are not yet available in the schools. Entry forms have just been received by the Commonwealth Regional Office of Education in Brisbane but not yet in sufficient numbers to distribute to schools. It is my opinion that any student who can successfully complete the eight page application form after reading the sixteen page brief guide prepared by the Commonwealth deserves to be awarded an allowance."

ACQUISITION OF LAND FOR PRIVATE USE, VICTORIA PARK AND GOW PARK

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

(1) With reference to an article in *The Courier-Mail* of October 3 wherein it was stated that the Land Administration Commission had agreed to allow the Brisbane Girls' Grammar School to build a school residence on part of Victoria Park, even though the Parks Director said that the area should be used for open space and not for residential purposes, why was this park land allowed to be taken over for that purpose?

(2) Regarding a reference in the same article to a take-over of land in Gow Park to build a shopping centre, does he intend to allocate other areas of land for park purposes in lieu of the park land taken over for the school residence and shopping centre and, if so, what area of land and where?

Answer:—

(1 and 2) "The Trustees of the Brisbane Girls Grammar School applied for title to a parcel of land being part of land granted to the Brisbane City Council upon Trust for Public Park Purposes—commonly known as Victoria Park. The primary purpose advanced in the application was the need to acquire a site upon which to erect a residence for a senior mistress in the interests of good order and management of the school. For obvious reasons, the application was referred to the Trustees—The Brisbane City Council—for that Authority's views in the matter of possible excision of a suitable area from the park. At the same time, officers of my Department were detailed to make enquiries and report on the matter. My Department has not yet received a reply from the Brisbane City Council. Until the Council's views on the proposition have been officially conveyed to my Department and considered in conjunction with Departmental reports, I am not in a position to give or forecast a decision. In view of the Honourable Member's interest, however, I will undertake to inform him of the outcome when, in fact, a decision has been reached. He can rest assured that the matter will be determined in a manner designed to best suit the public interests. The Honourable Member will, no doubt, have noted an article in today's "Courier-Mail" wherein I was quoted as having said that the Government would not allow any portion of Gow Park Moorooka to be used in the establishment of a shopping complex. I confirm that the report is correct."

COMMONWEALTH AND STATE INQUIRIES INTO PORT FACILITIES, BRISBANE

Mr. Lane, pursuant to notice, asked The Minister for Conservation,—

(1) Did he see a recent announcement that a Commonwealth commission of inquiry had been set up to inquire into the maritime facilities of all Australian ports?

(2) In relation to the comprehensive examination being carried out by officers of his Department into the Port of Brisbane, when will the enquiries be completed and a full report made available?

(3) Has the Commonwealth Government communicated with his Department to ensure that some degree of co-ordination will exist between the two investigations as they affect the Port of Brisbane?

Answers:—

(1) "Yes."

(2) "My Department of Harbours and Marine has been engaged for some time in a management, operation and development study of the future Port of Brisbane. I expect to receive a report on this study early in 1974, when I propose to present it to Cabinet with any recommendations I consider necessary."

(3) "At an early date in the study my Department communicated with firms, companies and organisations and Government agencies it considered might be directly affected with future planning of the Port. In almost all cases my Department has received absolute co-operation. I can assure the Honourable Member that the co-operation and assistance received in this study from the Commonwealth Department of Transport, mainly through its Bureau of Transport Economics, has been complete and very much appreciated."

HOUSING COMMISSION UNITS FOR AGED PERSONS, WEST END

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

Concerning aged-persons' units located in Jane and Vulture Streets, West End—

(1) How many units are in each block?

(2) Are all units occupied by eligible persons? If not, how many units are rented to other than aged persons?

(3) Has the Housing Commission received complaints regarding noisy tenants and what has been the nature of the complaints?

Answers:—

(1) "Each building contains 16 units for aged persons and 4 units for general use."

(2) "All aged persons units are occupied by eligible persons."

(3) "A complaint was received on one occasion regarding noise and the alleged presence of a dog at a unit. On investigation the matter of noise was not considered to warrant special action and the dog was found to have accompanied his master who was visiting a friend in the unit."

ASSAULT ON FEMALE PRISONER

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

Further to my previous Question regarding an assault on a female prisoner at Brisbane Women's Prison—

(1) What authority does a prison officer have to slap a prisoner?

(2) Was an investigation conducted into the slapping and, if so, who conducted it and what witnesses were examined by him?

(3) Did a prison officer admit to slapping a prisoner's face, as alleged in the *Sunday Sun* of September 23?

(4) Will he table the investigating officer's report?

(5) At the time the prisoner was slapped, was she not hysterical but unconscious and in a fit?

(6) Are prison officers exempted from the provisions of The Criminal Code and, if so, by what authority?

Answers:—

(1, 2 and 3) "Under the Criminal Code, an assault is unlawful and constitutes an offence if it is not authorised, justified or excused by law. The Criminal Code also provides that a person is not criminally responsible for an act or omission done or made under such circumstances of sudden or extraordinary emergency that an ordinary person possessing ordinary power of self control could not reasonably be expected to act otherwise. In fact, Sir Samuel Griffith, the author of the Criminal Code stated, *inter alia,* 'This section gives effect to the principle that no man is expected (for the purposes of the criminal law, at all events) to be wiser or better than all mankind. It may, perhaps, be said that it sums up nearly all the common law rules as to excuses for an act which is prima facie criminal.' The incident referred to by the Honourable Member was investigated by the Comptroller-General of Prisons and one of his deputies and in the course of the investigations three female prison officers and four prisoners were interviewed and discussions were held with the visiting medical officer and a nursing sister. As I have already advised the Honourable Member in reply to his question to me without notice on September 25, 1973, the investigation revealed that the action taken by the female prison officer concerned was appropriate in the circumstances. On September 1 at approximately 3.05 p.m. female prison officers attended to a prisoner who was reported by other prisoners to be 'having a fit'. The female prison officer concerned who is a trained, qualified dental nurse of 14 years' experience with 6 years in the Health Department has stated that she assessed the case as one of hysteria for which the appropriate treatment is a slap on each side of

the cheek. The visiting medical officer confirmed that this treatment is appropriate. The question of the prisoner's health has also been examined and the nursing sister attending the Female Prison informed the Comptroller-General that the prisoner had lengthy medical investigations which revealed that she was not epileptic but that she suffered from bouts of hysteria. The Government Medical Officer had an electro encephalogram taken prior to her discharge which showed that the prisoner concerned was normal and not subject to fits. Prior to her discharge, the prisoner did not make any allegation of having been mistreated. In fact she made a statement to the Deputy Comptroller-General of Prisons confirming this. She said in her statement that the prison officer concerned had treated her well, always helped her if it was needed and had never abused her."

(4) "No."

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

(6) "No. As set out in answers above, the Criminal Code provides not only for circumstances of inculpation but also of exculpation."

SALE OF KANGAROO JOEYS

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

(1) Has his attention been drawn to *The Sunday Mail* advertisement of October 7 for the sale of kangaroo joeys?

(2) Are such sales legal and what restrictions exist in relation to such transactions or the keeping of such fauna in enclosed backyards?

(3) Will he have the matter fully investigated with a view to the public being fully informed on the situation?

Answers:—

(1) "Yes, my attention has been drawn to the advertisement to which the Honourable Member refers. My attention has also been drawn to a number of similar advertisements over the past couple of months."

(2) "Under the *Fauna Conservation Act of* 1952, the dealing in protected fauna without a permit is an offence. My policy on this was clearly stated in a press release dated September 25, 1973. A copy of that press statement is tabled for the information of Honourable Members. The Government intends stamping out this undesirable practice."

(3) "Fauna officers in the Department of Primary Industries are investigating these advertisements in an endeavour to obtain sufficient evidence to enable legal action to be taken."

Paper.—Whereupon the Press statement referred to was laid upon the Table of the House.

CAIRNS–SMITHFIELD SECTION, CAPTAIN COOK HIGHWAY

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

(1) When is the new work on the Captain Cook Highway between Cairns and Smithfield now programmed to commence?

(2) Until the new road is in use, can the present road shoulders be widened?

Answers:—

(1) "Schemes covering bridges over Thomatis Creek and Avondale Creek are programmed for release towards the end of this financial year with road construction from Holloways Beach to Smithfield to follow next year."

(2) "The Department is well aware of the problem which exists because of the narrow pavement on this road and plans to continue its current programme of maintenance gravelling of shoulders. In fact next week, work is due to commence on the last remaining narrow sections."

HOUSING COMMISSION UNITS FOR AGE PENSIONERS, CALOUNDRA

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

When will the first aged-pensioner units at Caloundra be ready for occupation and what has caused the delay?

Answer:—

"Progress has been held up by a combination of wet weather and delays in delivery of materials and especially in respect of bricks, timber and nails and also the large volume of work available to bricklayers. These circumstances are currently not uncommon in the house-building industry. The first contract of 20 units is approximately 60 per cent. complete. The completion dates of this contract and of the subsequent contract for 15 units will be dependent on the extent of further delays arising from the factors I have mentioned."

NEW STATE HIGH SCHOOL, MANSFIELD

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

With reference to a circular over the signature of Mr. Briody, Regional Director of Education, which was distributed in the Capalaba, Mansfield and Mount Gravatt areas some time ago and which referred to the establishment of a secondary school at Mansfield—

(1) How far by the nearest proposed route will students have to travel from their residences to Mansfield?

(2) How many students in the other school areas will travel farther if they go to Mansfield than if they go to existing high schools?

(3) How many students travel from Capalaba to Cleveland, Wynnum and Camp Hill secondary schools?

(4) How many students living in the Mansfield area are listed as agreeable to attend the new Mansfield secondary school?

Answers:—

(1) "It is not proposed to direct students to Mansfield State High School from the Capalaba area who live closer to or on a more direct route either to Cleveland or Camp Hill State High School. It was considered that there could be enrolled at the schools to which the circular was sent some children who would find it more convenient to attend Mansfield State High School than the other established high schools in the area. It was envisaged that the circular would make it possible for my Department to assess the need for special bus services to Mansfield. At this stage it is not possible to define distances from particular areas to Mansfield. The significant information required is the location of the homes of students who wish to attend the Mansfield High School in order that any transport costs can be assessed."

(2) "This information is not available at present."

(3) "Cleveland: 120 (grades 8 to 12) (About 30 new students enroll annually from Capalaba area). Wynnum: 13 (grades 8 to 12). Wynnum North: 1. Camp Hill: 101 (grades 8 to 12) (About 25 new students enroll annually from Capalaba area)."

(4) "The information is not yet available."

RESIDENCE AND SURGERY FOR MEDICAL OFFICER, NORTH STRADBROKE ISLAND

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

With reference to the construction of a residence and surgery for a medical officer on North Stradbroke Island—

(1) When was the construction of the building approved, when was it commenced, who was the contractor and what was the estimated cost?

(2) Has the building been completed and, if so, when?

(3) If the building has not been completed, what are the reasons and is the withdrawal of the contractor one reason or is it the only reason?

(4) Will he consider having the building completed so that a future medical officer will have an incentive to remain on the island?

Answers:—

(1) "To assist the Redland Shire Council to obtain a medical officer it was agreed that the Queensland Housing Commission would co-operate in the provision of a residence, part of which could be used for surgery purposes. On February 20, 1973 the council requested the commission to proceed with the calling of tenders. On March 17, council was advised of the only tender received which was from G. E. and M. F. Taylor and requested to forward its contribution for the cost over and above a normal State rental house. However, the contractor was not prepared to proceed and withdrew his tender. The overall cost would have been $16,500."

(2 and 3) "Tenders have been recalled but to date a further tender has not been forthcoming. This is not surprising considering the location and the current full engagement of the home-building industry in respect of tradesmen and materials. This is the only reason for the non-commencement of construction."

(4) "Tenders will again close on 30th instant."

NURSING SERVICE, REDLAND BAY ISLANDS

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

(1) With reference to a recent statement in the *Redland Times–Islander* that a $4,000 per annum grant was made by the Redland Shire Council towards the establishment of a nursing service for the Redland Bay islands, what persons or organisations have made written representations to him for the establishment of a service and on what dates?

(2) What persons or organisations have made similar representations to the South Brisbane Hospitals Board and on what dates?

(3) As he indicated by letter that he would have the matter investigated, have the investigations been completed and, if so, what is his decision?

Answers:—

(1) Representations were made to me by the Chairman of the Redlands Shire Council on August 13, 1973 and by the Honourable Member on August 15, 1973."

(2) "I am advised that representations were made to the South Brisbane Hospitals Board on September 19, 1973 by the Redlands Shire Council."

(3) "I refer the Honourable Member to my letter to him of September 17, 1973 in which I advised that the matter had been referred to the South Brisbane Hospitals Board for consideration. I am advised that it is listed for discussion at a meeting of that Board to be held on October 25, 1973."

QUESTIONS WITHOUT NOTICE

BOUNDARIES OF PROPOSED NATIONAL PARK, COOLOOLA

Mr. HOUSTON: I ask the Minister for Lands and Forestry: Are there in existence any maps that show the boundaries of the proposed national park at Cooloola? If so, to whom are they available?

Mr. RAE: I shall check this matter out immediately. If maps are available, I shall see that copies are conveyed to the Leader of the Opposition as soon as possible.

FINANCIAL ASSISTANCE TO LOCAL AUTHORITIES

Mr. W. D. HEWITT: I ask the Acting Premier: In view of the failure of yesterday's meeting between the Prime Minister and State Premiers to reach agreement on assistance to local government, will he advise honourable members what is the attitude of the Queensland Government to future action to relieve local authorities of the increased cost burden brought about by inflationary pressures?

Sir GORDON CHALK: The conference held yesterday between the Prime Minister and the Premiers or Acting Premiers of the various States was, as I have already described it, extremely disappointing. It was a disappointment not only to those representing Governments of my political line of thought but also to those representing Governments of the same political colour as the one now in power at Canberra. The Premiers were invited to Canberra in what we believed was to be fulfilment of that part of the Prime Minister's policy speech in which he said that considerable assistance would be given to local government if his party was returned to office. Local government has certainly looked to the fulfilment of that promise.

Yesterday we were presented with a document that said no more or no less than that local government should be accorded representation on the Loan Council on the basis of one local government representative from each State. This would mean that the Loan Council would have been increased by six representatives from the various States who would speak on behalf of local government, whilst the States themselves would also have their present number of six representatives. The Commonwealth Government also sought to add two additional seats to the Loan Council for Commonwealth Government representatives, thus increasing the size of the Loan Council to 16. The Prime Minister described this proposal as giving local government the opportunity to voice its needs and requirements before the Loan Council, but there was no indication from him that any additional funds would be made available.

When I asked the Prime Minister point blank if he was prepared to indicate that additional funds would be made available by the Commonwealth Government so that, if local government came to the Loan Council, it would not be a question of taking from any State money to which it would ordinarily have been entitled if no local government representatives were present, the Prime Minister's reply was that he did not intend making additional funds available. Rather, he said, it would be a question for the Loan Council to decide.

I then pointed out to the Prime Minister that decisions of the Loan Council were not decisions taken by the Premiers but decisions taken at the instigation of the Federal Government—previous Federal Governments as well as the present one—on what was considered to be the economic money-raising power within the Commonwealth. In other words, the Commonwealth Government lays down what it believes the country can raise by way of loans and still maintain a position in which inflation and problems associated with it will not follow. As a result, Premier after Premier indicated to the Prime Minister that there was no hope of reaching any agreement on the proposal that had been put forward.

The Prime Minister's alternative proposal was this: unless we were prepared to agree to what he had put forward, he would seek the opinion of the people by way of referendum under Section 105A of the Commonwealth Constitution. His indication was that he would seek to go to the people on that issue, together with other issues that he wishes to raise, according to his own words, "when the next Senate election comes around", which will be some time before June 1974.

I asked the Prime Minister—and I was supported in this by both Mr. Reece and Mr. Dunstan—whether he would be prepared to make his officers available to confer with officers of the various States so that an endeavour might be made to work out a proposal acceptable to the States and the Commonwealth to give local government not only a voice but an assurance of additional funds. The Prime Minister's reply was that he had indicated that the only alternative was to approach the people under Section 105A of the Commonwealth Constitution.

I say to the House, Mr. Speaker, that the conference was a disappointment to every Premier. We left Canberra quite certain that the Prime Minister desired only to ensure that local government would be placed in the same position as the States, and that it would be under the domination of the central Government. Consequently, we were prepared to agree to that.

Let me make it quite clear that we are determined to seek ways and means of providing additional funds for local government, because the Government of Queensland—and, I think, every other State Government

in Australia—believes sincerely that the time has come when local government can no longer live on the returns from rateable land. As a result, those of us who got together later yesterday afternoon decided to see whether there are some ways and means by which we can assist local government. Yesterday we received neither co-operation nor assistance from the Commonwealth Government for the benefit of local government in this State.

ALLEGED FAKING OF SEA POLLUTION, GREAT BARRIER REEF FILM

Mr. ARMSTRONG: I ask the Minister for Tourism, Sport and Welfare Services: Further to his answer to a question by the honourable member for Burdekin yesterday concerning a faked film at Green Island and the Great Barrier Reef, can he inform the House for whom the film has been produced and for what purpose? Is it a fact that the Commonwealth Government made a substantial financial grant towards the cost of this film?

Mr. HERBERT: Mr. Roland Cantley, the producer of this film, is well and unfavourably known in North Queensland—very unfavourably known, in fact—because of his antics on some of the islands at various times. It is quite obvious that he has set out to "rubbish" North Queensland and its people. This should be of particular interest to every member representing North Queensland areas. The reports coming back to my office indicate that he intends to "rubbish" North Queensland completely. He does not care one iota whether the claims he makes are right or wrong, and he has faked sections of the film. This would not be a matter of great interest if, when it was shown, it was first pointed out that it was trick photography or fake photography and in fact was not a true representation of the situation in North Queensland.

I have now discovered that Mr. Cantley was subsidised to the tune of $83,000 by the Commonwealth Government for this "knocking" of North Queensland. As the Commonwealth Government gave $50,000 to the Nimbin sex festival and $US2,000,000 for a painting of doubtful value, I suppose a grant of $83,000 to "knock" North Queensland would be in line with its policy.

Bearing in mind that Leichhardt, the Federal division involved, has a Labor member, and that the State electorates involved have Labor members, I would suggest to the people of North Queensland that they ask Dr. Cass why $83,000 should be spent by the Commonwealth Government on "rubbishing" their area. It is patently obvious that this is what is going to happen.

I suggest to the honourable members concerned that they have a very close look at Mr. Cantley's background. I think they would then agree with me that this man should not be entrusted with any public funds at all. Above all, we must make sure that the story gets around Queensland, at least, that this is a faked film and that it is designed to destroy confidence in North Queensland's beauty. As Minister for Tourism, I am particularly concerned about this aspect of the matter. I should like to know how much Mr. Cantley had to give David Frost to involve him in this sham.

LOCAL GOVERNMENT REPRESENTATION ON LOAN COUNCIL

Mr. CASEY: I ask the Acting Premier: At the Premier's Conference in Canberra yesterday, did the Prime Minister indicate the manner in which local authority representatives to the Loan Council would be chosen, as it would appear that if the system suggested by the Commonwealth were accepted, all that the Commonwealth would have to do would be to get six shire councils on side to completely control the finances of the States?

Sir GORDON CHALK: I appreciate the question that the honourable member has raised. In fact, I do not think that, prior to yesterday, the Prime Minister realised the situation as it affects local government in the various States. It had to be explained to him. Mr. Dunstan did it very capably by indicating that in South Australia, for instance, the franchise is restricted to land-ownership, and that not more than 20 per cent of the people there would have a say in the election of aldermen and other council representatives. In the case of New South Wales, there is an adult franchise on a property basis, and, as well, voting is not compulsory.

It was very evident that, taken right across the board, the number of people who elect aldermanic and other council representatives in Australia would not total half the usual voting population of the Commonwealth. When Mr. Dunstan was putting his viewpoint, I said by interjection that the opposite situation could arise in Queensland, and that it was possible that a person elected to attend the Loan Council could hold an entirely different line of thinking from that of the State Government of the day. Consequently, it could happen that there would be no basis of general unanimity around the Loan Council table because those who were representing local government were elected on a different basis in each area.

The other point that was driven home very forcefully was that in Queensland there are three types of local government: firstly, the Brisbane City Council, which operates under its own Act and has an annual budget in excess of that of the whole of Tasmania; secondly, the cities and towns association, which represents the provincial city areas; and thirdly, what is known generally as the Local Government Association. The Prime Minister indicated that he had not been fully

aware of the position, and felt that a type of poll should be conducted among the local authorities to determine who would be the representatives of local government.

Mr. Houston: Why don't you tell the whole truth?

Sir GORDON CHALK: The Leader of the Opposition can interject as much as he likes. I wish he had been present with his Labor colleagues during yesterday's discussions.

Mr. Houston: This is only propaganda.

Sir GORDON CHALK: The Leader of the Opposition is getting hot under the collar.

Mr. Houston interjected.

Mr. Bousen interjected.

Mr. SPEAKER: Order! I ask the Leader of the Opposition and the honourable member for Toowoomba North to cease interjecting.

Mr. HOUSTON: I rise to a point of order. I shall certainly cease interjecting, but I do not like listening to half-truths in this Chamber.

Mr. SPEAKER: Order! I should say that, at best, the honourable gentleman's point of order is frivolous.

Sir GORDON CHALK: Do I gather that the honourable gentleman is insinuating that I am telling half-truths?

Mr. HOUSTON: To put the matter beyond any doubt, I claim that you are not telling the whole story.

Sir GORDON CHALK: Mr. Speaker, the honourable gentleman's remark is offensive to me, and I ask that it be withdrawn. I have told the whole story, and I am prepared to debate the matter at any time.

Mr. SPEAKER: Order!

Mr. HOUSTON: I accept the Acting Premier's challenge to debate the whole matter in this House.

Mr. SPEAKER: Order! While I am on my feet the Leader of the Opposition will resume his seat.

Mr. Houston: I am sorry, Mr. Speaker. I did not see you rise.

Mr. SPEAKER: The Acting Premier has claimed that the statement made by the Leader of the Opposition is offensive to him. I ask the Leader of the Opposition to withdraw it.

Mr. HOUSTON: If the statement was offensive to the Acting Premier, I will withdraw it.

Sir GORDON CHALK: I shall conclude by saying that the honourable member for Mackay is quite entitled to an explanation on this matter. I assume that a transcript of the proceedings at yesterday's conference will be forwarded to me, and when I receive it I am prepared to make it available, confidentially, to the Leader of the Opposition for his perusal.

MINISTER'S MODE OF SPEECH

Mr. ALISON: I ask the Minister for Health: Is he aware that his method of speaking has been the subject of severe criticism by the honourable member for Mourilyan, who suggested that the Minister should imitate him and adopt what the honourable member for Mourilyan has described as a "more Queensland" style of speaking? Will the Minister accede to the honourable member's suggestion?

Mr. TOOTH: I understand that the honourable member for Mourilyan is unhappy with the way in which I speak the Queen's English. Although I am very interested in the views that he has expressed, I must say that even to please him I am not prepared to try to talk like a half-inebriated costermonger.

LOCAL GOVERNMENT REPRESENTATION ON LOAN COUNCIL

Mr. MARGINSON: In view of the Acting Premier's answer to the question by the honourable member for Mackay, wherein he conveyed to the House the impression that there are three separate forms of authority in local government, I now ask him: Is he not aware that every local authority in Queensland, including the Brisbane City Council, is a member of the Queensland Local Government Association?

Sir GORDON CHALK: I am fully aware of what the honourable member says. In answering the previous question I pointed out that there are three tiers of operation in local government and that it is extremely difficult to get unanimity among the three. I attended Local Government Association conferences while the honourable member was an Ipswich alderman, and I have also been associated with local government in an indirect way. I know what goes on among bodies that are connected with the association, and I pointed out the difficulty that would arise with one large local authority such as the city of Brisbane, half a dozen provincial cities and then small local authorities such as, for example, Crow's Nest. What sort of a voice would the small local authorities have in any representations before the Loan Council?

VOLUNTARY AID IN EMERGENCY BILL

SECOND READING—RESUMPTION OF DEBATE

Debate resumed from 27 September (see p. 724) on Mr. Knox's motion—

"That the Bill be now read a second time."

Hon. W. E. KNOX (Nundah—Minister for Justice) (12.6 p.m.), continuing in reply: It will be recalled by honourable members that time was a little against us in winding up the second-reading debate. I indicated that I wanted to reply particularly to the remarks made by the honourable member for Baroona, who raised a number of questions which deserved a considered reply. I think honourable members generally will be interested in the answers to the questions.

The honourable member for Baroona asked to what extent the Bill would either conflict with, override, or be isolated from the Criminal Code. The Bill provides that liability at law shall not attach—in other words, follow. These words can relate to, and embrace, the criminal law. However, these words, when read in conjunction with the whole of Clause 3 will have no application in relation to criminal negligence, as this clause provides that the act must be done in good faith and without gross negligence. If there is the presence of good faith and the absence of gross negligence, there can be no criminal liability.

Gross negligence has been clearly defined in authoritative decisions, and it is hard to imagine that any difficulty will be experienced by the courts in determining whether, in fact, a certain act amounts to, or falls short of, gross negligence.

The Bill will not authorise, justify or excuse any act which would amount to a crime against the State. It would be impossible to ascertain if, and with what frequency, doctors have in the past failed to assist upon coming across a road accident or other medical emergency. It is, of course, hoped that the Bill will encourage doctors and nurses to assist in such circumstances by providing a defence, in certain circumstances, against litigation which they fear could follow.

The honourable member also asked whether the Bill will make it impossible for anyone to claim successfully, even when there is justification, against a medical practitioner or nurse who acts in emergent situations. If a doctor or nurse does any act which would amount to gross negligence, an action would lie.

In relation to a criminal action, the standard of proof is beyond a reasonable doubt, and, in emergency situations, this would be fairly hard to prove. However, the standard of proof is on the balance of probabilities in relation to a civil action, and gross negligence in such a civil action would not be as difficult to prove as in a criminal charge.

The Bill does provide, of course, that its provisions can be extended to other classes of people. I should point out that the exemption from liability is restricted to a sudden juncture demanding immediate action and aid, care or assistance, of a medical nature.

A retired doctor not currently registered, or a nurse who has let her annual registration lapse, is not protected. A line must be drawn here because it is not desirable to provide an exemption to a trained nurse who had left the profession many years ago and would be out of touch with current training and methods.

Any submissions for an extension of the provisions of the Bill to other classes of people will be considered closely. I have already received one such submission. For example, if it was sought to extend the Bill to people holding first-aid certificates, consideration would have to be given to whether a person who obtained a certificate many years ago could be included, for much the same reasons as those applicable to doctors and nurses who ceased practice many years ago and are not protected at the moment.

Motion (Mr. Knox) agreed to.

COMMITTEE

(The Chairman of Committees, Mr. Lickiss, Mt. Coot-tha in the chair)

Clause 1, as read, agreed to.

Clause 2—Interpretation—

Mr. HANLON (Baroona) (12.12 p.m.): The Minister's remarks this morning bring to my mind a particular aspect of this matter. He clarified or dealt with the reasons, as he and his advisers see them, for not extending the protection under this Bill to retired medical practitioners and nurses who are no longer registered, perhaps through retirement or marriage. He said that this would be a somewhat undue protection because those people may not have retained their capacity or efficiency. But this could also be so with registered persons.

Perhaps one of the anomalies of the driving-licence system is that a person can obtain a driver's licence after passing the test, not drive a car for the next nine years, and then, before the licence is renewable, can get into a car and operate it as a licensed driver. There are no doubt reasons why this situation is tolerated. Many difficulties could be placed on so many people if it were otherwise.

I can imagine something similar with registered doctors or nurses who maintain their registration with the intention of returning to the profession or occupation. They might never do so, but they could retain registration without being active and keeping up-to-date in that field.

I appreciate the point made by the Minister, but, basically, we seem to be trying to provide a reasonable defence or protection

where there is justification for it. While we do not deny the justification for protecting a medical practitioner or nurse, the Minister has indicated that he is loath to extend that protection to a retired medical practitioner or nurse. The protection is narrowed down not to medical practitioners or nurses as such, but only to those who are currently registered.

Qualified persons who go to the aid of someone in these circumstances should be protected in the light of the Minister's counter-argument on the capacity to pursue a claim successfully if there is gross negligence. I know that all medical members of Parliament are in practice, as I hope they will be for a long time. Those members are not out of touch with their profession. However, it would be extremely unfortunate if protection was not given to recently retired medical practitioners or nurses who, with good intent, went to the aid of others in emergencies.

When mentioning qualifications, the Minister referred to the difficulty of defining precisely the areas in which protection can justifiably be given. Whilst the Opposition acknowledges, as the honourable member for Rockhampton said at the outset, that this is difficult territory in which, as it were, to erect a fence separating one case from another, we are concerned that the protection afforded by the Bill, although justified in the cases to which it applies, is very narrow.

Mr. WRIGHT (Rockhampton) (12.17 p.m.): I should like to ask the Minister why, instead of using the word "registered", protection could not simply be given to medical practitioners and nurses who have met the requirements of qualification as laid down by a State, the Commonwealth or a territory. Quite stringent standards are set for qualification in medicine and nursing, and I think that if a person has met those standards, he or she should be covered by the Bill.

I repeat the point made by the honourable member for Baroona that, if the word "registered" is retained, the Bill will become an extremely sectional piece of legislation. It will not encourage people with medical training and expertise, to use the term adopted by the Minister when introducing the Bill, to give assistance in emergencies. I should like to hear the Minister's views on why the clause could not simply refer to medical practitioners and nurses who are qualified rather than registered.

Hon. W. E. KNOX (Nundah—Minister for Justice) (12.18 p.m.): As the honourable member for Baroona rightly said, it is difficult to find a precise definition as attempts to find one create difficulties with marginal or fringe problems. If it came to the point in litigation, I think most people would prefer the clear demarcation provided by registration. If qualifications had to be tested, that could be quite a lengthy procedure. It may well be that there will be litigation in which this legislation is used, and, if that situation arises, it will be necessary to look at this matter fairly closely.

Registration of doctors and nurses is clearly defined and covered by legislation, and it affords a clear line of demarcation between people who have certain expertise and are registered and people who have similar abilities but, for various reasons, have ceased to be registered. A person, for example, could be struck off the roll for a very serious matter such as addiction to alcohol. The issue raises all manner of new problems that I have not been prepared to accommodate. There was discussion on ways in which to define people with medical training and expertise, and registration seemed to be the simplest way. If the legislation referred only to qualified people, or people who had had qualifications, I think a whole host of other problems would be encountered, because some persons who would come within that definition might have virtually disqualified themselves from carrying out that type of work. It may be something that they did themselves; it may be something that somebody did to them. In fact, they might even have a disease, or something of that sort, that may lead them to be irresponsible, although they may once have been registered doctors or nurses. I believe that many new matters are opened if one gets away from registration.

As the honourable member for Rockhampton mentioned, the question then arises: what position would people who have been qualified but are not now registered be in? They would be in exactly the same position, Mr. Lickiss, as you, I, or any other citizen.

In my opinion, a more important question was raised by the honourable member for Baroona—whether registered nurses or doctors who have not practised for many years are virtually in the same category as those who were registered at one time but ceased to be registered some time ago. In certain circumstances they could do more harm than good, because it may be assumed that they possessed a great deal of knowledge and expertise whereas in fact they had not practised for 20 or 30 years. I accept that possibility but suggest that instances of that type would be very rare. At the same time, I hope that the community would not preclude people in that category from rendering aid as best they could under the circumstances. Having in mind that there is an emergency and that the person is regarded as being qualified to give some assistance, and having in mind that we are talking about medical care, I believe that the community would expect people, even though they had not been in practice for many years, to go to the aid of injured persons, and would hope that they would have the protection of the Act.

Mr. DEAN (Sandgate) (12.22 p.m.): I concur fully with what the honourable member for Rockhampton said relative to registration and also with the comments of the honourable member for Baroona. However, the clause now under discussion brought to my mind the question—it came to me only a couple of minutes ago—of ambulance personnel.

Mr. Knox: They are covered already. I mentioned that earlier.

Mr. DEAN: I apologise. I was out of the Chamber when the Bill was introduced. If the position of ambulancemen has been clarified, I am quite satisfied. The emphasis seems to be on the registration of nurses and medical practitioners. It was natural for me to think of ambulance bearers, who go to the assistance of people and are quite often subjected to abuse or even assaulted. I accept the Minister's assurance that ambulancemen are covered in the Bill.

Hon. W. E. KNOX (Nundah—Minister for Justice) (12.23 p.m.): Ambulancemen are not covered in the Bill. They are covered by other legislation. However, other people in the community who are not unlike members of the Q.A.T.B. might be in a position similar to that of doctors and nurses. Representations have been made to me by one such group, and I am at present examining the background of the circumstances.

I refer honourable members to a later provision relative to allowing other groups to be nominated by Order in Council. That will be done only after thorough investigations have been made. However, I should not like to say at this stage that any particular group would be covered by the Act.

Clause 2, as read, agreed to.

Clause 3—Protection of medical practitioners and nurses—

Mr. WRIGHT (Rockhampton) (12.24 p.m.): When the Minister spoke earlier today, he said that the words "gross negligence" have been defined clearly in authoritative cases. I am greatly concerned that this is not really so, and I do not confine my remarks only to the words "gross negligence". I refer also to words such as "emergency" and the words "injured persons", which were emphasised in the debate on an earlier clause—for the purpose of my argument, I shall use the word "injury". Clause 3 (b) refers to "adequate medical care".

I am very much concerned that we have not clearly and particularly defined these words here. I cannot agree with the Minister that they have been clearly defined in authoritative cases. The interpretation of statutes is a branch of law on its own, and certainly it is not free from difficulties. I realise that there is a necessity for interpretation that has grown out of the imperfections of language, and also because of such factors as the emergence of new problems which could not have been foreseen by the Parliamentary Draftsman, or in fact by the Parliament itself, when the statute was first passed. Because of that, we have had some very broad rules on ways in which the courts can go about interpreting statutes. I do not intend to delay the Committee, but I point out that there are three fundamental rules.

The first is the "literal" rule, which simply states that if the meaning of a section is plain it is to be applied whatever the result, even if it leads to absurdity or manifest injustice. It is accepted that this rule leads to many difficulties, because words can have innumerable shades of meaning that are not in fact foreseen by the Parliament. History has shown that quite often the literal interpretation of words in a statute will lead to a result which is in fact contrary to the original intention of the legislature. But this is one of the fundamental guides that the judiciary has.

The second is the "golden" rule, which is that words should be given their grammatical or ordinary sense unless they lead to some absurdity or inconsistency with the rest of the instrument. I think you will agree, Mr. Lickiss, that this is not easy to apply. There is always the conflict between the authority of the printed word and the dictates of reasonableness in these legal terms. There is an advantage to the rule, however, in that it allows the grammatical and ordinary sense of the words to be modified so as to avoid absurdity or inconvenience, but no further.

The final rule is the "mischief" rule, which emphasises the general policy of the statute and the evil at which it was directed. This is not used if the section is plain. It is not always easy to say when a statute is so clear that there is no need to consider the policy or the intention of the Act as a whole.

I have considered these three rules, and in my own reading I have found that the English legal system generally tends to go back to the literal approach when it comes to interpreting the statutes. One could say that it is an accepted approach that firstly we adopt the natural sense of the words—that the natural sense must be retained. Secondly, we have a rider that if the meaning is doubtful or obscure, recourse may be had to parallel passages in the body of the law, to the purpose and circumstances of the passing of the law and to the intention of the legislator. I think that is reasonable. Thirdly, where the point in issue is not covered by authority, the court may be guided by analogy, general legal principles, practice of courts and the common and unvarying opinion of recognised professional writers.

I have endeavoured somewhat to clarify the issue of the interpretation of statutes, but I think every honourable member would agree that there is extreme difficulty here. One might say that very often judges have

what might be called an interpretative picnic because of the words that have been used in statutes.

Mr. W. D. Hewitt: An interpretative what?

Mr. WRIGHT: An interpretative picnic, in the sense of thoroughly enjoying themselves as they go through authoritative cases saying, "Mr. Justice So-and-so said this and Mr. Justice So-and-so said that." This morning I had somewhat of a picnic as I went through the Parliamentary Library. I referred to John B. Saunders's "Words and Phrases Legally Defined", which I think is an accepted type of dictionary when it comes to defining words. I looked up the various words that have been used in this clause.

Mr. Porter: You should have asked the honourable member for Redlands.

Mr. WRIGHT: I do not understand why the honourable member for Toowong is always so facetious. He is a bitter man. It is a great pity.

Let me get back to the point. "Emergency" is defined first in this way—

> " 'Emergency' is a reference to a case where a person . . . has reasonable cause to believe that circumstances exist which are likely to endanger life or health."

Further on, the justice says—

> "I hesitate to attempt a full definition of emergency, but surely for a Queen and her Government to be dispossessed of their country by force of arms constitutes an emergency."

I realise that is not an emergency of health, but it goes on—

> " 'Emergency' can be used to describe a state of things which is not the result of a sudden occurrence. A condition of things causing a reasonable apprehension of the near approach of danger would I think, constitute an emergency."

He goes on, inter alia—

> "To ascertain the true meaning of the words, we must bear in mind the circumstances in which they are used."

Moreover, the definition of "emergency works", I feel, gets back to the point we are discussing. It reads—

> " 'Emergency works' means works whose execution at the time when they are executed is requisite in order to put an end to, or to prevent the arising of, circumstances then existing or imminent which are calculated to cause danger to persons or property."

And so it goes on.

Many other justices have their say as to the definition of "emergency", the last being the one that the Minister spoke about when he said that "gross negligence" had been clearly defined. I refer to page 330 of, "Words and Phrases Legally Defined". Under the heading of "Gross negligence", it says—

> "The term 'gross negligence' is found in many of the reported cases on this subject; and it is manifest that no uniform meaning has been ascribed to those words. Lord Denman, in giving judgment says, 'It may well be doubted whether between gross negligence and negligence merely any intelligible distinction exists'."

It goes on—

> "The terms 'gross negligence' and 'culpable negligence' cannot alter the nature of the thing omitted; nor can they exaggerate such omission into an act of misfeasance."

Again we read, at the bottom of the page—

> "But the legal meaning of gross negligence is greater negligence than the absence of such ordinary care. It is such a degree of negligence as excludes the loosest degree of care."

I might ask, what is the loosest degree of care? Again the authorities are numerous and the language of the judgments varies. But, for all practical purposes, the rule may be stated to be that the failure to exercise reasonable care, skill and diligence is gross negligence. I thought the Minister said that the failure to exercise reasonable care was simply negligence. I believe we have a dilemma here. What really is the definition of these words?

One could go even further, to the definition of "injury". I do not intend to read all this material—there is a tremendous amount of it—but I make the point that these words are not simply defined; they are not set down by authoritative cases. Again they are open to interpretation, and I repeat that judges will certainly have a picnic and this will place heavy burden of cost on the litigants because it delays the achievement of some result in the litigation involved.

Mr. Porter interjected.

Mr. WRIGHT: I take the honourable member's point. He will notice that I have not accused or attacked the Minister. A difficulty exists here, and I think it is the responsibility of this Parliament to try to remove these difficulties. We have done it, first of all, with the interpretation of the definition of "medical practitioner"; we have done it with the defintion of "nurse" and "injured person". Why, then, have we not done it in these other areas? What is an emergency? What is gross negligence? What is a centre of medical care? Is it a rest room, an ambulance centre, a hospital, some health centre? I could go on and on. These words should be defined clearly—they should be clarified—and I shall be pleased to hear the Minister's definition of them.

Mr. O'DONNELL (Belyando) (12.34 p.m.): I am certain that it must annoy the honourable member for Toowong to hear anybody

but himself speak in this Chamber. He utters some sort of suffering moan every time a member of the Opposition gets the call. I have risen to offer any help that I can, irrespective of the moans and groans emanating from the honourable member for Toowong.

The meaning of words has been raised. I would not have entered the debate but for that. This sectional legislation—I emphasise the term—is being applied only to professional people, who may be either competent or incompetent in their professions.

I suggest that the term "gross negligence" to which the honourable member for Rockhampton referred could, under circumstances of stress, be better described as "gross incompetence". I draw an important distinction between the two, because a neglectful person is one who, to a certain extent, does not bother about particular circumstances. By contrast, however, it is difficult to imagine that a person who, in good faith, goes to the assistance of another would act negligently. Surely he has some definite purpose in going to the other person's aid.

Mr. Porter: What has this got to do with it?

Mr. O'DONNELL: The honourable member for Toowong persistently asks questions.

The type of person covered by the Bill is one who performs an act in good faith. Surely, in performing such an act, such a person cannot be held to be either negligent or grossly negligent. In view of his possession of professional qualifications, surely he can only be described as being incompetent.

I submit that possibly the term "gross negligence" should be removed from the Bill and that in its place we should insert the phrase "gross incompetence".

Hon. W. E. KNOX (Nundah—Minister for Justice) (12.38 p.m.): The debate on this clause has been of interest and has brought forward a number of interpretations of the various words that it contains. I think both speakers have indicated the type of problem that may arise. I certainly hope that it does not eventuate that people have to defend themselves under circumstances of this type. It may be that in their interests, as well as those of the people whom they assist, the definitions should be absent from this clause. The insertion of definitions that can be as broad as they are long may, as the honourable member for Rockhampton has pointed out, negate the value of the Bill.

Mr. Wright: Why not simply make it "negligence"?

Mr. KNOX: I think the situation has been well covered, and the honourable member has alluded to it. There is a difference between "negligence" and "gross negligence", and, as the honourable member for Belyando has pointed out, it could be assumed that nobody who goes to the aid of another wants to be negligent. However, by virtue of circumstances over which he has no control, he could in fact be negligent.

Mr. O'Donnell: Wouldn't a person who commits gross negligence be one who is purposely negligent?

Mr. KNOX: I thought I had earlier pointed out the manner in which "gross negligence" has been interpreted. Negligence, generally, is the omission to do something which a reasonable man, guided upon those considerations which ordinarily regulate the conduct of human affairs, would do, or doing something which a prudent and reasonable man would not do. Persons professing special skill must use such skill as is usual with persons professing it.

"Gross", ordinarily, means plain or evident. That is, it is deliberate; that would be another way of looking at it from our point of view. The term has been used in conjunction with such epithets as "culpable", "criminal", "wicked", "clear" and "complete". In negligence the term "gross" has a meaning almost the same as "criminal".

These are interpretations that have been placed on these words over a period of time. It is fairly important, I should say, not to define them in a Bill of this nature, because immediately we do so we take away a great deal of the value of the legislation.

Mr. O'Donnell: Could not "competence" be defined?

Mr. KNOX: I do not know that it could be. If we legally define such words in a Bill of this nature, we are trying to do something that the rest of the world has not been able to do. I would sooner the words were not defined, but interpreted. It is the interpretation recognised in courts of law for many years which will be used in any litigation, not the definitions in an Act. Again, from the layman's point of view, these words, perhaps, are loosely used, but amongst those who practise the law they have a great deal of special meaning, and they have to be applied to the circumstances under which people find themselves at the time.

To give an example: the honourable member for Rockhampton asked what was a place of care—a hospital, an ambulance station, or something like that. According to the circumstances, it could be quite different. It might be simply a tent set up as a field hospital at a railway or aircraft accident. That might be the place of care where a doctor renders emergency aid in a voluntary manner. In another situation, it might be a general hospital. We cannot define it; it relates to the circumstances at the time.

As these words are already well used in the law and well understood by lawyers, I am quite confident that they will not increase the cost of litigation. They will be applied to circumstances as they exist.

I hope that it will be many years before this legislation requires review and that there will be an absence of capricious actions against medical practitioners or nurses such as have taken place, apparently, in other countries. However, in anticipation of such action, we are prepared by having this legislation.

Clause 3, as read, agreed to.

Clause 4—Power of Governor in Council—

Mr. WRIGHT (Rockhampton) (12.43 p.m.): On this clause the Assembly is again faced with a rule of law. Subclause (1) prescribes—

> "The Governor in Council may from time to time by Order in Council prescribe a class of persons for the purposes of this section."

I ask honourable members to note the rule of ejusdem generis. I again refer to Saunders, "Words and Phrases", and quote from page 146 headed, "The Rule of Ejusdem Generis", where the following appears—

> "Where particular things named (in a document) have some common characteristic which constitutes them a genus, and the general words (following an enumeration of specific things or classes of things) can be properly regarded as in the nature of a sweeping clause designed to guard against accidental omissions, then the rule of ejusdem generis will apply, and the general words will be restricted to things of the same nature as those which have been already mentioned;"

I raise this point because someone who reads the subclause I referred to could well ask a question with specific reference to the words, "By Order in Council prescribe a class of persons." Is it the Minister's intention to give to the Governor in Council power to prescribe only classes of persons with some common characteristic which constitutes the genus included in this definition? Would these classes of persons, therefore, be only such persons who are registered, because that is the word emphasised in clause 2? Are they all to be medically trained? Are they to have some medical involvement? Are they to be classes of persons who simply are in the position or circumstance to render aid? Or are they persons possibly involved in emergent situations?

I raise this for a very important reason. Later on, the Governor in Council could include such persons as those in the Red Cross and St. John Ambulance Association, railway ambulance bearers and so on. They all constitute a class or have the characteristic of some medical training, if I may use that word loosely.

But what about the life-savers? Is it possible that a life-saver, who is not involved generally in medical care but is trained and has tremendous expertise in swimming, could be prescribed under this clause? I raise this point because there could be difficulties at a later date. If the Governor in Council has power to include any group of people, I completely support the clause. But I ask the Minister to consider the matter and in fact obtain a ruling on it.

Mr. HANLON (Baroona) (12.47 p.m.): I was a little surprised that, during this debate, the honourable member for Toowong did not demonstrate more sympathy in his interjections regarding some of the hard cases advanced by members of the Opposition. It is a maxim that hard cases make bad law. But I thought that the honourable member for Toowong would be particularly familiar with the situation because he was virtually an inadvertent victim of the law. On one occasion he acted in the public interest, as he saw it, in making certain comments outside the Parliament. If he had made those comments within the Parliament, he would have had the protection that is accorded to us here. Unfortunately, that protection was not available to him, I sympathise with him. At the time, he pointed out the situation in which he was placed because of that fact.

I draw the analogy that I hope the use of the powers of the Governor in Council to prescribe further classes of persons will not derive from hard cases after they have happened. In that case, they would be of no benefit because somebody would have to suffer a serious injustice before a particular class of person is prescribed. I hope it is done before the need for the Minister to acknowledge that that class of person should be prescribed, even though he pointed out that some danger may lie in prescribing the additional classes or cases that we have referred to.

I instance the legislation providing for compensation to be paid to the victims of criminal violence. For a long period there was a demand for legislation of that type. Eventually, two tourists travelling by caravan in Central Queensland were shot at by snipers and seriously injured. The Minister on behalf of his predecessor, might claim that that was not the crunch or flashpoint that produced the legislation, but certainly the legislation that had been demanded for some time was introduced following that incident. Those people did not derive any benefit from the legislation, as it was not made retrospective. But that case brought home to the Government, the Parliament and the people generally the need for some form of legislation to provide compensation for victims of criminal violence. I believe that it certainly expedited or occasioned the provision that presently exists under Queensland law. I hope this will not be the case under the present Bill, and that no situation may arise as a result of which the Minister will say, "I do not want to see this happen again. I acknowledge that this is unjust,

and I will now do something about it." In the meantime, the person concerned could have been involved in considerable expense and placed at a great disadvantage in defending the action taken against him without the protection afforded by this Bill.

The clause provides that the Governor in Council may from time to time by Order in Council prescribe a class of persons for the purposes of this section. I was interested this morning to hear a question asked of the Minister responsible for prisons, the Minister for Tourism, Sport and Welfare Services, by the honourable member for Brisbane concerning an incident in which a female prisoner was allegedly slapped across the face by a prison officer. The incident received a certain amount of publicity in the Press, and the honourable member for Brisbane, both today and prior to today, asked the Minister questions about it. This struck me as a good example of the type of difficult case that could arise under the Bill. The Minister's answer suggests that the prisoner concerned was not quarrelling with the procedure adopted, which was apparently described as an act of emergency in a situation involving hysteria. According to the Minister, the prison officer, as the responsible person in attendance, made a judgment that it was necessary to take such action, which did not constitute an assault.

I thank the Minister for the explanation he gave in reply to the question I raised about the law of liability, and whether the provisions of the Bill might override the Criminal Code. The Minister said that a civil case is not nearly as difficult to prove as is a criminal charge. Without wanting to enter into a discussion of the prison incident, I pose another question; I think it warrants my asking it and the Minister's giving an explanation. If the prisoner had suffered a heart seizure, or a head injury, or had fallen and sustained other injuries, the prison officer would have been in a rather invidious position. Although proceedings may not have been instituted against the officer, he or she would feel some trepidation about having to face, if not a departmental or manslaughter charge, an action brought by the prisoner. There would then be the rather difficult matter of establishing whether any consequences that may have flowed from the slapping administered in good faith by a prison officer were the result of an action that was not justified.

The Minister's reference to how much easier it is to pursue a civil claim than a criminal charge brings to my mind the hazard faced by people in certain callings. These remarks are not necessarily confined to the risk faced by those in charge of persons who are in confinement as a means of punishment. Similar situations could arise in an old persons' home or other form of welfare institution under the Health Act. The Minister will probably say that many members of the staffs of such institutions are registered nurses. But I am a little fearful that a situation somewhat similar to that of which the honourable member for Toowong was a victim might arise in this instance. Until something of that nature happens, not a great deal of thought is given to the question. However, I am sure that since the honourable member for Toowong raised a question of privilege in Parliament, both Parliament itself and the Government are considering that matter. As I said earlier, I hope it will not be necessary to wait until someone is the victim of a lack of coverage under clause 4 before the Minister is convinced.

I acknowledge the truth of what the Minister has said relative to the difficulty of expanding the clause too widely. At the same time, I suggest that he be accommodating to the submissions that are made to him—he has already indicated that submissions have been made to him not only by members of this Assembly but also from outside (a first-aid group, or something of that nature)—and, if anything, lean a little towards protecting the individual rather than thinking he might be going too far in declaring more classes of people under clause 4.

Mr. PORTER (Toowong) (12.56 p.m.): I am quite surprised that there should be such resentment because I interjected a few times during the debate. The interjections really were a form of gasping as I endeavoured to avoid drowning in a sea of words.

Mr. Murray: Obfuscation.

Mr. PORTER: Yes, obfuscation. One could use quite a number of descriptions.

The honourable member for Belyando was surprisingly peevish. It was out of character for him; I think it must have been caused by the weather.

I could not follow the analogy that the honourable member for Baroona tried to draw with the question of protection that I raised in a debate in this Chamber in April last. The basis of his argument seemed to me to be quite untenable.

All I have been trying to point out by interjection is that this obsession with trying to provide by definitions and absolute categories must be self-defeating.

Mr. W. D. Hewitt: Fancy trying to define "emergency"!

Mr. PORTER: It seems extraordinary to me. I though it was a good legal maxim that the more one attempts to include by drafting, the more one inevitably excludes. What the Opposition is suggesting is that we should endeavour to define what is, and should be, indefinable. These are things that must be interpreted according to the particular circumstances or events.

Mr. Hanlon: You would say that "incomes" and "prices" are good words for the referendum, then?

Mr. PORTER: I shall deal with prices and incomes, I hope, when the Budget debate resumes on Tuesday next. The honourable member will have plenty of opportunity then to find out what I have to say about that.

Certainly there should be interpretations according to the events and circumstances at the time, and there should not be any attempt to place an embargo on these in advance, as it were, by rigid forms of words and turgid descriptions, which seem to be beloved by honourable members opposite.

It is surprising, Mr. Lickiss, that a Bill of which we all quite clearly approve should run into such a finicking and fiddling attempt to examine it during the Committee stage. I hope we can proceed with greater rapidity from this point.

Mr. WRIGHT (Rockhampton) (12.58 p.m.): I rise only to answer what the honourable member for Toowong has said and to refer again to clause 4.

Members of this Parliament, and I think politicians generally, have been ridiculed because of a public belief that they adopt what is known as the "three-monkey" approach—that we are too keen to see no evil, hear no evil, and speak no evil, especially when it comes to legislation. The proof of what I am saying is that not enough care has been taken in the past in dealing with legislation that has gone through this Chamber. That is obvious from the large number of amendments that have had to be brought down—time after time after time —to fix up things that were either overlooked or not considered at the time.

In my opinion, members of the Opposition have every right to ask these questions, and I again ask the Minister to answer the question I have raised relative to these classes of persons. I think it is an important point, as is also the point raised by the honourable member for Baroona.

Hon. W. E. KNOX (Nundah—Minister for Justice) (12.59 p.m.): I shall endeavour to be brief in my answer. The question raised by the honourable member for Rockhampton does not come within clause 4. The power of the Governor in Council is not restricted to registered persons. The Governor in Council may prescribe any class of persons coming within the terms of the Bill as to the rendering of medical care and their background. Any number of classes of persons could be involved. The clause does not refer specifically to such people as doctors or nurses.

Mr. Wright: You did state specifically that your intention was to cover these people.

Mr. KNOX: Yes, because we are talking in the Bill about medical care. We are not talking about picking somebody up or some action like that. We are talking about medical care as against, say, looking after persons in some other way such as giving them food and clothing.

Mr. Wright: Do you believe that life-savers could be covered?

Mr. KNOX: They might in certain circumstances, but I would doubt it. At this stage, unless the life-saver happened to be a doctor or a nurse, he would not be covered. I presume that life-savers already have suitable cover against common law litigation in which they might be involved.

Clause 4, as read, agreed to.

Bill reported, without amendment.

[*Sitting suspended from 1.2 to 2.15 p.m.*]

GROUP TITLES BILL

INITIATION IN COMMITTEE

(The Chairman of Committees, Mr. Lickiss, Mt. Coot-tha, in the chair)

Hon. W. E. KNOX (Nundah—Minister for Justice) (2.16 p.m.): I move—

> "That a Bill be introduced to facilitate the subdivision of land into lots and the disposition of titles thereto, and for purposes connected therewith."

Honourable members will be familiar with the general principles applicable to the creation and operation of a system of group titles. As they will recall, I first initiated a Group Titles Bill in November last and outlined those principles in my introductory speech, which appears in "Hansard" at page 1835, vol. 260. I further elaborated on them in my second-reading speech, reported in "Hansard" at page 3738, vol. 261, and moved certain amendments to that Bill. Those amendments were accepted in principle, although the Bill was eventually allowed to lapse.

To repeat what I then said would take up the time of the Committee unnecessarily. I have since had these amendments included in this Bill. The appropriate clauses have been redrafted to set out more clearly the Bill's provisions, and it is only these amendments with which I propose to deal here.

Although it was originally envisaged that local authorities would have control over subdivision only in relation to minor matters, it has since been recognised that the most effective method of controlling this type of development is to make it subject to local authority approval.

I apologise, Mr. Lickiss, for mentioning specific clauses of the Bill, but I think it is important to do so if honourable members are to follow the amendments that have been made.

The Bill (clause 18) adopts this principle but also gives a local authority power to approve a subdivision even though it does not comply with the legislative provisions relating to subdivision, provided the local authority considers that such non-compliance is warranted.

Provision is also made for the local authority to make ordinances and by-laws necessary or convenient to regulate and control subdivision under this Bill. Before approving a subdivision, the local authority must also be satisfied that separate occupation of the proposed lots will not contravene the provisions of any town-planning scheme, by-law or Order in Council under the Local Government Act or in the case of the Brisbane City Council, the Town Plan for the City of Brisbane; that the necessary consents or approvals have been given; that the name of the parcel is not undesirable; and that the proposed subdivision will not interfere with the existing or likely future amenity of the neighbourhood.

As the local authority will now control this type of development in its own area, it is desirable that it should also have a say in relation to any changes in it, such as disposition of the common area and extinguishment of the group titles plan. Accordingly, the Bill (clauses 9 and 16) provides for local authority approval to be obtained in such cases.

Another variation that follows upon these amendments is to extend the right of appeal to the Local Government Court to cases where a local authority does not approve a transfer or lease of the common area or the extinguishment of the group titles plan. This is in addition to the right of appeal already provided for in cases relating to subdivision. Some minor amendments of a machinery nature have also been included in the Bill.

It is felt that the introduction of a scheme of group titles along parallel lines to the Building Units Titles Act will be advantageous to persons desirous of living under a group-titles concept.

I commend the Bill to the Committee.

Mr. WRIGHT (Rockhampton) (2.20 p.m.): The history of this Bill to facilitate the subdivision of land into lots and the disposition of titles thereto is probably something the Minister would rather forget, and most honourable members would not blame him. If any honourable member here was Minister in charge of a legislative proposal that had been aborted on so many occasions, he might also say, "Let us forget the past."

Mr. W. D. Hewitt: It was a democratic Minister who decided to defer the Bill for six months because some honourable members wanted to know more about it.

Mr. WRIGHT: I am glad the honourable member referred to that point; I will deal with it later. Honourable members will recall that it was back on 21 September 1972 that notice was first given in this Assembly of the Minister's intention to introduce a Group Titles Bill. Mysteriously, however, the initiation did not take place until 17 November, almost two months later. We were never told why, but we will accept that there was some good reason for it.

But this was not the end of the Minister's dilemma. It was not until another five months had elapsed that the second reading took place, and I am sure all honourable members who were sitting in this Chamber that night will recall that the Minister in an unprecedented move brought forward in Committee 14 amendments which were circulated to members only a few minutes before. I have a copy of that original four-page sheet of amendments, and some of them required detailed study. In fact, one, which the Minister referred to today—clause 18—was almost 1½ pages in length. For this reason, and because of the way this matter had been dealt with, I, on behalf of the Opposition, moved that the Bill be deferred for six months.

Mr. R. E. Moore: What are you growling about? You had your way.

Mr. WRIGHT: I am glad to hear that from the honourable member for Windsor. On that night he voted against my amendment, as did the honourable member for Chatsworth and all other honourable members sitting opposite now. They felt, in fact that there was no need to defer this legislation, yet the honourable member for Chatsworth now says that it was a democratic Minister who decided to defer it for six months.

My amendment was defeated on party lines and it was then evident that the legislation would be railroaded through this Assembly. Fortunately because of the common sense of one member on the Government side—and I give him his full due—common sense then prevailed. I refer of course to the honourable member for Clayfield. Realising the full importance of what had taken place, he spoke vigorously against the Minister's action. It should be noted that not one of the honourable members who have interjected today or any of the others sitting on the Government side spoke against what the Minister had done nor did they support my amendment that night to defer the matter. It is recorded in "Hansard", however, that, finally, the pleas of Opposition members——

THE CHAIRMAN: Order! I think the honourable member has had a fair sort of background discussion on something that happened in the past. I should like him now to get back to the principles of this Bill.

Mr. WRIGHT: I referred to the history because the Minister touched on it, and I feel that both sides of any story should be recorded. It is now recorded in "Hansard" that the honourable member for Clayfield and the pleas of Opposition members were finally heard and that the Minister agreed to withhold the Bill and re-introduce it at a later date. It would seem that that date has now arrived and that this time the passage of this Group Titles Bill is destined to reach some finality.

Mr. Lickiss, if you go through "Hansard" pamphlet Nos. 29 and 15 of 1972-73—I will not bother to read them—you will see that page after page contains the thousands of words that were spoken on the occasions when this earlier legislation was brought forward. Members of the Opposition strenuously stressed the dangers of legislating for slums of the future. Fears were expressed that local authorities had insufficient power and that, unless appropriate prerequisites were set and properly adhered to, the concept of town houses or cluster homes would create serious servicing difficulties for the councils involved. Prime concern was also expressed that clear protection should be given to those who held freehold title—owners who would enter into contracts for this type of home. It was also suggested that the public should be able to recover their due from each owner or the corporate body.

Above all, members of the Opposition emphasised the need to give priority to the quality of life of the unit-dweller rather than to a "quick quid" for the land developer.

I have said that thousands of words were uttered on the previous Bill. In fact, I find that I personally made four speeches. For that reason I feel that there is no sense in starting a guessing game now as to what the Minister might intend to do. He has said that the Bill incorporates the amendments that he proposed making to the previous Bill, as well as some machinery changes. It is the intention of Opposition members, therefore, to allow the introduction of the measure and debate it carefully at the second-reading stage after we have had an opportunity of studying it in detail.

Hon. W. E. KNOX (Nundah—Minister for Justice) (2.26 p.m.), in reply: At the outset, I strongly rebut any claim that the previous Group Titles Bill was aborted. The highly-coloured tones painted by the honourable member for Rockhampton in his description of the Bill are, of course, quite inaccurate. On the previous occasion the debate was simply adjourned. If, in the normal course of events, the session of the previous Parliament had not ended, the debate would have been resumed from that point.

As the honourable member knows, when a session comes to an end, any Bills that remain on the Business Paper automatically lapse and have to be reintroduced in the following session. If, with all the other legislation on my hands, I had had sufficient time to proceed with the former Group Titles Bill during the previous session, I would have done so. There was certainly no question of the Bill being aborted.

Mr. Houston: Why wasn't it reintroduced at the beginning of this session in the same way as the Appeals and Special Reference Bill?

Mr. KNOX: I always try to treat this Parliament with respect. It is important that legislation that may give rise to certain problems should be considered thoroughly and carefully. The Bill to which the Leader of the Opposition refers was introduced as a matter of urgency. Subsequent events have proved how necessary it was for that legislation to be introduced very early in this session. However, there is no urgency about this measure.

As I said at the adjournment of the debate on the previous Bill, because the Queensland Parliament is the first in Australia to introduce legislation of this nature, it is important to ensure that it is absolutely correct. As certain honourable members brought to my attention on the previous occasion a number of matters that they thought should be considered very thoroughly, I was prepared to adjourn the debate on the Bill. In recent years this Parliament has pioneered a good deal of legislation in Australia, and I am proud to have been associated with a large proportion of that legislation. The point is that when a Parliament is first in line in Australia in introducing this type of legislation, it should be as good as it can be and should be considered as thoroughly as possible.

As I said on the former occasion, it is no skin off my nose that I adjourned the debate in order to consider the criticism that had been levelled at the Bill as it then stood. I make no apology at all for the adjournment, and it is completely incorrect to say that the previous Bill was aborted.

The honourable member for Rockhampton claimed that there was a delay between the introductory and second-reading stages of the previous Bill. He complained that he had not been told the reason for such a delay. I think I pointed out very clearly when introducing the previous Bill that I intended to allow it to lie on the table for as long as possible to enable interested parties to offer comments on it before its consideration in detail at the Committee stage. Because it was the first legislation of its type in Australia and, for that matter, in the world—

Mr. Wright: If that is the case, why did you amend it at the last minute?

Mr. KNOX: I didn't.

Mr. Wright: Yes, you did—14 clauses.

Mr. KNOX: The situation was explained at that time to the honourable member for Rockhampton, who has conveniently—I use the word advisedly—forgotten to repeat what I then said.

The delay was brought about to enable all interested parties in the community to examine and comment upon the Bill. That was done by all interested parties, with one exception—the Labor Opposition in this Parliament. I received comments from the Lord Mayor of Brisbane, from people in local-authority areas, and also from quite a number of other interested individuals in the community. As a result of those comments, the amendments were made. The Bill was exposed to public scrutiny for a lengthy period to enable comments on it to be submitted.

Mr. Baldwin: I'll bet you got some from the Redland Shire.

Mr. KNOX: I am quite sure I did, although I did not hear from the honourable member himself.

Mr. Baldwin: I will keep my contribution until the second-reading stage.

Mr. KNOX: Opposition members had every opportunity as well as a responsibility, to give me the benefit of their views in order that purposeful amendments could be made to the Bill on that occasion, but I received nothing from them.

Mr. Wright: You wouldn't accept recommendations from a union on the subcontractors charges legislation, so why would you accept any on this legislation?

Mr. KNOX: I did receive a union recommendation on the subcontractors charges legislation, but again, the honourable member, conveniently, has left out something important. As I say, I did receive a union recommendation. I am having it considered and propose discussing the matter with the union. The Opposition's lines of communications are very poor.

Mr. Houston: Do you take any notice of our speeches in this Chamber?

Mr. KNOX: Yes, although I may not always accept them. Simply because I take notice of the views, it does not mean that I have to accept them.

Mr. Houston: Don't you think this Chamber is the place to debate the Opposition's viewpoint.

Mr. KNOX: This is the place to debate such matters, but Opposition members may recall that when I moved that the previous Bill be printed, I asked for comments on it so that we could formulate amendments to it. We did not claim that it was perfect on that occasion.

Most of the 14 amendments accepted were of a very technical nature and were not of great substance so far as the principles of the Bill were concerned. Indeed, I accepted an amendment from the Opposition on the night we discussed the Bill. I wish to make that point clear for the benefit of the Leader of the Opposition, who apparently took no interest in the debate.

Mr. HOUSTON: I rise to a point of order. The Minister's statement is childish and completely untrue. It is offensive to me, and I ask that it be withdrawn.

The CHAIRMAN: The Leader of the Opposition has claimed that the Minister's statement is not in accordance with fact. I ask him to accept that claim.

Mr. KNOX: I certainly accept his explanation.

Certainly the lengthy amendments to the previous Bill that were proposed that night were, in fact, comparatively minor, because the wording was already in the legislation.

Mr. Wright: The honourable member for Clayfield did not agree with you.

Mr. KNOX: As the honourable member will recall, we discussed the Bill fairly late at night. It was obvious that it was difficult to explain in detail the nature of the amendments and the manner in which they were being proposed. One of them occupied more than a full page and was very difficult to absorb.

I saw no good purpose in pursuing the debate on that occasion because of the misunderstandings that could arise, and subsequent events have vindicated my decision to adjourn the debate. The fact of the matter is that what then appeared to be major amendments are, in fact, a repetition of wording in the Bill; that is to say, a series of minor amendments contained much repetition of what was already in the Bill.

In any case, that is history. We now have a Bill which, I believe, takes into account all the suggestions made to me by people in the community including, as I have said, the Brisbane City Council, which will be the major authority supervising group titles in the State, as most of them will no doubt apply in Brisbane. I do not accept that there will be a great splurge of group-title applications in Queensland, although I know that a number of people are interested in them.

I repeat that, as this is pioneering legislation, if faults or defects are found in it I shall be quite prepared, on reasonable notice, to introduce further amendments to it in order to perfect it.

Motion (Mr. Knox) agreed to.

Resolution reported.

FIRST READING

Bill presented and, on motion of Mr. Knox, read a first time.

CITY OF BRISBANE ACT AMENDMENT BILL

INITIATION IN COMMITTEE—RESUMPTION OF DEBATE

(The Chairman of Committees, Mr. Lickiss, Mt. Coot-tha, in the chair)

Debate resumed from 20 September (see page 650) on Mr. McKechnie's motion—

"That a Bill be introduced to amend the City of Brisbane Act 1924-1972 in certain particulars."

Mr. MARGINSON (Wolston) (2.36 p.m.): It is some time since the previous debate on this Bill. In his introductory speech, the Minister, in conjunction with the honourable member for Toowong, endeavoured to pretend to the Committee that he and his colleagues were the bulwark of democracy in giving the right of appeal to employees, particularly those in semi-governmental and, may I say, governmental positions. That is one of the reasons why I rose this afternoon. Both of those honourable gentlemen spoke at great length of their desire that every employee of a local authority—in this particular case, the Brisbane City Council—should enjoy the democratic right of appeal, and of the action being taken to preserve that democratic right.

The Minister said that at some time in the future he would amend the Local Government Act in the same particular, and that he would confer with local government people in that regard. I hope that he will continue in this vein, even though he did not go near the Brisbane City Council to see if it approved of this Bill to amend the City of Brisbane Act. At this stage, might I say that I agree with the proposal. But I ask the Minister, in his reply, to tell us that he still intends to amend the Local Government Act in the same particular.

The Minister said that he thought a similar amendment should be made to the Local Government Act, but he knows as well as I do that the Local Government Association Conference, which he attended the next day, overwhelmingly decided that it did not want any part of the suggestion. I do not agree with that decision. The Minister went to no ends to persuade that conference to change the decision.

Mr. McKechnie: "Overwhelmingly" is not the correct word. The conference decided against it, yes.

Mr. MARGINSON: It decided against the proposal on a 60-40 vote and, if the Minister won his seat with such a vote, he would think he had had a pretty overwhelming win.

That is the point that I want to make. I want to show the Committee the hypocrisy of the Government in the matter of appeals. Today the Minister and his Cabinet colleagues are saying, "It is merely democracy at work to give a right of appeal if a person is dismissed or sacked." Yet they have in their midst approximately 300 employees who have no right of appeal against the appointment of other officers.

Mr. Baldwin: Let alone dismissal.

Mr. MARGINSON: That is correct. Nevertheless, they present themselves as the archangels of democracy and say, "We want to see that every officer of the Brisbane City Council has the right of appeal against dismissal."

Mr. Porter: Don't you agree with that?

Mr. MARGINSON: I do. If the honourable member had been listening he would have heard me say so. If honourable members opposite are such great stalwarts of democracy, why do they not give such a right to all their employees? When the Bill was last under discussion, the honourable member for Toowong told us what a great democrat he was. I challenge him to say that the Local Government Act will be amended in the same way as the City of Brisbane Act is now being amended. After all, are not all local authorities on the same level? Or is there some ulterior motive in changing only the Act that governs the Brisbane City Council?

Mr. McKechnie: I take it that you will support me in amending the Local Government Act as well as the City of Brisbane Act?

Mr. MARGINSON: I will. I have already told the Minister that I agree with the principle of the Bill. But I doubt if he will amend the Local Government Act. Before the Local Government Association Conference made its decision—on a Wednesday, I think it was—that it wanted no part of this principle in the Local Government Act, the Minister stood in this Chamber and said that he would alter the Local Government Act, and that he would confer with local government officials on it. Now that the Minister has received the opinion of representatives of local government outside Brisbane I say that he will not even approach a taxi-driver to help him decide if the Local Government Act should be changed. The Minister will not change that Act against the advice of local government representatives. I hope he does. I throw out the olive branch to him—that might be one way of making him give to all local authorities the very democratic principle that we are discussing this afternoon.

Mr. FRAWLEY (Murrumba) (2.43 p.m.): It gives me a great deal of pleasure to add my small contribution to the debate on this very important amendment that the Government is bringing down as evidence of its concern for the working people of this State, especially employees of the Brisbane City Council. We have been accused for years of being concerned only with the big businessman and of neglecting the worker. The A.L.P. claims that it is the only party that

is concerned with the worker. That may have been the case some years ago, but since Labor Party members have come under the Left-wing domination of Communists, they are only out to exploit the worker and use him for their own miserable schemes.

One of the greatest traitors to the working men whom he purports to represent is the honourable member for Redlands who is a well-known Communist and holds his seat in this Chamber under false pretences.

Mr. BALDWIN: I rise to a point of order. The accusation of the honourable member for Murrumba is unfounded. I find it unpalatable and offensive and I ask him to withdraw it without qualification.

Mr. FRAWLEY: I withdraw it, Mr. Lickiss, without your having to ask me.

The honourable member for Redlands is, of course, under the complete domination of the Trades Hall, and he is dancing like a puppet on a string manipulated by the Q.C.E.

Mr. BALDWIN: I rise to a point of order. The accusation that I am under the complete domination of anyone outside the electorate of Redlands is offensive. It denigrates me as a member of Parliament, and I ask that it be withdrawn.

THE CHAIRMAN: Order! The honourable member for Redlands finds the remarks of the honourable member for Murrumba offensive, and I ask that they be withdrawn.

Mr. FRAWLEY: I withdraw them. I find him offensive, also. We have heard the honourable member get up and expound his theories on local government, driven on by his unreasoning hatred of this Country-Liberal Government. We heard this "Red Shadow" Minister for Local Government say that there is an ulterior motive behind the introduction of this amending Bill. The only ulterior motive is his own in representing himself as a member of the A.L.P.

On 31 August 1972, a petition was presented in this Chamber containing 18,000-odd signatures of electors praying that a referendum be held to determine whether it was necessary to alter the City of Brisbane Act. It certainly was necessary to alter the City of Brisbane Act.

Members of the A.L.P. claim that it has always been their policy to give every employee the right of appeal. They certainly did not give the honourable member for Mackay (Mr. Casey) the right of appeal, or Col Bennett or Thackeray. The honourable member for Lytton saw to that, aided and abetted by his stooge the honourable member for Everton. The Minister for Local Government is to be congratulated for introducing this amendment to the City of Brisbane Act to protect the rights of the employees of the Brisbane City Council.

An honourable member opposite said that the Brisbane Press is responsible for the proposed amendment in that it quoted fanciful causes and figures relative to Mr. McAulay's dismissal and hinted at blackmail. I certainly wish the "Sunday Sun" would print verbatim all the things I have said about the Lord Mayor and his treatment of people in land resumptions for the North Pine Dam. What a stupid, ridiculous claim to make! But it is typical of the wild, irresponsible statements made by some honourable members opposite.

This Bill providing for a right of appeal is necessary because of the dictatorship and the stand-over tactics of the Lord Mayor of Brisbane. I have had some little experience in local government. For six years I was an alderman of the Redcliffe City Council, and never once during that period was any employee of the Redcliffe City Council treated in such a manner as Mr. McAulay and Mr. Goss were treated by the Brisbane City Council. I will admit that a few officers of the Redcliffe City Council were treated badly as a result of conniving between some of the aldermen and some of the officers of the council, and in one or two instances officers were booted a few rungs up the ladder at different times. Of course, all this was beyond my control. However, even though small things of that type occurred, no-one was ever sacked or threatened with the sack because he had handed out how-to-vote cards against any Redcliffe City Council alderman or the Mayor.

I recall that one council worker who handed out how-to-vote cards against the present Mayor is still working for the Redcliffe City Council in the same job. Although the Mayor and the aldermen of the Redcliffe City Council held differing political views—there was even an A.L.P. man amongst them—none of them was so low or debased as to vent his spleen on any council employee for daring to exercise his democratic right, as the Lord Mayor of Brisbane did.

I intend to tell the Committee how rotten and dirty is this man who is Lord Mayor of Brisbane and the sole reason for the amendment being introduced. To think that a Government has to bring down a Bill to protect workers against a man who was elected on a workers' platform but who we all know does not care one hoot for the worker is certainly amazing. One of his latest stand-over tactics has been to write a letter to me castigating me for having the temerity to criticise some of the rotten, unprincipled actions by him and his valuers in dealing with people in my electorate over resumptions of land for the North Pine Dam.

Anyone who has read Mr. Arnold Bennett's report on the dealings of the Brisbane City Council with subdividers and other land developers—and I advise everyone to read

it—will know that Mr. Bennett found many instances of fraud and injustice, to use his own words.

Mr. Baldwin: Is this a Bill providing a right of appeal for land subdividers?

Mr. Porter: It is a Bill to deal with the Lord Mayor.

Mr. FRAWLEY: For years the Lord Mayor has run the Brisbane City Council like the jack-booted dictator of some South American republic, with a group of aldermen who are merely rubber stamps and who are not game to disagree or act independently because they know that, if they do, they will be relegated to political oblivion by the Communists at the Trades Hall.

Over the years, the Lord Mayor has shown himself to be a man who cares little for the rights of the people. What a rotten thing he did in attempting to sack a man who, in his own time, handed out how-to-vote cards for the C.M.O., a party opposing the Lord Mayor in a local government election. That man, John Goss, a very sincere, dedicated man, was a credit to the Brisbane City Council and an excellent employee.

Mr. Baldwin: Where is Mr. John Goss now?

Mr. FRAWLEY: I say to the honourable member for Redlands through you, Mr. Lickiss, that he will be able to give his Communist bosses a resume of this tonight.

The Lord Mayor could not comprehend that any employee of the Brisbane City Council would dare attempt to exercise his democratic rights and hand out how-to-vote cards for an organisation opposing the A.L.P. It is typical of the A.L.P. to try to victimise anyone who dares oppose its mighty machine. I recall one instance during the last State election campaign in which someone handing out how-to-vote cards for me was subjected to harrassment by the Electrical Trades Union, whose secretary, Mr. Kane, as we all know, is one of the militant Left-wingers who attempted to chop the heads off the 10 Right-wingers in the parliamentary A.L.P.

They were all men who criticised the Left-wing element of the A.L.P., who are under the definite control of the Communists. It can be seen that anybody who dares to oppose these Left-wing militants is in for trouble unless he has the means to defend himself.

Because the Town Clerk, Mr. McAulay, possessed some principles of fair play, he became another victim. However, he proved to be a little stronger than the Lord Mayor expected, and he took the Lord Mayor on. After some weeks of legal battle and political manoeuvring, the Lord Mayor announced that a satisfactory settlement had been reached. Mr. McAulay took a big cheque to keep quiet. The Lord Mayor knew that, if Mr. McAulay proceeded with his appeal, a lot of dirty washing would be hung out to dry. Who knows, we may have heard a little more about what happened at 2.30 a.m. on 11 January 1971 in Room 7 at the Lucerne Guesthouse on the Gold Coast where the Lord Mayor was caught in the act as a Peeping Tom.

Mr. Baldwin: Have the guts to tell me that outside.

Mr. FRAWLEY: You have the guts to stand up and say that you are not a Communist.

Mr. Baldwin: I've said it.

Mr. FRAWLEY: You have, but I don't believe it.

Mr. Baldwin: You get up and say you're not a Fascist.

Mr. FRAWLEY: I am not a Fascist.

Mr. Baldwin: I said I was not a Communist.

The CHAIRMAN: Order! Would the honourable member please continue with his speech?

Mr. FRAWLEY: The public are entitled to know just how much money was paid out of Brisbane City Council funds to which they contribute by way of rates and charges, and how much came out of the Lord Mayor's pocket, to keep Mr. McAulay quiet. I wager that it was a substantial sum of money. I do not blame Mr. McAulay for taking the money to keep quiet; that is human nature.

Mr. Tucker interjected.

Mr. FRAWLEY: He got his settlement without going to court, so he took the money. Had he won the proposed appeal, he would still have been up for heavy legal costs, and he might not have got his job back. The sacking of Tom McAulay at a minute's notice was like the act of a spoiled child who has had his marbles stolen. I am amazed that the other aldermen stood by and watched this political assassination without attempting to interfere. I can only assume that they were part and parcel of this filthy plot.

Mr. McAulay subsequently had to fight desperate attempts by the Lord Mayor to prevent his appeal. In fact, there was an approach by the Brisbane City Council to the Supreme Court to stop Mr. McAulay getting his appeal off the ground. The honourable member for Redlands should be right behind a Bill of this nature. He cited his own case and claimed that he was the victim of a "planted" charge. He was sacked and he won his appeal.

Mr. Baldwin: With the help of a Trades Hall union.

Mr. FRAWLEY: I heard a different story, that the honourable member planted the stuff himself and it was found. He told the story that it was planted on him.

The appeal by the Brisbane City Council to the Supreme Court fell through. Then the Lord Mayor appealed to the Full Court. The Lord Mayor frantically used every means at his disposal to ensure that Mr. McAulay's statements were not made public.

When the Minister for Local Government announced that a Bill would be introduced to allow an appeal, and that it would be retrospective, the people waited expectantly for what would have been one of the biggest sensations Brisbane had ever seen. Who knows what stories of graft and corruption we may have heard. Anyway, the pay-off was certainly a lot more than the amount quoted.

Mr. Murray: I heard $200,000 referred to as being the pay-off.

Mr. FRAWLEY: I heard it was $180,000. I could be wrong because Brian Mellifont might have got the facts wrong.

In introducing this amendment to the City of Brisbane Act, the Minister for Local Government is to be congratulated for doing something that has been needed for a long time—protection for the worker against the Lord Mayor.

Earlier we heard the honourable member for Wolston say that he thought the Local Government Act should be similarly amended for all shires and cities. Is that correct?

Mr. Marginson: That is right.

Mr. FRAWLEY: There is no need to do it. All the mayors and chairman of shires and councils—some of them are members of the A.L.P.—are men who would not stoop to these tactics of the Lord Mayor. There is no need to bring in a Bill for the local government fellows. They are decent men who do not stoop to these dirty, rotten, snide tactics of stabbing people in the back. Those are the things you people opposite save for the Trades Hall when you get your endorsements.

The CHAIRMAN: Order! Will the honourable member please address the Chair.

Mr. FRAWLEY: I will conclude by saying that I feel sure this amendment will give long overdue protection to employees of the Brisbane City Council.

Mr. DAVIS (Brisbane) (2.55 p.m.): We have just heard the usual garbage from the D.L.P. member for Murrumba, who continually carries on his fight with the Brisbane City Council. But did the same honourable member bring to attention the shocking compensation that people are receiving for the disturbance being caused them by freeway development and about which this Government, over the years, has refused to do anything? It seems that the honourable member for Murrumba and the honourable member for Toowong are using this Bill to vent their hatred and spite against the Labor Brisbane City Council and its leader, Lord Mayor Clem Jones.

The honourable member for Toowong has alleged that the Lord Mayor dismissed the Town Clerk because the latter refused to sack an employee named Goss, who has long since left the council's employ, for political reasons. Goss is now in the employ of this State Government, I believe in the same department as Kevin Cairns, the well-known political hack. We know the situation and we reject these allegations, which are based on purely circumstantial evidence.

Mr. Porter interjected.

Mr. DAVIS: The super-democrat from Toowong, if he wants to know something, can wait. If he desires the record to be put straight, he should listen and it will be done. It is widely known that this person Goss has for years campaigned publicly against Labor in Federal, State and local government elections. I think he was a candidate at the last State election and, prior to that, he was well known for his work for the Liberal Party. We agree on that. I would say that Lord Mayor Clem Jones would certainly know this also. He would also know that Goss was exercising his democratic right, which is more than some Labor Party supporters who are employees of this Tory State Government can do. Any fair-minded person realises that on the staff of the Brisbane City Council, numbering thousands, there would be people of all political persuasions.

Taking the arguments advanced by the honourable member for Toowong about Goss, what about a man named O'Brien, who stands for the D.L.P. at every election—Federal, State or municipal—in the same area as the honourable member for Toowong? He stands against Labor candidates, yet he has not been sacked. The statements of the honourable member for Toowong are ridiculous. The people of Queensland are expected to believe that the Lord Mayor, recently electorally declared the most popular figure in Australia, is suddenly worried by this small, puny political figure. He had never been heard of before this incident, and he has not been heard of since. Surely the honourable member for Toowong does not believe his own story. If he does, he would be the only one.

It is widely known, on the evidence of many eye-witnesses, that this person Goss took advantage of an election situation to publicly insult the Lord Mayor by making defamatory remarks imputing corruption on the part of the Lord Mayor and the Brisbane City Council, who were Goss's employers. There is plenty of evidence to support this claim. If such a thing had been done by an employee of one of the supporters of private enterprise on the Government back benches, that employee would have been sacked immediately. I will guarantee that if one of the Premier's employees who supported the Labor Party insulted the Premier, he would be dismissed on the spot. However, by contrast, the Lord Mayor inquired into

the matter and, in spite of the fact that Goss made no apology to him, he took no action against Goss.

The reason for the dismissal of the former Town Clerk, whose politics are not known, clearly lies in causes other than party politics. It was widely known throughout the City Hall that Mr. McAulay was a thorough worker, but very slow. Regardless of the level of importance of the job before him, he crossed all his t's and dotted all his i's. The whole crux of the matter is that the former Town Clerk was not fast enough at his work for the Lord Mayor, who, with members of his staff, was required to spend many evenings and week-ends catching up on the work that was normally the responsibility of the Town Clerk and his officers.

The Lord Mayor is known to have wanted this matter kept quiet only for the sake of the former Town Clerk's future. He and the members of his staff were prepared to assist Mr. McAulay indefinitely, but, for reasons best known to himself, the former Town Clerk began to object to the additional work undertaken by the Lord Mayor and his staff. The work of the council was slowed down considerably by Mr. McAulay's unco-operative attitude. This state of affairs continued for approximately two years. Some of the most important work of the city, with a population in excess of 750,000, was delayed as the result of the attitude adopted by one person.

Faced with prolonged silent opposition, the Lord Mayor would have been justified in dismissing the Town Clerk, if not for inefficiency, then certainly for lack of co-operation. However, out of consideration for Mr. McAulay's long years of service, the Lord Mayor, instead of dismissing Mr. McAulay, decided to allow him to retain his position until the end of his term. This was in spite of the fact that Mr. McAulay's opposition to the Lord Mayor became apparent approximately 18 months prior to the most recent local government elections. Upon completion of the term, the Lord Mayor asked Mr. McAulay to resign.

The Lord Mayor has assured our shadow Minister for Local Government (Mr. Baldwin) that the Town Clerk made it clear that he would resign 18 months prior to the May local government elections, provided that he was allowed to take his long service leave and was given a lump-sum superannuation payment. The Lord Mayor agreed to accept these conditions, so the Town Clerk went on leave.

It was while Mr. McAulay was on leave that the dirty work was done. What happened then had all the earmarks of the plan followed in the 1960's by the honourable member for Toowong when he occupied the position of secretary of the Liberal Party. He plotted and engaged in intrigue while he was a leading light in the Liberal Party.

The Town Clerk, having allowed himself to be persuaded and brain-washed by the Liberals, somersaulted on his bargain with the Lord Mayor and refused to resign. I have no doubt that he entered into deals with the Liberals to welsh on the Lord Mayor. The Lord Mayor, who, unlike the Liberal Party mob, is not a mug, knew just where to hit Mr. McAulay—in the fob pocket. Probably he was able to convince the former Town Clerk that he stood to lose if he went to court over the issue, so, with typical Liberal consistency, Mr. McAulay then welshed in turn on those who had brain-washed him and accepted the Lord Mayor's terms. I draw attention to "The Australian" of 1 August, which bore the headline, "It's Mutual: Clerk, Mayor." They both agreed.

Mr. Baldwin: Have you ever seen any attempt by the Town Clerk to refute that article?

Mr. DAVIS: He has never refuted it.

A Government Member: What paper did that appear in?

Mr. DAVIS: "The Australian" of 1 August, not the Liberal Party magazine.

It now appears that the Liberals do not like people who welsh on them. The anti-Clem mob in this House—the crew that calls itself the ginger group and could topple the Government if it wished—put pressure on the Minister for Local Government, who had experienced a few bad brushes with the Lord Mayor, to introduce this Bill to cover the dismissal of the Town Clerk and make it retrospective in its effect. This is unheard of for a Country-Liberal Government when it comes to assisting workers. No doubt the Country Party members of the Government, who do not mind Clem because he keeps at bay the Libs, whom Country Party members fear so much in the metropolitan area, clearly remember the fate of the first electoral redistribution legislation, which, as we all know, is termed "Henry McKechnie's folly".

The CHAIRMAN: Order! The honourable member should be a little more careful in his choice of terminology.

Mr. DAVIS: We all know the fate of the first electoral redistribution legislation, when this anti-Clem clique almost brought the Government down. The glaring contradiction in the Government's policy, displayed by the way it approaches the operations of the city of Brisbane, makes it obvious that the Government is hypocritical.

I ask the Minister to tell us what his leader, the present shaky Premier of the State, did with his former Under Secretary, Mr. Curtis. I shall start delving deep into the Public Service now.

Mr. Porter: What has that got to do with it?

Mr. DAVIS: A little while ago the honourable member for Toowong told us that he is a great supporter of the workers. This Government was the first to introduce retrospective legislation.

Mr. Porter: What is wrong with Mr. Curtis?

Mr. McKechnie: You must understand that the Bill could not have been brought down before now.

Mr. DAVIS: Please don't interrupt. We don't want to be run over by a cab.

When the Premier decided that Mr. Curtis had to go, was Mr. Curtis given the right of appeal for reinstatement, compensation or four weeks' salary for each year of service?

Mr. Wright: Henry, what are you doing now?

Mr. McKechnie: He is still a Crown employee.

The CHAIRMAN: Order! I do not know how many times I have to impress on the honourable member for Rockhampton that he must refer to any other honourable member by his correct title.

Mr. Wright: I did not say anything in any other way; I simply asked what he did to him.

The CHAIRMAN: Order! On this occasion I have the honourable member for Rockhampton pinned. I intend to ensure that it is recorded in "Hansard" that he said, "Henry, what are you doing now?" The person to whom he was referring is the Minister for Local Government. If I have to speak to the honourable member again in this vein, he will be dealt with.

Mr. Wright interjected.

The CHAIRMAN: The honourable member can do what he likes.

Mr. Wright: Then I disagree.

Mr. DAVIS: The Premier proposes to carry out the same practice in other Public Service departments, particularly in the case of temporary employees of the Public Service. I hope the Minister for Local Government will talk to his Cabinet colleagues and ensure that both temporary and permanent employees in the Public Service enjoy rights similar to those contained in the Bill.

Mr. Chinchen: We do not victimise our employees: That's the difference.

Mr. DAVIS: I am glad the private-enterprise member for Mt. Gravatt interjected. I recall that a number of years ago the South Brisbane Hospitals Board, for no reason whatever, sacked a driver after 15 years' service.

Mr. Porter: That is what you say.

Mr. DAVIS: I will show the great super-democrat the record.

Mr. Porter: Show us the record.

Mr. DAVIS: I will show the honourable member the record if he wishes.

To indicate how the Government views the rights of its employees, I point out that, even after 15 years' service, this driver had no right of appeal. In these circumstances employees can write to the hospital board, but, of course, the board will always back up the manager. And there is no right of appeal. In addition, following a dismissal the Health Department decides whether the employee shall be paid for long service leave. The Government should not talk about employees' rights in a democracy. It makes me want to vomit.

Obviously, these Liberals will go to any lengths to try to get rid of Clem Jones. They deal in retrospectivity with proven welshers. I have proved before that McAulay turned out to be a welsher. He gave Clem Jones a guarantee that he would resign after the last city council election and, 18 months later, he welshed on the deal. I will guarantee that the Liberals at the back of the Chamber got to McAulay and said, "Let's try to make something political out of it."

Mr. FRAWLEY: I rise to a point of order. That statement is untrue. Mr. McAulay himself told me he did not make any such statement.

The CHAIRMAN: Order! There is no valid point of order.

Mr. DAVIS: The Liberals deal in retrospectivity with proven welshers. They had better be wary, because welshers will always welsh again.

Mr. MILLER (Ithaca) (3.11 p.m.): I welcome this Bill to amend the City of Brisbane Act. Like the honourable member for Wolston, I would certainly like to see a similar amendment made to the Local Government Act. I point out to that honourable member that we did not consider introducing this Bill until there was need for it, and it is only in the past 12 to 18 months that the need arose. I hope that we do not wait until there is a need before we introduce a similar amendment to the Local Government Act because, although we do not at the moment have in local government a man like the Lord Mayor of Brisbane, we could well have one in the future.

The Lord Mayor of Brisbane is a man with a very dominating manner. Such a man expects to be obeyed. I believe that many Brisbane aldermen have felt the "weight" of his tongue before today. In his affidavit filed in the Supreme Court, Alderman Thompson was prepared to go to bat for the Town Clerk. He did not hide that fact. If we can believe what we

read in the Press, the Town Clerk believed that most aldermen were on his side at that time. I believe that the majority of the aldermen would have supported the Town Clerk rather than the Lord Mayor. This is what frightened the Lord Mayor. This is the reason for the Bill.

Why was McAulay sacked? We have learnt a great deal from the honourable member for Brisbane this afternoon on the reason why McAulay was sacked. He contradicted the Lord Mayor, who said, not on one occasion but on many, that McAulay was not sacked for incompetence. Yet this afternoon we heard that he was one of the slowest staff members ever employed at the City Hall.

Mr. K. J. Hooper: Do you think that every dismissed employee should be given the reason for his dismissal?

Mr. MILLER: Because of the publicity given to this case and the challenges issued to the Lord Mayor, who was certainly behind the eight ball on this occasion, the reason should have been published.

Even the "Sunday Sun", which cannot be accused of being pro-Liberal, accused the Lord Mayor of sacking the Town Clerk for the very reason that he did sack him. According to "The Courier-Mail", McAulay kept a thick personal file of notes and memorandums. In it is a page dealing with a council meeting of 9 July 1968 at which Alderman Jones congratulated Mr. McAulay on his appointment as Town Clerk. Now we are being told by the honourable member for Brisbane that this man was incompetent. Part of this minute reads—

> "The Lord Mayor pointed out that Brisbane could be very proud of the fact that within the walls of the City Hall a suitable applicant was found to fill the position of Town Clerk. He pointed out to Mr. McAulay that he had been selected from a number of applications of great merit and he had no doubt that the appointment was influenced by Mr. McAulay's great loyalty and dedication to this council."

I think that rather contradicts the argument advanced by the previous speaker.

Mr. Porter: That was before he differed with the Lord Mayor politically.

Mr. MILLER: Exactly. I say again that Mr. McAulay was sacked because he refused to sack John Goss. There is no doubt about that. When the honourable member for Toowong was speaking the honourable member for Redlands challenged him to go outside this Chamber and repeat what he was saying about the reasons for the sacking of Mr. McAulay. I point out to the honourable member for Redlands that that statement has already been made outside. On Saturday, 16 June 1973, Mr. McAulay said these very things in "The Courier-Mail". He also included them in an affidavit. He wanted the right of appeal.

Mr. Baldwin: Then why didn't he go into court?

Mr. MILLER: I would like to remind the honourable member that he wanted to carry the matter on. I also remind him that the Lord Mayor went to the extent of going to the Supreme Court to prevent Mr. McAulay for exercising his right to put forward his point of view. I suggest to the honourable member that had the Lord Mayor been able to disprove the statements made on Saturday, 16 June 1973, he would have allowed the Town Clerk to go ahead with his appeal, and then taken the opportunity of publicly disproving what he had said. That is what I would have done if I had been Lord Mayor, and any other sensible person would have taken that line. He certainly would not have made attempts to get the Supreme Court to refuse the right of appeal.

I am suggesting that the Lord Mayor used the right of appeal to try to prevent another man exercising that same right. Here is a Lord Mayor who comes out saying that he has right on his side. Any man with right on his side would use the court as a proving ground. If the Lord Mayor had right on his side he would have said to Mr. McAulay, "You go ahead." I am sure that is what I would have done had I been in the Lord Mayor's position, and so would everyone else in this Chamber. There is not a man here who would have said, "Please don't go to the court." A person in the Lord Mayor's position, if he had right on his side, would have gone out of his way to embarrass Mr. McAulay.

Mr. Baldwin: Why didn't Mr. McAulay go ahead?

Mr. MILLER: I am asked, "Why didn't Mr. McAulay go ahead?" I am afraid I cannot answer that, because in "The Australian", the "Telegraph" and "The Courier-Mail" I have seen various figures quoted as reasons why he did not go ahead. I have no doubt that he did not accept $30,000-odd, as has been suggested by the Lord Mayor.

The Lord Mayor came out with the statement that he had nothing to hide from the people. Why did he not make a statement as Lord Mayor? Why did he leave it to his solicitors to make a statement? The Lord Mayor has a television programme every Sunday and he had every opportunity of going before the people and telling them, as he does about everything else, why Mr. McAulay was dismissed. That is certainly what I would have done had I been Lord Mayor.

I have already quoted from a council file in which the Lord Mayor is recorded as saying that Mr McAulay was the best of all the high-standard applicants. Now we are finally told today he was one of the slowest

and one of the laziest men in the City Hall. What sort of rubbish does the honourable member for Brisbane think he is trying to give to the Committee!

Mr. Baldwin: He did not say he was the laziest. He said that he was a thorough worker. I heard him say that.

Mr. MILLER: The honourable member for Brisbane gave the Committee the impression that he was not competent in his work, but the Lord Mayor himself said that Mr. McAulay was not sacked for incompetence.

Mr. Baldwin: He did not say what he was sacked for. He was too kind to him.

Mr. MILLER: Oh, so he was too kind to him!

Mr. Baldwin: If it had been me, I know what I would have said.

Mr. MILLER: Let me now come back to the motion before the Committee. The Lord Mayor has had statements published in the Press criticising the State Government for introducing this amending Bill. In fact, he said that the State Government was interfering in council affairs and that the proposed legislation covering council dismissals struck at the grass-roots of democratic government. I am concerned about the interpretation that the Lord Mayor of Brisbane places on the word "democratic", because the Australian Labor Party itself is concerned about the right of appeal.

Let me go back to 1968. In "The Courier-Mail" of 9 February 1968 a statement appeared relative to the State Labor Convention at Surfers Paradise. Who was concerned in 1968 about the right of appeal? None other than Mr. McCormack, the secretary of the Brisbane Tramways Union. He reported to the Labor Convention at Surfers Paradise that he and his union were concerned about the fact that, even though a City Council employee had won his appeal, the Lord Mayor refused to uphold that decision. Is that the type of democratic government that the A.L.P. is now trying to tell us is real democratic government? I think honourable members opposite will find it very difficult to argue against the point I have just made.

As I said, in 1973 the Lord Mayor accuses the Government of interfering and striking at the grass-roots of democratic government. But back in 1968 Mr. McCormack won the day, because the recommendation from the State Labor Convention was that the first Labor Government in Queensland should introduce legislation to ensure that the Lord Mayor obeyed the decision of the Appeal Board.

Mr. Baldwin: We uphold that policy.

Mr. MILLER: The Lord Mayor does not uphold that policy. I again remind the Committee that the Lord Mayor did not uphold that policy in 1968, and in "The Australian" of June 1973 there is proof that, even though the State A.L.P. Convention said he had to do so, he has not changed his opinion.

The Lord Mayor has been accused before of being a dictator; in fact, many people have made that accusation. When the City of Brisbane Act was introduced in September 1924, the Home Secretary said—I refer to page 1003 of "Hansard"—

> "The mayor will have only those powers which are conferred upon him by the council. That is a very necessary precaution. We do not know who the mayor might be. We do not want a Brisbane Mussolini."

I should say that Mr. Stopford was far-sighted. He could see that at some time in the future we might have a dictator in Brisbane, and the people of Brisbane have certainly seen one over recent years. Not only have the people of Brisbane seen a dictator; the staff of the City Hall have felt the results of his actions.

This legislation has been introduced not only because of what happened to Mr. McAulay but also because we and everybody else who has been on the hustings knew that the heads of two others in the City Hall were to roll.

Mr. Baldwin: Who are they?

Mr. MILLER: I have never got down to mentioning names in this Chamber, nor will I do so now. With the Lord Mayor's interpretation of democratic government, I would not be game to mention the two names. I should have thought that the honourable member would have more respect for the two people I am referring to. Does he want them to lose their heads?

The amount of money that was paid by the Lord Mayor to Mr. McAulay saved the Lord Mayor from embarrassment.

Mr. Baldwin: How much was it?

Mr. MILLER: I do not know how much it was, but I should say that it must have been a very big amount. The Town Clerk is one of the highest paid officials in the city. We were told that Mr. McAulay accepted $30,000 in lieu of future salary, even though he knew that he could not lose the appeal. He had already been told publicly by the Government that this legislation would be introduced. He knew he would have a right of appeal, and he knew the Lord Mayor did not want the matter to go to the appeal court. He knew the Lord Mayor had something to hide. The Lord Mayor made sure that the appeal never reached the court.

The honourable member for Brisbane said that Mr. Goss is now employed by this Government. Quite frankly, I do not blame Mr. Goss. I should imagine that his life in the City Hall must have been hell from the day that this problem started. I certainly would not have liked to be in his shoes

as he reported to the City Hall day by day, with the likes of Clem Jones constantly looking over his shoulder. I would have got out of the City Hall a lot quicker than Mr. Goss. I believe in a democracy. I do not believe that a person should have someone standing over him with a big whip. That is what was happening.

I hope that this Bill will give all employees of the Brisbane City Council the right of appeal. The decision of the appeal board must be upheld. Like Mr. McCormack of the Tramway and Motor Omnibus Employees' Union, I am concerned that the Lord Mayor will not want to accept the decision of the appeal board. In recent months he has shown that he is still not prepared to accept a decision of an appeal court. In his reply I should like the Minister to tell the Chamber how we can make sure that the decisions of the appeal board are upheld.

Mr. DEAN (Sandgate) (3.28 p.m.): It has been my privilege to be a member of this Parliament for many years. I do not think I have ever been guilty of such slander of, or such a shocking attack on, anyone outside this place who cannot defend himself. I had no intention of entering this debate until I heard the speakers on the Government side. I think the Bill should be titled "The Clem Jones Bill".

Government Members: Hear, hear!

Mr. DEAN: All we heard from the honourable member for Ithaca was an attack on the Lord Mayor of Brisbane and a reflection on the former Town Clerk. I know Mr. McAulay very well. We all know the circumstances. He was not sacked without being given an opportunity to take another position in the City Hall. He was given an opportunity to occupy another high position in the City Hall. He was not literally thrown out into Adelaide Street. At no time have I heard the Lord Mayor say anything against the ability of Mr. McAulay. In a Press statement he said that he had nothing to say against Mr. McAulay's ability. He said that he was a highly trained and efficient officer of the Brisbane City Council. These are facts that can be verified from the columns of the daily Press.

As for the Lord Mayor, he is Lord Mayor of this city in no uncertain terms. Honourable members will recall what happened at the last City Council election. The present Brisbane City Council Opposition numbers one—Alderman Lex Ord, for whom, incidentally, I have a high regard. The result of that election demonstrates what the people of Brisbane think of Lord Mayor Jones.

This attack on the Lord Mayor has been mounting since the last State election when he had the temerity to stand as a candidate for this Parliament. This is the main bone of contention. He has never been forgiven and never will be forgiven by Government members for having the courage to exercise his democratic right and stand as a candidate for this Parliament.

Mr. Frawley: Why should we worry?

Mr. DEAN: Honourable members opposite were so worried that they had a special redistribution of the boundary of the seat he was contesting to ensure that he could not win it.

In my view, the Lord Mayor's ability and work in the interests of this city speak for themselves. Progress in this city has greatly overshadowed that in any other city in Australia.

The amendment of this Act will go through and, no doubt, it will apply in law when someone makes use of it. But what happens then? If a person succeeds in an appeal, what happens? There is no provision for reinstatement. The fireman in Rockhampton discovered that. He has still not been reinstated. I recall an appeal at the City Hall under the previous administration. The appellant won his appeal, which cost him, in those days, hundreds of pounds. He did not get his position back. In the meantime, someone had been appointed to it. He was left in the position and the appellant was never reinstated. That occurred during the C.M.O. administration when I was in opposition.

So far as I am concerned, this Bill does not go far enough. As our shadow Minister and the honourable member for Wolston pointed out, we on this side believe in the democratic principle of a right of appeal, and I think the scope of this Bill should be widened to cover every local authority in Queensland. It should not be confined to a personal attack on the Lord Mayor of Brisbane, which is all it is. If the Minister was "fair dinkum" in this and really wanted to be fair, why is the Bill not wide enough to cover all local authorities in the State? If an employee wins an appeal, he should automatically go back into his job. But that is not so. The position here will be similar to that of other appeals covered in our Statute Book. There is no guarantee of the appellant's reinstatement in his position, so what are we arguing about?

In an appeal the appellant has to engage legal representation—sometimes highly qualified legal representation—at great cost, but there is no guarantee of his reinstatement in the job if his appeal is successful.

I felt impelled to make my brief contribution not only on the Bill itself but also on the scurrilous attack upon the Lord Mayor of this city. It is tiresome and wearisome to listen to these charges month after month, and I can assure honourable members opposite that they are having very little effect upon the armour and reputation of the Lord Mayor of Brisbane.

Hon. H. A. McKECHNIE (Carnarvon—Minister for Local Government and Electricity) (3.35 p.m.), in reply: The honourable member for Redlands seems to have some doubt as to whether all employees of the Brisbane City Council are covered by the Bill. Let me assure him that, without exception, all employees will be covered by it. Specific reference is made in the Bill to the Town Clerk, as well as to permanent heads of the various council departments, because we have had a legal interpretation that those officers may not be covered by the term "employee".

The honourable member also questioned whether or not there is a genuine gap in current legislation and queried the reason why the gap, if it exists, was not previously closed. It is obvious, of course, that no legislation is perfect and that certain loopholes in the law are exposed as individual cases arise. In the recent incident involving the former Town Clerk, the Brisbane City Council endeavoured to make use of all possible loopholes to deny the Town Clerk his right of appeal. The Government considers that any loopholes that would deny an employee his right of appeal should be closed.

As I said in my introductory speech, the purpose of the Bill is to clarify and extend the right of appeal of employees of the Brisbane City Council, particularly against arbitrary dismissal or other forms of discipline.

The contention of the honourable member for Redlands that members of industrial unions automatically have a right of appeal through their unions would presume that unions take industrial action to protect their members. It is felt that this type of industrial action should not be necessary and that some formalised appeal procedures are necessary. This is already recognised by the existing appeal provisions in the City of Brisbane Act.

The honourable member also raised the matter of retrospectivity of similar provisions contained in the Local Government Act. This matter will need to be considered at the time of preparation of the draft Bill, but I expect that it will be so included.

The honourable member also claimed that all members of the appeal board are appointed by the Minister. Such a contention is entirely incorrect. The appeal board consists of (a) a stipendiary magistrate, who is appointed as chairman by the Minister; (b) a representative of the council, who is appointed by the council's Establishment and Co-ordination Committee; and (c) a member's representative, who is appointed by the executive of the union of which the appellant is a member.

It is only in the event of the failure to appoint either of the latter members within the prescribed time that the Minister is required to make more than one appointment.

The time specified for appointment by the council and the union executive of their representatives is 14 days after receipt by them of a copy of the notice of appeal. The honourable member for Redlands said he could not envisage a situation in which there was a failure to appoint such a representative. This is precisely what occurred on the occasion in question and is one of the reasons for the Bill. In fact, the council failed to notify the appeal board of the name of its representative.

The honourable member for Redlands claimed that the former Town Clerk received what he was entitled to. It seems obvious, however, that the settlement received by him, which no doubt included an ingredient for compensation, was promoted by the stated intention of the Government to introduce this Bill. In fact, I am confident that if the introduction of this measure had not been pending no approach would have been made to Mr. McAulay by the Brisbane City Council.

The honourable member for Toowong made it very clear that natural justice was denied by a prominent A.L.P. leader, namely, the Lord Mayor. He also adverted to the fact that the former Town Clerk's dismissal was directly tied to his refusal to sack a council employee for political reasons.

Many people have claimed it to be undesirable that Mr. McAulay's lips were sealed by a settlement that was very likely in excess of natural justice. This is a matter for speculation, and, although I believe that Mr. McAulay was well paid, the reckoning is a matter between the Brisbane City Council and its electors.

The honourable member for Stafford questioned the period of time in which the council or the union executive should make its appointment to the appeal board. The prescribed period will be 14 days after receipt of a copy of the notice of appeal from the appeal board secretary.

The honourable member also referred to a resolution of the 1971 Labor-in-Politics Convention that decisions of the appeal board should be binding. The words that were quoted, namely, "What is the use of having an appeal board unless the decisions of that tribunal are recognised?", are very much the same as those I used at the introductory stage.

The reference by the honourable member for Stafford to existing protection for health inspectors, under which a health inspector cannot be appointed or dismissed without the approval of the Director-General of Health and Medical Services, is worthy of note. This, and other matters, will be discussed with the local government executive.

The honourable member also made the point that when an appointment is made by the council, the council itself should be required to make a decision on disciplinary

action. The Bill, as drafted, makes that point very clear in the case of the Town Clerk, who holds statutory office in accordance with the City of Brisbane Act. In terms of the Bill, the evidence and the decision of the appeal board, on an appeal relating to the dismissal or disciplining of the Town Clerk, have to be forwarded by the secretary of the board to the Lord Mayor, who, in the case of an appeal by the Town Clerk against dismissal, is required to present them to the council within 14 days of receipt if the appeal board sees fit.

The honourable member for Somerset referred to the need to afford protection to council employees, and related his remarks specifically to health inspectors. He also said he believed that the legislation had the support of the people of Brisbane.

The honourable member for Wolston suggested that the legislation should be extended to cover all local authorities. I shall read what I said at the introductory stage—

> "I might add at this stage that I intend, as soon as possible, and after discussions with the Local Government Association of Queensland, to introduce an amendment of the Local Government Act which will contain appeal rights based on those contained in the City of Brisbane Act as amended by this Bill."

Mr. Marginson: I will not be satisfied until you do introduce it. I know you will not.

Mr. McKECHNIE: I have no reason to believe that the position will be otherwise than as I have said.

I should add that the honourable member raised matters concerning appeals by Government employees. The Government has never overridden a successful appeal against dismissal by the Public Service Board.

Mr. Marginson: What about the 300 positions in respect of which there is no right of appeal?

Mr. McKECHNIE: In this case we are talking about dismissals, which is the important point. The Town Clerk was dismissed and was denied the right of appeal. That is the point we are covering in this Bill.

The honourable member also said that I should have had discussions with the Lord Mayor. After Mr. McAulay's dismissal, the Lord Mayor came to me to put his case. It will be remembered that he did so in confidence, and he asked me not to reveal what was said—and I did not reveal it.

The honourable member for Murrumba is concerned about the handling of resumptions by the Brisbane City Council and its tardiness in relation to the North Pine River Dam. He related this matter to the dismissal of the Town Clerk. This is another matter that is outside the ambit of the Bill, but I know it is causing him considerable concern. He is also worried about the lack of general aldermanic power. We overcame this defect to a large extent in the City of Brisbane Act amending legislation that was passed in 1972. Aldermen of the city of Brisbane, on seven days' notice, can now challenge the leadership of the Lord Mayor. Formerly he held office for three years and the aldermen could not challenge his position. Today, any member of the Brisbane City Council, on seven days' notice, can challenge the Lord Mayor's leadership. That provision gives the aldermen a certain amount of power. As a result of that legislation, I have found that the Brisbane City Council has adopted a more responsible and co-operative attitude.

An Opposition Member: They could challenge him, but they wouldn't win.

Mr. McKECHNIE: They nearly won when the voting in caucus was 11-10 on one issue and 10-10 on another. That is getting horribly close.

I think it was the honourable member for Brisbane who said that this legislation was prompted by hatred of the Lord Mayor.

Mr. Davis: That is true.

Mr. McKECHNIE: For my part, that has nothing whatever to do with it.

Mr. Davis: I was referring not to you but to the honourable member for Toowong.

Mr. McKECHNIE: I think the honourable member did refer to me. I have no hate for the Lord Mayor. In fact, I seek co-operation with him and I am happy, in the interests of Brisbane and Queensland, to continue that co-operation. My door is always open to him. He came to me following the McAulay episode, and within a few days he will be discussing legislative matters with me. As he is a member of the local government executive I expect to meet him, and the rest of the executive, in consultation on 1 November. He was a delegate to the recent Local Government Association conference in Bundaberg, when a resolution was carried—I do not think there were any dissentients—applauding my efforts and work on behalf of local authorities generally. I firmly believe that there is no ill feeling between the Lord Mayor and myself. I look forward to co-operation and consultation with him in an attempt to solve the problems confronting the city of Brisbane and other local authority areas.

The honourable member for Brisbane referred also to welshing. I am the one who should be squealing about welshing, because there has been no greater welsher than the Federal Government in what it did to me over the Pike Creek Dam (Glen Lyon) proposal. The States of New South Wales and Queensland had a signed agreement with the Federal A.L.P. Government which was abrogated or, if the honourable member for Brisbane prefers, welshed on. If he wants a lesson in welshing, he should see Dr. Cass and the other experts in this field in Canberra.

The honourable member for Ithaca would like the provisions of this Bill incorporated in the Local Government Act. I have undertaken to consult with local authorities and to introduce a Bill as close as possible to this one. I know that the Local Government Association conference voted 60-40 against the inclusion of the provisions in toto, but I believe that, in consultation with it, I can resolve the situation.

A slur has been cast on Mr. McAulay in the claim that he was slow and tardy in his work. I do not know whether that is so, nor am I in a position to know. But, as the honourable member for Ithaca ably demonstrated, I know that Mr. McAulay had pretty good references relative to his ability up till a year or so ago.

The honourable member for Ithaca was concerned about whether a decision of the appeal board relative to discipline would be binding. The decision of the appeal board will be binding in the case of sacking or disciplining, but in the matter of promotional appeals, about which the honourable member for Wolston appears to be agitated in the Government sphere, the matter will be at the discretion of the Establishment and Co-ordination Committee, which is a similar position to that which applies in the Public Service.

Mr. Marginson: When?

Mr. McKECHNIE: As soon as it can be arranged.

Mr. Marginson: This session?

Mr. McKECHNIE: I hope it will be this year, because I want to make it retrospective to 1 January, in line with this measure.

Mr. Marginson: I will remind you.

Mr. McKECHNIE: I said, "I hope". I have to discuss it. Unlike some honourable members opposite, I am not a dictator. I shall endeavour, in a democratic way, to discuss the matter with the Local Government Association and introduce a Bill as soon as I can. I will not be a dictator, nor will I be dictated to. I undertake to conclude the matter as expeditiously as possible.

The honourable member for Sandgate said that the Town Clerk was offered another position. That is so. However, he felt it unwise to accept the offer because, to do so, he would have had to resign and lose all entitlement to rights and privileges. Had he resigned, he could have been given a transitory job and would have lost all the rights he had as Town Clerk. I would say he was wise in not accepting.

Motion (Mr. McKechnie) agreed to.

Resolution reported.

FIRST READING

Bill presented and, on motion of Mr. McKechnie, read a first time.

The House adjourned at 3.51 p.m.