Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 22 APRIL 1975

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Mr. SPEAKER (Hon. J. E. H. Houghton, Redcliffe) read prayers and took the chair at 11 a.m.

COAL AND OIL SHALE MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

Assent reported by Mr. Speaker.

PARLIAMENTARY LIBRARY COMMITTEE

Mr. SPEAKER: I present the report of the Parliamentary Library Committee for the period 1 January 1973 to 30 June 1974.

Whereupon the document was laid on the table, and ordered to be printed.

PAPERS

The following paper was laid on the table, and ordered to be printed:—

Report of the Board of Trustees of the Queensland Museum for the year 1974.

The following papers were laid on the table:—

Orders in Council under the Forestry Act 1959–1974.

Regulations under—

Inspection of Machinery Act 1951–1974.

Public Curator Act 1915–1974.

Health Act 1937–1974.

The Physiotherapists Acts, 1964 to 1965.

Report of the Law Reform Commission on Statute Law Revision.

MINISTERIAL STATEMENT

COMMONWEALTH LEGISLATION TO ESTABLISH INTERSTATE COMMISSION

Hon. J. BJELKE-PETERSEN (Barambah—Premier) (11.6 a.m.): It has been brought to my notice that there are some disturbing aspects in a Bill recently introduced into the Federal Parliament to set up an Interstate Commission under the terms of a provision in the Australian Constitution.

It is disturbing that the Federal Government's haste in presenting this Bill—it was forced through the House of Representatives last night—prevents a complete examination of its provisions and the implication they may have on sovereign States.

Another of the disturbing aspects of this Bill is that it has been cloaked with powers to extend the Federal Labor Government's aim of socialisation by stealth.

It is typical of the actions of the Federal Labor Government that legislation of this importance, which vitally affects the interests of all States, has been introduced without seeking prior consultation with the States. We have seen these tactics adopted on a number of occasions in recent times by the present Federal Labor Government in its endeavours to usurp the whole field of government in Australia.

It appears that the real motive of this Bill is to give control of transport policies and operations to the Federal Government, with the States having no say in the matter.

Mr. Speaker, I believe that this House should be fully alive to the possible implications of this Bill, because if and when it becomes Federal law, it will have far reaching effects on the rights and responsibilities of State Governments.

QUESTIONS UPON NOTICE

CONGENITAL DEFORMITIES, TOWNSVILLE, AND RADIOACTIVE FALL-OUT

Dr. Scott-Young, pursuant to notice, asked The Minister for Health,—

As some fall-out was detected in Australia after the French exploded atomic bombs between April 23 and July 19, 1974, and according to Dr. Cass some fall-out was detected at Malanda in July, is his department aware of the increase in numbers of congenital deformities noted in recent births in Townsville and, if not, will he direct his officers to investigate the cases?

Answer:—

"Enquiries made so far indicate that there has been no increase in the number of congenital deformities in recent births in Townsville. Investigations are continuing."

LIBRARY COUNTRY EXTENSION SERVICE

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

(1) When will the Country Extension Service of the Public Library be restored to its pre-flood basis and what is the reason for the delay?

(2) How many persons are employed in providing the service now and how many were employed before the flood?

(3) How much was obtained in insurance moneys paid after the flood on books belonging to the Country Extension Service and has all this money been spent on reproviding the service?

(4) From which State principally did the books come?

Answers:—

(1) "The information service to country libraries was resumed at the end of last year and the service to individual readers in January of this year. The main difficulty has been to obtain experienced staff to process the extremely large numbers of books being obtained from insurance

funds. I am sure the Honourable Member will appreciate that it took twenty-four years to build up the Country Extension Service collection and that complete re-establishment can not be accomplished in fifteen months."

(2) "(i) Thirty-eight plus two appointments pending are concerned with restoring and providing service to country readers; (ii) Twenty-nine."

(3) "(i) Total payout was $618,005.10. This included staff processing costs and some other minor items beside books; (ii) No. It would be impossible to spend this amount in fifteen months, as it represents almost three times the annual book vote of the whole of the State Library and its various branches; but the funds are being devoted to re-establishing services to country readers as speedily as practicable."

(4) "The books purchased to date have been obtained from Queensland and Victoria (which has the best library booksellers) and some also from New South Wales. There are, however, severe problems in obtaining a satisfactory choice of books in Australia. Large orders have, therefore, been placed overseas where a greater range of titles is available and books are about 50 per cent. cheaper."

LIBRARY GRANTS AND SUBSIDIES

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

(1) Is he aware of considerable criticism from local authorities of the present discriminatory system of Library Board grants and subsidies?

(2) Should such a system of salary subsidies have been introduced before there was adequate qualified library staff?

(3) How many local authority libraries receive them?

(4) How many local authority libraries have librarians?

(5) In view of criticism from smaller library administrators who cannot afford or obtain qualified staff and are still faced with paying 80 per cent. of library running costs, with book stocks growing, will he consider introducing a system of subsidy of general administration costs of eligible libraries, as is the case in other States of Australia?

(6) Are the book grants over-supplying several libraries with books?

Answers:—

(1) "If by 'discriminatory' the Honourable Member means that the subsidy is paid on a differential basis according to standards of library service, the Answer is that a few letters from local authorities have been received and are being considered. Discrimination in favour of certain forms of library services is sometimes necessary and justified. We have differentiated for many years in favour of free public libraries as opposed to subscription libraries. In Victoria, for instance, special Regional Grants have existed for many years as an incentive to local authorities to form regions. We have regional subsidies. We have also recently announced a special subsidy scheme for small local authorities of 4,000 or under in population because small local authorities, unless a part of a larger library system, face great difficulties in providing a good library service. That is a form of justified differentiation. We recognize, however, that there are very great difficulties being faced by local authorities in Queensland in providing effective library services. Last year we made application to the Commonwealth Grants Commission pointing out the difficulties experienced by State and local authorities in financing libraries. We also wrote to the Commonwealth Government and suggested that the whole problem of providing public libraries, through the States, should be examined. I am glad to say that they have followed our suggestion and set up the kind of enquiry we put forward."

(2) "It is assumed that the Question refers specifically to subsidizing the salaries of qualified librarians. This was justified because municipal awards were such that local authorities who were already employing qualified staff were being unfairly disadvantaged compared to those local authorities employing unqualified staff. It was also introduced because it was directed towards an ultimate improvement of library standards."

(3) "Eleven."

(4) "Eighty-eight. This figure includes local authorities employing part-time and/or unqualified librarians."

(5) "As I have already indicated we are well aware of the difficulties imposed on local authorities including all the factors which have been mentioned. A revised scheme of subsidies taking these factors into account is under active consideration."

(6) "No. The number of books in local authority libraries is ·94 per capita in Queensland compared to 1·15 in Victoria and 1·22 in New South Wales. The system of book grants introduced by the Government in 1972 has also the additional benefit of protecting local authorities against the serious effects of inflation in the book trade."

COMMONWEALTH TAX ON RENTAL VALUE OF HOMES

Mr. Ahern for **Mr. McKechnie,** pursuant to notice, asked The Premier,—

(1) Has he any knowledge as to whether or not the Commonwealth Government is considering taxing home owners on the rental value of their own homes?

(2) If the Commonwealth Government is considering bringing in this tax, will he protest on behalf of the people of Queensland?

Answer:—

(1 and 2) "I understand that following the production by the Commonwealth Department of Urban and Regional Development of a paper entitled 'Urban Land: Problems and Policies' there was some speculation as to whether the Commonwealth Government might endeavour to implement some of the paper's conclusions. However, I have no knowledge of the Commonwealth's actual intentions in the matter, other than to say that despite its manifest failings in other areas I would certainly credit it with enough sense not to engage in this particular form of political suicide."

SHORTAGE OF DOCTORS; CHARTERS TOWERS DOCTOR

Mr. Ahern for **Mr. Katter,** pursuant to notice, asked The Minister for Health,—

(1) Is he aware that the only doctor with a private practice in Charters Towers is so overburdened with work that he has had to refuse to take further patients and that many patients unable to wait in the long queue at the hospital have had to drive to Townsville to receive medical treatment and, as many of the patients are from outback, they have a 300-mile round trip to see a doctor?

(2) In view of the acute and continuing shortage of doctors, how many doctors will be graduating from the Queensland University this year, how many graduated ten years ago and what is the projected future number of graduates over the next few years from the universities of Queensland?

(3) In view of this shortage of medical practitioners, is there any way that this Government can secure an increase in the number of medical graduates from the universities?

Answers:—

(1) "I am aware that the departure of private practitioners from Charters Towers has placed a heavy burden on the remaining private practitioner and the hospital. The Director-General of Health and Medical Services has already discussed the problem with the Superintendent of the hospital and understands that the Charters Towers Hospitals Board is examining the problem."

(2) "The figures for the number of students enrolled in the respective years at the University of Queensland are—6th year, 192; 5th year, 234; 4th year, 217; 3rd year, 209; and 2nd year, 255. University authorities advise that due to the high calibre of the students, the eventual number of graduates from each year would be approximately the same. The number of graduates in 1965 was 122."

(3) "I understand that the Australian Universities Commission has imposed a quota for all courses at the University and any action would have to come through an approach to the Commonwealth Government. From the figures given in (2) above, it will be noted that an increasing number of medical graduates is expected. It is hoped that these numbers will alleviate the position in future years."

MACKAY–MONTO ROAD; LONGREACH–CLONCURRY SECTION, LANDSBOROUGH HIGHWAY

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

Following a Press report in relation to the upgrading of the Mackay–Monto road in the Commonwealth Electorate of Dawson, will this necessitate the reallocation of funds available to the State's road scheme and will the decision in any way jeopardise the construction progress on the Landsborough Highway between Longreach and Cloncurry?

Answer:—

"It is presumed that the report referred to relates to a statement by the Commonwealth Minister for Transport, suggesting that the construction of the Mackay–Marlborough section of the Bruce Highway in its new location along the coast should be expedited. He suggested that rather than taking eight years to construct it should be done in five. To enable this to be done diversion of all the funds now tentatively allocated to Central Division for National Highways would probably have to be diverted to this section. This would divert not only the funds allocated to the Landsborough Highway but also eliminate any work envisaged north of Mackay and south of Marlborough on the Bruce Highway in Central Division. The programme for National Highways is still a matter for submission and discussion between the State and Commonwealth Ministers."

PRE-SCHOOL EDUCATION IN SMALL COUNTRY CENTRES

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

With respect to the provision of pre-school education in small country centres, what arrangements are being made for school centres too small for the normal one-unit, one-teacher and one teacher-aide facility?

Answer:—

"Two main strategies are being developed to cater for children in such centres. The first is the development of a State Pre-School Correspondence Program. This commenced operation in 1974. The purpose of this program is to provide pre-school education for children who are geographically isolated. The program has been extended this year to include areas serviced by schools with enrolments up to 35 children in the Northern, North-Western, Central and South-Western regions of Queensland. A play group program called 'SPAN', designed to assist in the social development of isolated children, was incorporated into the correspondence program early this year. In 1976 it is planned to further extend the correspondence program to include all schools throughout Queensland with enrolments up to 35 children. Secondly, various alternatives are being considered for the provision of pre-school education at schools with enrolments between 36 and 100. Such schools are too small to permit the establishment of standard pre-school facilities. Investigations are presently under way to determine the most appropriate manner in which pre-school education may be provided for eligible children in such areas."

COMMONWEALTH ALLOCATION FOR SOIL CONSERVATION

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

(1) How has the $160,000 from the Commonwealth Government for 1974-75 been spent for soil conservation?

(2) On what projects for soil conservation will he spend the $700,000 allocated for 1975-76?

Answers:—

(1) "None of the 1974-75 allocations under the *State Grants (Soil Conservation) Act* 1974 have been spent. Commonwealth approval of the programmes was not received until April 2, 1975, The approved programme includes:—Salaries and appointment expenses, $83,200; Capital expenditure, $27,100; Operating and accommodation costs, $45.500; and Sundries, $4,200. The funds will permit the commencement of work on twelve projects extending from the Darling Downs to North Queensland, west to the Blackall district and east to the Bremer–Lockyer areas."

(2) "The 1975-76 programmes have not been finalised and are subject to Commonwealth approval. It is proposed to consolidate activities in the twelve projects during 1975-76."

ARTIFICIAL SWEETENERS

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

(1) Has the limited availability of sugar on world markets led to an increase of artificial sweeteners and has the scare of cancer possibility from certain sweeteners contributed to some countries banning the use of the substitutes?

(2) Is the amino-acid type of sweetener banned in certain countries and has there been a definite association of amino-acid with the development of cancer?

Answers:—

(1) "The use of artificial sweeteners is limited by restrictions on the use of these products. Artificial sweeteners are not direct substitutes for sugar in most manufacturing processes. The main use of artificial sweeteners is in low calorie soft drinks and in beverages. In 1970 cyclamates were banned in U.S.A. (by the Food and Drug Administration) and in Canada and Japan because of a suspected link with cancer. Currently there is pressure to lift this ban but latest advice indicates this is not likely in the near future, at least in U.S.A. In Australia there is a health warning on the use of cyclamates in all States except New South Wales. In 1972 the U.S. Food and Drug Administration removed saccharin from their list of food additives generally recognised as safe and allowed restricted use. The use of saccharin was previously banned in Japan but is now allowed for restricted use. No restrictions apply in Australia."

(2) "The amino acid type sweetener aspartame was given limited clearance by the U.S. Food and Drug Administration in July 1974. Sales of this sweetener have not yet been approved in other countries. Doubts have been raised about the safety of aspartame in combination with monosodium glutamate in relation to brain damage in children but reports are conflicting and research is continuing."

DENTAL TREATMENT IN WESTERN AREAS

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

(1) Is he aware that areas served by the Barcaldine Hospitals Board have many people awaiting appointments for dental treatment and that similar conditions exist in other Western areas?

(2) As this is highly unsatisfactory, is additional dental staff available to overcome the problem?

Answers:—

(1) "I am aware of the strong demand for dental treatment in areas served by the Barcaldine Hospitals Board. Following

representations made by the Honourable Member for the district, Mr. Turner, M.L.A., an additional dentist has been appointed to the Barcaldine Hospitals Board. The demand for dental treatment is being quite well contained in most other western areas. It is an established policy of all dental clinics, irrespective of waiting lists, to provide treatment for toothache and other urgent cases."

(2) "It is anticipated that the recent appointment of the additional dentist will help alleviate the problem to the Barcaldine Hospitals Board."

MANDATORY PRISON SENTENCES

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

In view of the considerable and understandable concern which many Members showed during the recent debate relating to mandatory prison sentences, what are the existing minimum mandatory punishments and to which offences do they apply?

Answer:—

"They are too numerous to mention. I believe the concern of Honourable Members was a minimum jail sentence which did not allow for the tempering of justice with mercy."

SALVATION ARMY HOSTEL, STANLEY STREET, SOUTH BRISBANE

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

(1) Is his department holding $50,000 in trust for the Salvation Army Stanley Street Hostel?

(2) What does he intend to do with the funds?

(3) Is the hostel going to be rebuilt on its present site or elsewhere?

Answers:—

(1) "No money is held in trust by this department for the project referred to by the Honourable Member. In 1968 Cabinet approved that a special grant of up to $50,000 be made towards the cost of erection of Stage 1 of the proposed reconstruction of the Salvation Army Home for Men, Stanley Street, South Brisbane subject to submission and approval of plans, specifications and tenders prior to the work proceeding."

(2) "To date the Salvation Army has not sought any payment of this amount and in fact, no plans for redevelopment have been received in my department."

(3) "It has been the stated intention to rebuild the Salvation Army Home for Men on the present site of Stanley Street but I am informed that to date the requisite Brisbane City Council permission to build has not been secured."

RUBBISH DUMP AND MILK DEPOT, ARANA HILLS

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

(1) Have officers of his department made an inspection of the dump at South Pine Road and Francis Road, Arana Hills?

(2) Is the dump next to a milk depot?

(3) What action may local residents take to put an end to the unhealthy situation?

Answers:—

(1) "Continual surveillance of refuse dumps and milk depots is carried out by departmental officers."

(2) "A milk depot which handles only pre-packed bottled milk has been operated from a location near the junction of South Pine Road and Francis Road for at least seven years. The depot is approximately 150 metres from the now disused tip in this area and approximateiy 100 metres from a new tip site."

(3) "If any action is necessary, it will be undertaken by departmental officers."

POLICE PROSECUTORS' COURSES

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

With regard to the police prosecutors' courses at the Oxley Police Academy—

(1) How many have been conducted since the inception of the scheme?

(2) How many officers have participated?

(3) What is the duration of each course?

(4) Are officers outside the metropolitan area eligible for in-service training in this field and, if so, how many have attended the courses to date?

Answers:—

"Police prosecutors' courses have been held at the Queensland Police College, Chelmer."

(1) "Three."

(2) "Seventy-eight."

(3) "The first two courses were of 19 days duration, whilst the third course was of 14 days duration."

(4) "Yes. Fifty-six."

SAND MINING, FRASER ISLAND

Mr. Ahern for **Mr. Powell**, pursuant to notice, asked The Minister for Mines,—

(1) With reference to his Answer to a Question by the Honourable Member for Maryborough on April 17, what species of plants are Dillingham-Murphyores required to plant and at what density?

(2) Which officer or officers and which department is, or will be, responsible for checking the so-called rehabilitation?

Answers:—

(1) "Approved types of grasses and/or grass seeds so that ground cover can be quickly re-established to the satisfaction of the Minister. Trees of a type approved by the Conservator of Forests are to be planted in an approved pattern and maintained until growth of the trees is established to the satisfaction of the Minister. The general rules are described in the article 'Rehabilitation of Dunes Subject to Sand Mining' published in the April 1973 Newsletter of the Environmental Control Council of Queensland."

(2) "Officers instructed by the Minister carry out inspections and report to the Minister. These inspections are carried out frequently by the Inspector of Mines for the Division."

HOUSING COMMISSION HOUSES, MARYBOROUGH

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

(1) How many houses has the Housing Commission built in Maryborough?

(2) How many of these are now available for rental?

(3) How many applications for rental housing are held by the Clerk of the Court, Maryborough, and what are the categories?

Answers:—

(1) "Two hundred and sixty-five houses and seven aged persons units. A further nine houses and 15 aged persons units are under construction. For 1974-75 the Burrum Co-operative Housing Society of Maryborough received allocations totalling $400,500."

(2) "The Commission has 95 State Rental Houses and seven aged persons units."

(3) "For houses—100 points, 1; 80 points, 2; 40 points, 9; and nil points, 70. For aged persons units—singles, 17; and couples, 7."

PUBLICATIONS BANNED BY LITERATURE BOARD OF REVIEW

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

(1) How many publications have been prohibited by order of the Queensland Literature Board of Review and how many appeals against orders by the board have been lodged in the Supreme Court since July 1, 1974?

(2) If no appeals have been lodged during this period, when was the last one lodged?

Answers:—

(1) "Eighty."

(2) "The last appeal against an order of the Literature Board of Review was in 1972, when on April 28 of that year, the Full Court of Queensland, by majority decision, dismissed the appeal against an order of the board issued in respect of the publication 'Playgirl'."

TOWN PLANNING ABUSES BY SURFERS PARADISE SOLICITORS

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

(1) Is he aware that a Gold Coast City Council planning officer claimed that some Surfers Paradise solicitors were misusing the democratic planning procedures of the Local Government Act?

(2) Are there any grounds for the complaints made by the planning officer?

Answer:—

(1 and 2) "I am aware that in a report submitted to the Gold Coast City Council on April 4, 1975 the Council's Town Planning Officer stated that certain methods adopted by the Surfers Paradise Chamber of Commerce in relation to suggestions with regard to development applications to be submitted to the Gold Coast City Council 'seems to be a misuse of democratic planning procedures as defined by the Local Government Act'. The whole matter has been referred to the Department of Local Government by the Gold Coast City Council and is presently under consideration."

TRACTOR SAFETY

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

(1) What progress is being made on safety legislation to reduce tractor deaths?

(2) Is he aware that New South Wales and Victoria have introduced legislation for safety measures, including guards for power take-offs, protective frames and restrictions on the number of passengers?

(3) Will Queensland pass legislation similar to that of New South Wales and Victoria?

Answers:—

(1) "Preparation of draft Safety Regulations in regard to this matter based on the 'Model Uniform Rural Industries (Machine Safety) Regulations' which have been agreed to by all States is at an advanced stage."

(2 and 3) "I am aware that New South Wales and Victoria have implemented legislation or regulations in regard to this matter and Queensland will be taking similar action."

DANGERS OF DISCARDED TELEVISION PICTURE TUBES

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

(1) As the electronics industry in Australia has been largely destroyed by the Commonwealth Government and as there has been a great increase in the number of old television sets which cannot be traded-in because they have little or no value and are now discarded, is he aware of the dangerous situation in relation to the disposal of the picture tubes?

(2) Is he aware that if the picture tubes were to explode they would cause death or serious injury?

(3) Is there any investigation being made into this dangerous problem?

(4) What is the recommended manner for the disposal of discarded television sets?

Answers:—

(1 and 2) "The glass envelope of a television picture tube is under considerable stress from atmospheric pressure. If subject to a sharp blow, the glass may fracture with possible serious injury, particularly to the eyes, of the inexperienced. The problem may increase as the number of unserviceable television sets increases."

(3 and 4) "A safe method of disposal under differing sets of circumstances is under investigation at the present time. In the past, disposal of television tubes was in general handled by the trade. Air is admitted by the removal of the small glass tube from which air was exhausted during manufacture. Care is needed during this operation which is considered a hazardous one for the unskilled person. Consideration will be given to the introduction of legislation to prohibit disposal of discarded television sets before the necessary action has been taken to make the tube harmless."

DISMISSAL OF WORKS DEPARTMENT EMPLOYEES

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

(1) How many employees of the Department of Works were paid off on April 11 in each of the centres involved?

(2) Were all employees who had their services terminated confined to the building trades?

(3) Was preference to returned servicemen granted and, if not, what is the reason?

(4) Are any further dismissals, to reduce the work-force of the department, anticipated in the near future?

Answers:—

(1) "The services of 18 employees in Cairns District, and three in Toowoomba District were terminated on April 11, 1975."

(2) "Yes."

(3) "Yes, in conjunction with all other criteria to be taken into account in each case."

(4) "The Honourable Member has already been informed by my Answer to his Question No. 18 of April 15, 1975 as to the necessity for my department to shorten its work-force because of the effect of inflation inspired in Canberra by the Labor Government, rising to the annual rate of 17·6 per cent. as published in the Press of today's date. This rate causes a much higher inflation in the building industry."

UNMARKED POLICE MOTOR VEHICLE INCIDENT, LOGAN ROAD

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

(1) Is he aware that police officers in an unmarked car, with registration number thought to be OMF-908 and exhibiting a single "P" plate on the right-hand front grille, stopped a vehicle on Logan Road, Brisbane, at approximately 6.55 a.m. on April 17 to issue a traffic ticket, or for a similar reason?

(2) In view of his recent statements concerning the marking of police vehicles, will he make this incident the subject of an investigation and report?

Answers:—

(1) "Yes."

(2) "No."

BUS LANES AND PRIORITIES, BRISBANE

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

When will special bus lanes and bus priority at road junctions be introduced in Brisbane to help solve the city's transport problem?

Answer:—

"The use of special bus lanes and bus priority at road junctions in Brisbane is under investigation at the present time as a special research project. These are matters which also involve the Brisbane City Council and as the Lord Mayor is a member of the Policy Committee of the Metropolitan Transit Project Board, as well as the Brisbane Transportation Policy Committee which is under the chairmanship of my colleague, the Minister for Local Government and Main Roads, the implementation of any particular project which might result from the study would require determination by both of these policy committees. The Honourable the Member for Cairns should be aware that special bus lanes already exist in some areas such as South Brisbane but I am unable at this time to indicate when further extensions of this scheme or the establishment of bus priority at road junctions will be completed."

HIRE BOAT SURVEY REGULATIONS

Mr. W. D. Hewitt, pursuant to notice, asked The Minister for Tourism,—

(1) Are there now standardised survey requirements for boats which carry crews or ply for public hire?

(2) Does one of the requirements insist that a boat under construction must be inspected from the time the keel is laid?

(3) Is he aware that a number of boats were already under construction when the new survey requirement became operative and that they cannot now be approved because the laying of the keel was not inspected?

(4) Does he acknowledge the difficulties which these boat owners now face because of circumstances beyond their control?

(5) What remedial action will he take to solve these problems?

Answers:—

(1) "All vessels plying for hire and reward are subject to survey. These provisions existed in the *Navigation Act of* 1876 and were continued by the *Queensland Marine Act of* 1958."

(2) "The Survey Regulations of 1963 provided that every application for survey should be accompanied by plans and specifications. This regulation was amended in 1968, to provide that a person to whose order a vessel was to be constructed for commercial service shall submit plans prior to construction."

(3) "This is not a new survey requirement. I am not aware of any problems with established builders who accept the rules and abide by them. Problems do arise in cases of private or back-yard builders who are either ignorant of the rules or seek to avoid them by presenting a built or partially built vessel for survey. Once a vessel has passed a certain stage of construction it is often not possible for a surveyor to see whether or not it has been constructed to acceptable standards, as the basic work has been covered up. In such cases the surveyor is unable, with propriety, to furnish a declaration of survey, and in consequence the Marine Board is unable to issue a Certificate of Survey."

(4) "It is acknowledged that builders referred to in my Answer to Question 3 would have difficulties, but I do not accept that the circumstances of their cases were beyond their control."

(5) "A builder or owner who is confident that he has a well built vessel and is able to substantiate his claim may present his case to the Chief Marine Surveyor. If he can satisfy the Chief Marine Surveyor that his vessel is built to acceptable standards, the Chief Marine Surveyor may recommend that the board issue a Certificate of Survey. I would remind the Honourable Member, that the Marine Board and its surveyors have the responsibility for the safety of life and property at sea. It is not a responsibility to be taken lightly. The Board must be satisfied that commercial vessels, and in particular passenger carrying vessels, are built and maintained to a high standard."

COMPANY TAX EXEMPTION FOR TRADE UNIONS

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

Is Burke's A.C.T.U. Store not required to pay company tax and are trade unions or their affiliated organisations not required to pay tax?

Answer:—

"This is a Commonwealth Government matter and the Honourable Member should refer his request for information to his Federal Member."

BANNED MAGAZINE, "FORUM"

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

(1) Was the magazine "Forum" banned from sale in Queensland?

(2) If so, is he aware that it is still on sale in bookshops in the State and what action is proposed by his department?

Answer:—

(1 and 2) "On March 12, 1974 the Literature Board of Review, in pursuance of the provisions of *'The Objectionable Literature Acts, 1954 to 1967'*, issued an order prohibiting the distribution in Queensland of the publication 'Forum'. This order was later revoked by an order of the Board issued on April 23, 1974."

SPARE PARTS FOR MAINTENANCE OF GOODS

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

(1) Is he aware of the provisions of the South Australian Manufacturers Warranties Act which require producers of goods which are likely to need repairs or maintenance to warrant that spare parts will be available for a reasonable period after manufacture?

(2) Will he consider introducing a provision into the Consumer Affairs Act to put such a desirable statutory warranty into our law?

Answers:—

(1 and 2) "I am aware that legislation in this regard had been introduced in South Australia. Advice received is to the effect that the Act referred to by the Honourable Member was only proclaimed on April 10, 1975, and that there has not yet been time for an assessment to be made concerning any administrative problems which may be encountered in giving effect to the provisions of this legislation particularly in respect of items manufactured outside South Australia."

LAND FRAUDS

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

(1) Has he seen southern reports of land frauds involving three States, including Queensland?

(2) What investigations have taken place to detect whether the frauds have taken place in Queensland?

Answers:—

(1) "Yes."

(2) "This question should be directed to another Minister."

RIGHT OF WAY AT "STOP" SIGNS

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

(1) Has his department made a study of the traffic regulation in other States which provides that the motorist reaching a "stop" sign must give way to traffic from all directions?

(2) Does he intend changing the Queensland Traffic Regulations to bring them into uniformity with other States in this regard?

Answer:—

(1 and 2) "The question of a Major/Minor road system has been the subject of consideration by the Traffic Advisory Committee, a Committee constituted under the Traffic Act comprising the Commissioner for Transport, Commissioner of Police and Commissioner of Main Roads. Basically the question was originally one concerning the interpretation of the use of the 'Stop' and 'Give Way' signs but on a National level has assumed a broader aspect involving the general question of intersection control which includes traffic management, enforcement, attitude of the road user, etc. It is felt that Queensland must have regard to the broader aspects and any unplanned change would have serious financial consequences for State and Local Government involving a greater use of signalised intersection control to permit entry of vehicle into 'major' roads and the installation of additional traffic signs. It is agreed that the basic 'give way to the right' rule should be retained but perhaps modified. It is presently modified to some extent by the use of traffic signals and signs at individual intersections. The question of linking these intersections to create a 'major' road follows, but must be on a planned basis taking into account the costs and benefits to be derived therefrom, accident experience and expected reduction in accidents. The National Traffic Code on which all State legislation is based is formulated by the Australian Transport Advisory Council. As recently as Tuesday and Wednesday of last week, April 8 and 9, a special meeting of the Advisory Committee on Road User Performance and Traffic Codes was held in Canberra with representation of all States and the Commonwealth to discuss the complexity of intersection control and it is expected that a report will be made to the Australian Transport Advisory Council meeting in July suggesting a special study be made of all the problems associated with intersection control including the use of 'Stop' and 'Give Way' signs and their meaning."

DRUMMOND RANGE SECTION, CAPRICORN HIGHWAY

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

In view of the importance of the Capricorn Highway as a link between western areas and Rockhampton, is any work planned for the Drummond Range section?

Answer:—

"In view of the commitments to works on the Capricorn Highway which are considered to have higher priority and to which I referred in answer to a question from you on April 9, it is not likely that any work can be programmed for the Drummond Range during the next few years."

INLAND DEFENCE ROAD, CLERMONT–CHARTERS TOWERS

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

In view of the importance of the old inland defence road between Clermont and Charters Towers, particularly when the Bruce Highway is cut during flooding, is any bitumen surfacing programmed for this road, commencing north of Clermont?

Answer:—

"Although some preparatory planning work has been done on a section beyond the end of the existing bitumen north of Clermont, no work is likely to be programmed in Belyando Shire for construction next financial year and at this time it is not possible to say when it will be. Further north in Dalrymple Shire beef roads funds have been made available for construction of 45 kilometres of road between Mt. Douglas and the Cape River in the current three year program."

INTERPRETING AND TRANSLATING SERVICE

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

(1) Is he aware that the South Australian Government is establishing an interpreting and translation service?

(2) Does such a service exist in Queensland to do work for the various State courts and, if not, will he bring a service into being, along the lines of that brought in by his counterpart in South Australia?

Answers:—

(1) "Yes."

(2) "The Department of Justice has kept a list of interpreters mainly for the interpretation of documents and correspondence since June, 1971. The Police Department keeps a separate list for Court purposes and the questioning of suspects, witnesses and complainants."

Q.A.T.B. SUBSIDY

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

(1) As he made a statement at election time that the Q.A.T.B. subsidy would be increased from 75 cents in the dollar to a dollar-for-dollar basis, when will the promise be honoured?

(2) If he intends to include this promise in the next year's budget and as many ambulances are faced with onerous burdens of increased costs, is he prepared to consider retrospectivity in the matter?

(3) Is he regularly supplied with ambulance centres' statements of accounts and is he aware of their plight and dilemma?

Answers:—

(1) "The increase from 75 cents in the dollar to $ for $ in the rate of subsidy on endowable collections of the Queensland Ambulance Transport Brigades will, as promised, be applicable to collections as from July 1, 1974."

(2) "Provision for the increased subsidy will be included in the 1975–76 budget and, as I have already indicated, will be applied retrospectively to collections made since July 1, 1974."

(3) "I am aware that the Ambulance Service, like everyone else, has been severely affected by cost escalations. The Government's concern in this regard and its recognition of the valuable service rendered by the Ambulance Brigades is evidenced by the fact that endowment on collections made from July 1, 1974, will be double that which applied to collections made prior to January 1, 1972. This increase, coupled with increased collections by the Brigades, is expected to result in subsidies of $3·9 million on 1974–75 collections, or 325 per cent. of the subsidy of $1·2 million paid in 1971–72."

SOLICITORS TRUST ACT BREACHES

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

What are the names of the solicitors who were found guilty of breaching the provisions of the Solicitors Trust Act during the past five years?

Answer:—

"Where a solicitor has been convicted of fraudulently disposing of trust property his name would already have been made public. I do not propose to reveal the names of solicitors who have been late in lodging audits of their trust accounts in case it may be construed that they are guilty of malpractice."

FORM OF QUESTION

Mr. LINDSAY (Everton) having given notice of three questions—

Mr. SPEAKER: Order! I draw the honourable member's attention to the fact that he is not permitted to make a speech when giving notice of a question. I shall have a look at the final question of which he has given notice.

QUESTIONS WITHOUT NOTICE

PROPOSAL TO NATIONALISE UTAH COAL-MINING VENTURES

Mr. LANE: I ask the Premier: Has he seen this morning's Press reports to the effect that the Amalgamated Metal Workers' Union, of which Mr. Laurie Carmichael is secretary, has called on the Government to nationalise the Utah Development Company's coal-mining ventures in Queensland? Will the Premier play any part in such a proposal?

Mr. BJELKE-PETERSEN: Like the honourable member for Merthyr, I am a very staunch supporter of private enterprise. I believe in it. Thanks to it, this nation has grown and developed, and it has brought to the people the present high standard of living that they enjoy. We simply cannot see why so many members of the Opposition preach socialism.

Mr. Houston: You don't mind subsidies, though.

Mr. BJELKE-PETERSEN: The honourable member is dedicated to the socialist cause and policy. He nods his head. In the next State election campaign we will remind the people of his electorate that in this House he has declared himself to be a socialist.

Mr. Houston: Do you think it's a dirty word or something?

Mr. BJELKE-PETERSEN: I am not saying it is a dirty word, but I am sure that the majority of people in this nation believe in private enterprise.

Mr. Houston interjected.

Mr. SPEAKER: Order! On earlier occasions I have warned honourable members that I will not allow persistent interjections while a Minister is on his feet. The next member who interjects while a Minister is speaking will be dealt with under Standing Order 123A.

Mr. BJELKE-PETERSEN: Mr. Carmichael and people like him obviously fail to recognise the tremendous benefits that accrue to Queensland from the activities of a company such as Utah. Thousands of job opportunities have been provided, and millions of dollars have been spent by the company in the State.

It seems to be forgotten by some people that companies such as Utah comply with the laws and conditions laid down by the Government. As well, half their profits are paid to the Commonwealth Government by way of taxation. Some people fail to recognise these things. Utah is a great company and one that has made a wonderful contribution to the development of Queensland. I am thankful and delighted that it is operating within the State. It has meant so much to so many people by the creation of jobs and job opportunities. The royalties paid by the company to the Government have assisted tremendously in the development of Queensland's natural resources.

COMMONWEALTH FINANCIAL AID TO MAINTAIN EMPLOYMENT

Mr. HOUSTON: I ask the Deputy Premier and Treasurer: As he received $47,500,000 (which was $6,500,000, or 15.8 per cent more than he sought) to enable the State Government to keep employees at work until June 1975, why has the Government sacked Public Works Department employees? Is it that he miscalculated the amount required from the Commonwealth, or have the funds been mismanaged or used for other purposes?

Sir GORDON CHALK: It is true that the State received $47,000,000 from its approach to the Commonwealth in February. It is also true that that sum was greater than the one Dr. Cairns and I discussed when he visited Queensland. At the time the money was made available Dr. Cairns indicated that it was to enable the State to carry on to 30 June. The statements that have been made by other Ministers do not refer to immediate activities, but rather, as the Minister for Main Roads said in North Queensland, to the fact that unless there is a greater escalation factor in the financial assistance given to this State in the coming financial year there will be mass unemployment in many areas. The point is that the escalation figure now being used by the Commonwealth for the next financial year is 5.8 per cent. For the State to provide the same amount of work opportunity as at present, the escalation figure used must be over 20 per cent.

At meetings tomorrow the Premier and I will be having discussions with other Premiers of Australia (including those who represent the Labor Governments in South Australia and Tasmania) in an endeavour to ensure that the formula, firstly, for the new Financial Assistance Grants to the States includes an escalation figure that will take care of the inflationary factors affecting this State and the Commonwealth.

The honourable member asked why it is necessary to refer to certain dismissals that are taking place in the Works Department. Like any other big undertaking, the Works Department is subject to seasonal activity. I forecast that the number of men who will be employed in the Works Department at the

end of this financial year will be greater than the number employed at that particular time last year. Men are employed in the Works Department in various localities when there is a demand for their services. I refer to this work as seasonal, but that might not be quite the correct term. However, as certain jobs are completed, then men are paid off.

RAILWAY TIME-TABLES

Mr. JONES: I ask the Minister for Transport: Why has the issue of a comprehensive suburban railway time-table been discontinued? Is he aware, for example, that four separate folders—for the Petrie, Northgate, Shorncliffe and Pinkenba lines—now have to be perused in order to ascertain the time-table between Eagle Junction and Central Station? For travel beyond Central Station, is he aware that no Ipswich time-tables are available at Roma Street, Central Station or anywhere else on the north side? Will he have the matter investigated and reviewed to avoid such inconvenience to the travelling public?

Mr. K. W. HOOPER: In reply to the first part of the question—investigation revealed that it was more appropriate to have the smaller type of time-table produced, and it has proved to be very effective. As a matter of fact, the department has received many letters of praise for the introduction of this type of time-table.

In reply to the second part of the question concerning the non-availability of time-tables for the Ipswich line—I certainly will make an urgent investigation of the situation.

CITY OF BRISBANE TOWN PLANNING ACT AMENDMENT BILL

INITIATION

Hon. A. M. HODGES (Gympie—Leader of the House): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the City of Brisbane Town Planning Act 1964-1974 in certain particulars."

Motion agreed to.

MARGARINE ACT AMENDMENT BILL

INITIATION

Hon. A. M. HODGES (Gympie—Leader of the House): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the Margarine Act 1958-1974 in certain particulars."

Motion agreed to.

AUCTIONEERS AND AGENTS ACT AMENDMENT BILL

INITIATION

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

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the Auctioneers and Agents Act 1971-1974 in certain particulars."

Motion agreed to.

NATIONAL PARKS AND WILDLIFE BILL

INITIATION IN COMMITTEE

(The Chairman of Committees, Mr. W. D. Hewitt, Chatsworth, in the chair)

Hon. K. B. TOMKINS (Roma—Minister for Lands, Forestry, National Parks and Wildlife Service) (12.13 p.m.): I move—

"That a Bill be introduced to provide for the appointment of a Director of National Parks and Wildlife and his powers, authorities, functions and duties and for matters incidental thereto."

The Government has found it necessary to create a single organisation to co-ordinate, manage, administer, create and protect the maximum number of areas including animals and plants of the State for the enjoyment by the people and future generations. The Bill deals with wildlife conservation as well as national parks and environmental parks. The term wildlife covers fauna, wild flowers and native plants.

As honourable members are aware, the control of national parks is vested in the Conservator of Forests under the Forestry Act, and the conservation of fauna and native plants has previously been administered by the Department of Primary Industries under the Fauna Conservation Act and the Native Plants Protection Act. The Forestry Act is presently under my jurisdiction, as is also the control of environmental parks under the provisions of the Land Act. Thus it can be seen that the administration of the conservation of natural areas in the State, including animals, plants and places of scenic beauty, is fragmented. There is need of a single controlling authority so that administration and planning may proceed in a united, orderly and effective manner. The amalgamation of governmental functions hitherto administered by separate departments requires this brief enabling Act to join these scattered activities under the one authority of a National Parks and Wildlife Service directly responsible to me as Minister.

This Bill, therefore, is an interim measure designed first of all to provide for the appointment of a Director of National Parks and Wildlife under whose guidance a separate administration will be established. The provisions of the Bill will form the

basis for a suitable director to initiate planning, staffing, accommodating and equipping of a service and to design eventually further consolidated legislation for consideration of the Parliament.

The Bill sets out the officers presently involved in the administration of national parks, fauna conservation and environmental parks whose powers, functions, authorities, duties and rights have interchanged and vests in a director the functions previously held by the Conservator of Forests, the Conservator of Fauna, the Under Secretary of the Department of Primary Industries and certain officers of the Department of Lands.

The new organisation will be financed in the same way as other service departments—directly from Consolidated Revenue. This will ensure that accounting procedures are consistent with those normally adopted for service departments of this nature.

Provision is made for the Minister or the director to delegate powers and for the protection in the normal way of the Crown, the Minister and officers on account of anything done for the purposes of the Act.

This measure is not out of step with events occurring in this field in other countries and States of Australia and, in fact, follows closely the experiences and procedures of other authorities where the alliance of all things considered necessary to be dedicated to the people for their benefit education and enjoyment, under one administrative organisation, has proved so successful.

I am confident honourable members will recognise the step forward that has been taken by the objectives of this Bill, namely, the combination and creation of an administration of national parks and wildlife under a Director of National Parks and Wildlife as a separate entity.

I commend the motion to the Committee.

Mr. BURNS (Lytton—Leader of the Opposition) (12.17 p.m.): The Opposition supports the introduction of the Bill, which provides for the creation of the position of Director of National Parks and Wildlife within the Lands Department, at a fortnightly salary, I understand, of $704.50. I suggest that, in fixing that salary, the position has been derogated, because the persons occupying similar positions in Victoria and New South Wales receive salaries far in excess of that which the Government has already advertised in this State.

In supporting the introduction of the Bill, members of the Opposition hope—not confidently, I am afraid—that the appointment will herald a new appreciaion of conservation and environment within the Government.

I was surprised indeed that the Minister, in his brief introductory speech, did not detail the powers and responsibilities of the director. It is a curious and contemptuous circumstance that this position was advertised in the Queensland Government Gazette on Saturday, 12 April, although legislation for its creation did not appear on the business paper of this Assembly until Wednesday, 16 April. In a typically arrogant fashion, the Government has advertised and proceeded with an appointment to a position that this Parliament had not been asked to approve and which, legislatively, until the Bill is passed, does not exist. This chain of events arouses suspicion that the appointment could be a hand-picked fait accompli, designed for propaganda appeasement rather than conservation realism.

The proposed Bill now being considered by the Committee is presented by a Government that is intolerant, inconsistent and unsympathetic towards conservation, environment or preservation. The new director will have a tough job. Virtually every conservation controversy that has arisen in Queensland has occurred in the almost seven years since the present Premier assumed his high office. For example, never before had the Great Barrier Reef been threatened with oil drills. I understand that marine parks will not come under the control of this one all-encompassing department. Never before was beautiful Cooloola, with its internationally unique coloured sands, jeopardised by the miners.

I wonder how difficult a job the new director will have in endeavouring to get the Government to adopt a realistic attitude to that question. I understand that the officer presently carrying out conservation duties has not much chance of getting the job because he has been a little too much on the side of the conservationists.

The Federal Minister for the Environment and Conservation has ordered an inquiry into Fraser Island but, apparently, mining will proceed in the interim.

In 1969 the Minister for Mines in this Parliament said in answer to a question that the Moreton Island committee consisting of top public servants had recommended that mining for mineral sands be allowed to proceed in certain areas on Moreton Island. Right now we have a completely different attitude, but I wonder how long that will last.

I wonder how difficult a job the new Director of National Parks and Wildlife is going to have in trying to continue this new-found interest in conservation. One has to walk through mining leases to get to the national park on Moreton Island. The director will find himself in control of a Moreton Island national park that is surrounded by sand-miners; the national park does not even reach the beach.

A matter that was reported in the Press on 11 November 1974 is another indication that the director will have a difficult task. I refer to Weymouth Holding in the Cape York Peninsula, which was described by the Government's own Forestry Department as being of international importance. To

acquire that unique State resource, the director will have to convince the Government that it should compensate the Danish millionaire who owns it or wait 20 years for his lease to expire. If "The Australian" is to be believed, that portion of the Iron Range district is one of the largest areas of undisturbed lowland rain forest left in Australia. The director will have a formidable task indeed.

According to the "Telegraph", last year beautiful areas around Little Yabba Creek, near Kenilworth, were cleared behind the backs of conservationists. It will be the director's job to protect such areas. On 5 March "The Courier-Mail" reported the addition of 12,141 hectares of forest country to the national parks system in the Iron Range region of Cape York Peninsula. The report stated—

> "No logging would be permitted on the timber reserve, but the area would be subject to further mineral investigation —and possible extraction—before being committed as a national park."

The new director will find that he is taking over a policy of conservation in the wake of destruction and as the futile afterthought of profit and development. I hope that the position we endorse today will bring to the Government a reality of preservation; but I do not envy the man who gets the job.

The new National Parks and Wildlife Service will be within the Lands Department. I understand that marine parks are being transferred to Fisheries. Already we have a Conservation Department and an Environment Department and now, according to reports, the Premier plans to ursurp this conglomeration of Cabinet responsibility and, through his monthly TV show, establish an expensive instant image of himself as a conservationist. On 1 April 1975 he announced a proposed new body for national parks and wildlife and "The Courier-Mail" reported—

> "The Queensland Government will form a National Parks and Wild Life Service in a new boost to conservation."

"The Courier-Mail" reported the Premier as saying—

> "I've put a good deal of time in the last month into gettting it under way.
>
> "Applications will be called for a director for the service."

So the Premier takes over control of this department. He announced the decision on the new appointment that we are debating today. I sincerely hope that the appointment will mean something more than a decoration for the Premier's profile-making. In view of his Government's record, it is incredible that he should risk exposure on conservation, let alone promote himself as a conservationist. Attempting to portray himself in such a role would be akin to campaigning for life membership for Bob Santamaria in the Communist Party.

In addition, the new director must contend with the Minister for Mines, who has warned conservationists that the Government will not be swayed by pressure groups. The Mines Minister has told those groups that they should decide what they want to save before his Government announces what it is going to destroy. His concept of conservation, which will run in conflict with the new director, is a Mitsui mining lease, a Utah profit sheet or a busy bulldozer.

That is the sort of problem the director will run up against. If his powers are not prescribed in detail he will have a very difficult task. To be effective he must be given real powers of recommendation, and not allowed to vanish into obscurity or environmental post-mortem after the Premier has completed his television, radio and newspaper image-building of the next few weeks. To be effective he must eradicate the destructionist views that are deeply entrenched within the Cabinet, which will preside as his master. To be effective he must be able to influence the Premier to continue his new-found interest in conservation and to be genuine about it.

Last month the Premier, in his propaganda campaign, talked about transport. Now his new kick is conservation and the environment. I quote from the text of his next extravaganza. This is the Premier speaking in advance—

> "Queensland has the greatest variety of national parks in the world. We have desert, jungle, coral islands, the highest sandhills on earth, volcanic lakes, mangroves, etc.

The Premier is the man who wanted to drill the Great Barrier Reef, mine Cooloola and mine Moreton Island. Now he has changed his mind.

Mr. Jones: The last of the great conservationists!

Mr. BURNS: That is right.

If the Simpson Desert is excluded, the area of national parks in Queensland represents 0.34 per cent of the total area of the State. The Labor Party's policy is that 5 per cent should be set aside as national parks, and even that is small when compared with the United Nations' recommendation of 10 per cent.

Recently the Minister, in answer to a question that I asked, informed the House that 2,760,000 acres, representing 0.65 of the area of the State, are declared national park. In New South Wales, 4,000,000 acres, or 2 per cent of the total area of the State, are national park. As I say, if the Simpson Desert is excluded, the area of national park in Queensland is small by comparison.

In his pre-election speech the Premier said that his Government would continue its vigorous policy of extending the State's national parks. It is interesting to note that in reports submitted by his own department mention is made of the fact that over the past three years there has been a dramatic fall-off in the percentage growth of national parks.

I am fearful that the new section over which the new director will rule will be the propaganda pet or the publicity toy of the Premier. The new director, whose office will be confirmed by the Bill, faces a discontented, disillusioned national parks administration within the Government.

I have with me a petition signed by the staff, which points to the ignoring of their advice. Indeed, they complain of the lack of interest to seek it. The petition, signed by the expert staff, reads, in part, as follows:—

"It is desired to seek your concurrence to making an approach to the Honourable the Minister in the interests of the future of National Park administration in Queensland and our professional future as officers in the Public Service.

"It is public knowledge that a National Parks and Wildlife Service is to be established. It is known to us on a confidential basis as officers of the Department that Cabinet has approved the introduction of legislation to effect such establishment.

"Beyond that two factors emerge—

(a) There are many rumours circulating which if proved correct would give cause for concern both as to our professional careers and the future of the administration of Queensland National Parks.

(b) To date there has been no involvement of National Parks staff in supplying the basic information which would determine the broad requirements of a National Park administration separate from the Department of Forestry."

A month ago the Premier announced that this Bill would be introduced, and since then the position of director has been advertised in the Government Gazette. Yet in preparing the material for presentation to Parliament the Government did not turn to the national parks staff for information.

Mr. Tomkins: That's not quite right.

Mr. BURNS: The staff appointed four of their number to wait on the director as their spokesmen. A large number of the staff signed the petition, and I have no doubt that the Minister has read it. He would know that the sentiments expressed in the petition are those of the staff. The petition clearly indicates that the staff are discontented.

I want to embody these portions of the petition in "Hansard" because they reveal the attitude of the staff, who, to some extent, have a slap at conservationists.

The petition continues—

"Contrary to the apparent opinion of many conservationists, the management and administration of National Parks is a highly complex and specialised field calling for particular skills and extensive experience. A body of such skills and experience exists in the National Parks Branch, in conjunction with knowledge of Queensland and Queensland's particular requirements which could be used as a basis for determining an organisation best suited to Queensland.

"It is therefore desired to approach the Honourable the Minister with a request that he advise you and through you, National Parks Branch staff, on a strictly confidential basis, what information he feels at liberty to disclose concerning developments to date and proposed developments, and that he give consideration to allowing National Branch staff to submit—

(a) basic data on the Queensland situation with respect to National Parks;"

Surely that would have been considered in creating the new position. It goes on—

"(b) an outline of the requirements for organization, etc., that would appear to be necessary if transferred from the Department of Forestry.

"In the hope that you are prepared to consider this action we have appointed four members . . ."

The names of those four members are set out, but I do not intend to mention them; it would not be fair to them.

The point I am making is that the Premier, who has a history of adopting anti-conservation stands—and who leads a Government whose Ministers make continual attacks in this Chamber on conservationists—has declared his intention of creating a National Parks and Wildlife Service. He has proclaimed himself to be a new-found conservationist. He has said that he will save Moreton Island, in spite of the fact that in 1969 one of his Ministers said that the Government would allow the island to be mined.

After all those decisions we are to have a new director and a new department, but the Government has not even consulted the present staff, the people involved in the profession, the people whom the Government believe to be experts or it would not have hired them. The new director of this new Government artery inherits an unhappy, dissatisfied predecessor—a non-consulted predecessor—before his position is confirmed. Even before the Public Service Board finalises his appointment we are aware that there is discontent. We have a Premier who, through lavish advertisement at public expense, seeks a new political destiny every four weeks. This month, presumably, is national parks month or conservation month.

I could continue at length in that vein, but I shall deal with the problems that we experience as supporters of national parks in Queensland. I could talk about Cooloola, letters from the Noosa Park Association and others in reply to which the Premier said on 1 May 1973, "I certainly would not agree to mining there if the coloured sands were affected." On 3 May 1973 the Government gave conservationists an assurance that a man would be stationed on the spot for from 12 to 18 months to watch the mining. We accepted an assurance from the managing director of Cudgen R.Z. Ltd., (Mr. Cox), that the company would relinquish the leases in 18 months. The company is still mining there. This is a problem that the new Director of National Parks and Wildlife will have to face.

The 18 months have passed and the company's assurance has been broken. A departmental officer sat on the beach for a while as the Government's representative and was then withdrawn. In the light of what has happened, any director who is appointed will require a very strong back-bone to carry out his job effectively. I am told that the officer currently carrying out conservation duties will not get the job. He is said to be too emotional, too involved and too concerned about national parks. If we do not appoint such a man as director, with sufficient power to stand up and fight the Government on these issues, national parks will be mere playthings, more toys to be pushed aside after Press statements or headlines have been made on them.

As the Minister said, national parks in Queensland are administered by the Department of Forestry under the Forestry Act, which states—

> ". . . the Governor in Council may from time to time on the recommendation of the Conservator of Forests by Order in Council set apart and declare as a National Park any Crown Land or Timber Reserve which he considers to be of scenic, scientific or historic interest."

The Act provides that no recommendation should be made except under and in accordance with the following procedure:—

> (i) If the Conservator of Forests considers any area should be set aside as a National Park then he should refer the matter to the Land Administration Commission for advice as to whether it concurs with the making by the Conservator of Forests of a recommendation that the land be so set apart;
>
> (ii) Where the interests of another department of the Government of the State are affected by the proposal then the Conservator of Forests must ascertain the views of that Department.

The new director will have to implement the Forestry Act which, in section 24(3) states—

> "No recommendation for the setting aside of land situated on a goldfield or mineral field shall be made without the approval of the Minister for Mines."

Any decision of the new director may be overridden by the Conservator of Forests, the Land Administration Commissioner or the permanent head of any other interested department who advises that he does not concur with the recommendation of the Conservator of Forests to set aside an area as a national park. In those circumstances, the Minister may refer the matter to the permanent head of the department and the Conservator of Forests for joint investigation.

If we are to have a man in whom the people of this State can have faith—the people of this State who fought over Cooloola, Moreton Island, Weymouth Holding and Mt. Etna Caves and on behalf of other groups who want national park areas set aside—the first thing we should determine is not who the director is to be, but what sort of power he should be given to stand up to departments with competing interests. That is one of the major problems that he will face, and it is a major problem faced by the conservation movement.

When we want parks, even in Brisbane, someone else wants development. When we wanted Moreton Island set aside, someone else wanted to mine it. When we wanted the Mt. Etna area set aside, someone else wanted to mine the limestone. We always have competing interests. The new director must have power, and his Minister, too, must have power to stand up for him in Cabinet, otherwise we will have the same results as in the past; national parks will be relegated to areas like the Simpson Desert which no-one wants for developmental purposes and thus will not cause interdepartmental problems.

Mr. McKECHNIE (Carnarvon) (12.35 p.m.): I support the measure, and am pleased to hear that it has the support of the previous speaker, the Leader of the Opposition. It was refreshing, I must say, to see him read his speech from newspaper clippings rather than Trades Hall material, as he usually does.

It is important for the Minister to upgrade the standing of our national parks and for people to be able to use their leisure time in a way that helps them get back to nature. Farmers are fairly conservative, and I think one reason is that they are close to the soil. I have encountered many city people who love to get out and walk in national parks and get back to nature.

I was amazed to hear the Leader of the Opposition say that the powers of the director are not outlined. The Minister has

already said that provisions of the legislation will form the basis for a suitable director to initiate the planning, staffing, accommodating and equipping of a service and to design and eventually further consolidate legislation for consideration by the Parliament. It is for that reason that the Minister is trying to seek out a suitable man to fulfil this important post.

Mr. Burns: They have picked him already.

Mr. McKECHNIE: The Minister is seeking a person who is competent to advise the Government on what sort of department it should be.

Sometimes when driving about my electorate I am reminded of India. It is important to have conservation; but it is more important that it be balanced conservation. In India the cow is sacred and it is against the religion of that country to shoot them. In Australia, we are approaching that stage with kangaroos. Nobody who has seen the havoc being wrought by kangaroos on properties in my electorate would think that they were being shot out. Some years ago 1,000 kangaroos were shot on my father's property in one winter—1,000 on 8,000 acres! How is man to produce food for a hungry world when that situation exists? In my electorate people are struggling to make a living on orchards while wallabies destroy their young plum trees. Surely that is unbalanced conservation.

Conservationists go out in the heat of the day and say they have seen no kangaroos. The kangaroo moves about not at that time of day, but in the early morning and late evening. I can assure those who feel that the kangaroo is being shot out that that is not so. It will be the job of the new director to advise the Minister on balanced conservation.

When I went up North seven years ago, I could ride all day and not see a kangaroo. When I left, after the dingo had been destroyed, kangaroos were in mobs of 20 or 30. That country is too rough for them ever to be shot out.

Because of the need to have conservation balanced between, on the one hand, the protection of animals that we like to see and that have something to contribute to our leisure time and the nation's ecology and, on the other hand, the production of worth-while goods, it is important that we appoint a man who is not biased. I heard the Leader of the Opposition say that the appointee has already been selected. I do not think he has. For the reasons I have outlined, I would not like to see somebody from the fauna section of the department become the director. Similarly, I would not necessarily like to see someone from the Forestry Department. I think it must be someone who can stand between the two sections and arbitrate on what is best for the State's production and what is best for conservation.

I inform the Leader of the Opposition that this Government is continually increasing the number of national parks in this State. Negotiations are in hand at the moment to make two more areas of land available as national parks in my electorate. This poses problems, too. The Leader of the Opposition always claims that we are not doing enough for local government. Do not forget that in making more land available for national parks, local government loses some rateable land. Perhaps the Minister should consider whether local government should be reimbursed for the rateable land it loses in the creation of national parks.

The reason why we need so many national parks is that people are sick and tired of being shut up in the city. They like to get out and walk in the fresh air. Perhaps the Government could do more to decentralise industry. If it did, the parks in and around Brisbane might be large enough to cater for those who wish to remain in Brisbane. People should get out into the fresh air of the wonderful West and the beautiful range areas that Queensland is fortunate enough to have.

The Leader of the Opposition said that the director's salary is not as high as it is in other States. A salary of $704.50 a fortnight has been mentioned. I think that is high enough. Too many people in Queensland are having to battle to earn a living, particularly the primary producers in my electorate, so I am not in favour of creating new positions with exceedingly high salaries. I consider that $704.50 a fortnight is sufficient.

I suggest that the Minister now has a perfect chance to do something constructive about decentralisation. He is virtually forming a new department by amalgamating sections of other departments. Why must the new department be established in Brisbane? Why not set it up somewhere outside Brisbane? In this way the Government would do something worth while in making decentralisation a reality rather than simply a policy.

I have nothing further to add except to support the Minister and to congratulate him on bringing this Bill forward.

Mr. AKERS (Pine Rivers) (12.42 p.m.): I wish to speak briefly to the Bill. I strongly support its introduction. Our present national parks administration is far from adequate. As an example, I cite the dreadful sky-blue shelter shed and toilet block on the top of Camp Mountain. This and the road associated with it cost the Government in the vicinity of $50,000.

A national park in the true sense must be developed in accordance with a master plan, not with a piecemeal approach of this type. I fervently hope that the new service will be given the necessary power to fulfil its

potential. When I read of the salary mentioned by the Leader of the Opposition, which is to be of the order of $18,000 a year, I became worried. I believe that this low salary level indicates that the director will be the head of a section and not the head of a department.

The director must have direct access to his Minister, not be required to proceed through another person who may have a conflicting interest. For example, the interests of the Forestry Department and the National Parks Branch are not always compatible. Another rumour that is circulating is that marine parks will not come within the jurisdiction of this service. Again we will have a conflict of interest if marine parks are administered by, say, the Fisheries Branch, as it has a vested interest in productivity. Furthermore, there would be conflict and duplication of administrative staff where a national park, such as the one on Heron Island, was surrounded by a marine park. A very expensive boat was purchased recently, and it is to be based on Rosslyn Bay. It would have been much better if its capital cost could have been spread over the administration of both marine and terrestrial parks by having them under the one control.

The rumour to which I have already referred is strengthened by this part of the Minister's speech—

> "The Bill sets out the officers presently involved in the administration of national parks, fauna conservation and environmental parks whose powers, functions, authorities, duties and rights have interchanged and vests in a director the functions previously held by the Conservator of Forests, the Conservator of Fauna, the Under Secretary of the Department of Primary Industries and certain officers of the Department of Lands."

I ask the Minister to say when replying whether marine parks will be included in the organisation proposed.

The service will, I hope, have power to determine a full range of uses of national parks. I believe that the parks should range from the wilderness fauna-reserve type of park, to which there is virtually no right of public access, through larger parks where recreation is allowed but is not the dominant use, parks with areas of interesting natural features and of which recreation is at least 50 per cent of their use, parks of multiple uses—such as forestry, watershed management and bee-keeping, as well as recreation—to areas that are purely recreational or historically and culturally significant. I believe that such areas must be covered by a master plan for the whole of Queensland. One hopes that the director will be able to put these matters directly to his Minister and thus to Cabinet so that decisions are made at the very highest level.

Mr. DEAN (Sandgate) (12.47 p.m.): I give my full support to this new legislation. However, I was most surprised at the Minister's brevity when introducing such an important Bill. On glancing through his speech and the notes that I made whilst he was speaking, I am amazed that he did not make greater play on it and enlarge on the importance of the move.

I agree with my leader that the director will need great knowledge and wide experience if he is to do his job efficiently. Those presently engaged in the administration of national parks and wildlife services are very well qualified for their work, and over the years they have done an excellent job. I know some of them personally, and I know their dedication to the job in hand. One may therefore ask why it is thought necessary to set up another section to carry out this work. The director will need a staff, and, before we know where we are, we will have another Public Service department set up.

I believe that given the necessary powers to enforce the law, the present staff at adequate strength could do a very effective job in protecting national parks and wildlife. Unfortunately, there has been a shortage of staff for the work, and the director will find himself in the same position if he is not given sufficient rangers to police this legislation—and it will need to be a very large staff for a State the size of Queensland.

It is most important, of course, to provide very severe penalties and to ensure that the law is enforced. One hears from time to time of very severe penalties imposed in other countries, and in other States, on people who have interfered with fauna and flora. In some places, if even only one flower is taken, or one native plant is destroyed, a very heavy penalty is imposed—and so it should be.

Mr. Moore: Dreadful! It should be the death penalty!

Mr. DEAN: I could be very unkind if I took up the honourable member's interjection and told something that I know; but I will not embarrass him.

Whether the remuneration is regarded as being too high or too low, it is no good appointing a director without giving him power to enforce his directions. Will his powers extend throughout the State—not only to country areas in which there are some very valuable parks and wildlife but also to Greater Brisbane? I sincerely hope that there will not be any division of power so that later we will be told, "Oh, that matter comes under the jurisdiction of the Brisbane City Council." The council has very limited resources and powers to enable it to police effectively the national parks and reserves within the Greater Brisbane area. As you know, Mr. Hewitt, there are many Crown reserves in the Greater Brisbane area,

some of them in my electorate. I refer to them as national parks; I think they are designated as national parks. They have been placed under the control or trusteeship of the Brisbane City Council. The Redcliffe City Council faces similar problems on the peninsula.

I hope that the powers of the director will be all embracing and he will be able not only to deal with places 100 miles or 1,000 miles from Brisbane but also to protect the parks in this city of 800,000 people, many of whom from time to time enjoy the benefits of open-air life. Not far from this building are the Botanic Gardens, some 50 acres in area. To me, that seems a lot of land; but to members of the National Party and other people living in country districts where large areas of land are common, it is only a small area. Nevertheless, it is very important to the 800,000 people who live within the boundaries of Greater Brisbane, and I sincerely hope that the director will have power to control and protect the gardens. Perhaps the Minister will indicate in his reply what is to happen to the Botanic Gardens and the bigger Brisbane parks, many of which are in your electorate, Mr. Hewitt.

Fraser Island and others farther up the coast will come under the director's surveillance, and it is to be hoped that the islands in Moreton Bay will come under his jurisdiction and protection, too.

Mr. K. J. Hooper: What about the Samford Valley?

Mr. DEAN: The Samford Valley is much larger than the areas I am referring to at the moment, and it is outside the Greater Brisbane area.

Mr. Moore interjected.

Mr. DEAN: I say to the honourable member for Windsor that I am pleased that not all honourable members have the outlook of Queen Street land and real estate agents. Fortunately, many members representing metropolitan electorates are interested in the great country in which we live, and in national parks in particular.

The brevity of the Minister's introductory remarks prevents members from wandering too far, Mr. Hewitt, and introducing subjects for which you would call them to order. I hope that the Minister will give us a little more information on the second reading, because I believe we should all be told the powers of the director and of the officers he appoints—and I hope he appoints many—to carry out his directions.

Mr. SIMPSON (Cooroora) (12.54 p.m.): I support the appointment of a Director of National Parks and Wildlife and I commend the Minister for making this move. Queensland is blessed with natural resources that are still untouched, and population and other pressures have not caused the destruction and damage in this State that they have in other parts of Australia. It is therefore important that the various departments be grouped together under one administrator. This interim move is an administrative way of ensuring that the best structures can be formed to provide national parks for the good of people in this State.

In recent years we have heard a lot of emotional talk about national parks. Some see certain national resources being destroyed, and fear that they may all be destroyed. At a time like this we must realise that the people of Queensland and, indeed, other peoples of the world, have a right to enjoy the natural phenomena that God put on this earth. We must be aware that man's first right on this earth is enjoyment of that which is around him. With that in mind I say that the most important task of the department in future will be ensuring proper use of the parks by setting up a system under which people can enjoy them. It is no use denying access to an area just because it is in its natural state. That raises the point of the productivity that we can expect from national parks. I refer to it as "productivity" because we are really talking about the land use of national parks and the therapy for people who will enjoy visiting national parks, particularly those who live in cities for economic and production reasons, and who need such therapy to balance their way of life. The usage of national parks should be the criterion on which we judge their productivity.

The response to national parks will vary. At one end of the scale there will be the scientists who will want to crawl along on their hands and knees to study insects, plants and animals. Included in that group will be students who wish to broaden their knowledge for, I hope, the good of mankind. Most of those who visit national parks will be in the middle of the scale. They will be those who are curious and enjoy nature—people who will enjoy going through national parks as part of their holiday recreation. National parks should be readily available to those people, but the parks should be controlled in such a way that they are not allowed to deteriorate to the point where they cannot continue to provide the same enjoyment. At the other end of the scale will be the tourist types who want to be spoon-fed—there are a lot of them in the community—and who will need motel, hotel and other facilities in the parks. Strict control of the natural resources will be necessary so that the pressure of numbers does not jeopardise the naturalness of what is being preserved in national parks.

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

Mr. SIMPSON: We have established that the first criterion is the availability of parks for use by the people. Next we need to exercise control over those parks so that they will not be allowed to deteriorate in the future. We also need to determine what should be embraced within the area

of a national park. I consider that the only national parks that are presently being properly utilised by the people are the beaches. I do not know whether the Bill provides for their amalgamation, but I certainly hope it does. I should also hope that it provides for the amalgamation of marine national parks.

Obviously problems will arise in the amalgamation of land and marine national parks; nevertheless control over these delicate areas should be such as to ensure that our beaches are properly used and the frontal dunes are adequately protected. The people are entitled to receive the full benefit from such areas; this adds to their enjoyment. It is totally wrong to close off from the people large areas of land that retain their natural beauty.

In determining the area of a national park, we must allow for a safety margin over and above the requirements of the public. Mention has been made of a nominal 5 per cent of the area. But I believe this bears no relationship whatever to the needs and requirements. And, after all, they should be the first criterion, not a percentage basis. As I say, a safety margin must be allowed to meet future requirements.

Quite often a conflict arises between national parks and mining. It is important to realise that the Government is called upon to honour agreements reached in the past. It behoves us as parliamentarians to negotiate with mining interests with a view to providing them with alternative areas. If it is found that mining has a severe detrimental effect on a certain area held by a mining company under lease, the Government should cancel the lease and pay compensation to that company in the normal way.

It should be useless for people to demonstrate and wave flags in protest.

The Government can, of course, obtain revenue from national parks by permitting limited use to be made of them by tourists. Before lunch I referred to therapy for the people as distinct from the needs of the people. No doubt tourists receive a great deal of satisfaction and enjoyment from visiting natural areas.

Finally, I commend the Minister on his introduction of this interim measure. I wholeheartedly support it, and stress the need to appoint as director a strong man who will ensure that the State gains from the productivity of national parks, bearing in mind at all times the good of the people.

Mr. LAMOND (Wynnum) (2.20 p.m.): I am pleased to support the Bill.

The CHAIRMAN: Order! This is the honourable gentleman's maiden speech. I ask the Committee to extend to him the usual courtesies.

Mr. LAMOND: Thank you, Mr. Hewitt.

I was pleased to hear the comments of previous speakers. While in some ways they may have departed from the measure, it can be accepted that, in principle, their intention was to support the proposals as outlined by the Minister.

We require not only a director but also an intelligent, thoughtful approach to the problems that will confront him. I believe in conservation by education rather than conservation by the imposition of penalties which so frequently follow such legislation. Penalties will not achieve what we require. All too frequently people placed in such positions feel that they have a responsibility to penalise others who are trying their utmost to enjoy a heritage which is naturally theirs. In dealing with conservation and preservation, we must approach the problems in such a way that the people of the State become the keepers of the future. To do this our methods must be very intelligent and, in all ways, we must concern ourselves with introducing intelligent legislation rather than placing demands on people and creating situations that are untenable.

Recently, at a standing environmental committee hearing, the Director of Fauna Rangers, Mr. Charlie Roff, was asked whether he thought that there were enough rangers in Queensland. He replied in the negative, adding that he felt it was essential that there be one ranger to each fauna and flora area. He then said, "These officers are called on to educate policemen and various other people such as wardens who are called on to administer this law and educate others in its enforcement." Once again we get back to my point of education. Since the early 1960's I have been honoured to hold the position of honorary ranger. I have taken my appointment quite seriously as I feel that too often people enter areas and destroy both flora and fauna without regard to the fact that they are damaging their environment and their heritage.

We must give serious thought to the appointment of this officer and of the people who are to serve under him. Frequently I hear conservationists say, "Let us turn this area into a national park." I feel that I am a conservationist, but before designating an area as a national park we must look at the implications involved. National parks remain in their natural state for ever and a day without any harmonious development which should not affect the advantages offered by a national park. Legislation relative to national-park demands should be tempered with good, intelligent planning.

An earlier speaker said that the legislation should cover marine areas. I think it is intended to cover them. At this stage marine areas are too frequently abused by those who have the privilege of using them. An area such as Moreton Bay has ample room

for all those who wish to enjoy it. As well as catering for commercial fishing and associated industries, it provides an area of recreation for many inhabitants of Brisbane and southern Queensland. When the director and his officers are appointed, they should give thought to the use of Moreton Bay in drafting their recommendations to the Minister on the form of control for that area.

That type of thinking should apply throughout the entire field of conservation. I suggest, for example, that we create anglers' reserves (based on those principles we talk so much about in regard to national parks), areas for net fishing and fish habitats. That situation presently applies to most areas along Queensland's coastline, but unfortunately it seems to have just happened rather than to have been planned. In every area there is a place—and a very definite place—for each of those sections to live in harmony and to be as productive as we would desire.

This type of thinking can apply throughout the entire field of flora and fauna control. The point I wish to make, quite simply, is that with intelligent thought and education we can present to the people of our State a form of legislation that will be to their benefit rather than to their detriment. Too frequently rules are made necessitating a cure rather than preventative action. For instance, problems on our roads today quite often could be mitigated by education. So it could be with all sectors of our normal community living. I trust—and I hope that our Minister will have this in mind when he drafts the final legislation—that this will be legislation for the benefit of those people interested in conservation and preservation, also, that it will be legislation by education rather than by penalty and there are sufficient rangers appointed in all fields to protect those aspects which, as I said earlier in my speech, are the heritage placed in our care for future generations.

Mr. WRIGHT (Rockhampton) (2.28 p.m.): Those of us who have studied public administration will appreciate the difficulties of a Government in deciding how best its functions can be administered. Many different views are held, and we have had a lot of confrontation in this Chamber as to whether control should be decentralised or centralised. The further dilemma arises as to whether there should be generalisation or specialisation. I am very pleased that the Minister has made some comment on this. We have the dilemma in other departments, too. We have heard members say that the Education Department and the Health Department should have their own works sections, whereas the Opposition holds to the policy of having a general works department.

The same principle arises in the administration of conservation. This is an excellent example of a function of government which cuts across many portfolios. The Minister said—

> "As honourable members are aware, the control of national parks is vested in the Conservator of Forests under the Forestry Act, and the conservation of fauna and native plants has previously been administered by the Department of Primary Industries under the Fauna Conservation Act and the Native Plants Protection Act."

We have highlighted one of these difficulties, and I think therefore that members of the Assembly will agree that the time has come to support the Minister when he says there is a need—

> "to create a single organisation to co-ordinate, manage, administer, create and protect the maximum number of areas . . . of the State for the enjoyment by the people and future generations."

There is certainly a need to create a single organisation, and it is on this principle, first and foremost, that I support the measure before the Committee. The Minister pointed out that many departments handle various areas of administration. The Forestry Department and the Department of Primary Industries have handled different aspects of this matter, but local authorities have some control over noise pollution and water pollution, too. I hope that this will be only a first step and that eventually a real authority will be established to meet the full conservation needs of the State.

The Minister said there is a need for a single controlling authority. He went on to talk about administration, management and planning. This Bill purports to set up only a director, whose major task will be to develop a suitable infrastructure to carry out that management and planning. It is a huge task for one man. I often feel sorry for the Director of Sport with the dilemma facing him because he has such a small department or infrastructure supporting him.

I suggest that, in this first step, the Government has an ideal opportunity to be progressive, radical and innovative in its planning. A previous speaker spoke of setting up a department. Let us not make this just another department. Here we have an excellent opportunity to encourage maximum community participation. We do not want any more bureaucracy. Already the public are concerned at the number of Government servants and the octopus image of the bureaucratic organisation in this State and nation. We need to rationalise and seize the opportunity when it confronts us. I think it is here now. Under this legislation and in this area of Government administration, we have an opportunity to regionalise a very important aspect of the Government's function. It is my personal view that the appointment of a director is a step

in the right direction—I think we all accept this—but it certainly will not resolve the growing number of confrontations between the community and the Government as well as between conservation interests and industry. Certainly the appointment of a director alone will not stop them.

I have heard Government members today and at other times talk of the need for a balanced approach to conservation issues. The best way to achieve it is to allow the citizens a direct say in policy formulation. I am not sure that this is available to the average citizen or to the average member of Parliament. It certainly is not available to members of the Opposition. We have no say at all in the formulation of policy. We are restricted to putting forward an idea and hoping that the Minister will be interested enough in what we have said to introduce a measure at a later time.

Dr. Scott-Young: You wouldn't get a better trot in the Federal Parliament.

Mr. WRIGHT: That is the honourable member's opinion.

I wonder how much scope Government members have in formulating policy. Time and time again I have heard Government members say that they did not know what the Minister intended to do. Some of them have crossed the floor. I have heard them say, "Please put this legislation back another six months because we did not know this was what the Minister intended to do." I think it is reasonable to suggest that most honourable members do not have an opportunity to play any role in policy formulation.

Mr. Lamont: It is a different Parliament and there will be changes.

Mr. WRIGHT: I accept that interjection. I think it is going to change all right.

The CHAIRMAN: Order! I suggest to the honourable member that he disregard the interjection. We are getting too far away from the Bill.

Mr. WRIGHT: The Bill is to create an organisation to co-ordinate the management and administration of this area of Government function. Once we start talking of organising and managing, we bring in the process of decision-making. Then arises the aspect of who should make the decision. It is my contention that the people should have a say in that decision-making. Let the citizenry have a say in this.

We seem to have a policy in Queensland of shutting the stable door after the horse has bolted. This has certainly happened with Mt. Etna, Fraser Island and many other areas. A lease is given or a decision is made by the Government. Then there is an uproar and we try to resolve the problem. I wonder how many times this could have been prevented had all interests—conservation, community and industry groups—had the chance to sit down and talk about it. I believe we need to allow maximum consideration of the environmental aspects of a proposed development before it is too late to turn back. To meet the growing awareness within the community of environmental studies (we can thank the Australian Government that we at least have environmental studies in this nation), there is value in regionalising the whole structure of conservation.

I believe that we can regionalise the whole decision-making process in this specific area to allow for the community participation that I suggest. This could best be done by setting up Government-sponsored regional conservation committees or councils—call them what you like. More and more Queenslanders are aware of the need to protect the flora and fauna of this State but too few have the chance to express their views. They would have that opportunity with regional bodies. I am not suggesting how many there should be, but they could be based on the local authority regions, of which there are 10.

The conservation committees that I suggest could be representative of the levels of government. Local government should be represented as well as State Government departments and, if required, the Australian Government. Other interested groups in the community such as the conservation council and wildlife groups should also be represented Such committees would be truly representative regional groups. They would resolve many problems that might otherwise get out of hand. They would, in effect, douse a camp fire and so prevent a bush fire.

If it is desired to retain Government control, let the organisation be similar to that of the National Fitness Council. People are recommended for appointment to that council, and approval for appointments is given by the responsible Minister. A very responsible Minister is in charge of conservation, and I am sure that he would be quite capable of approving recommendations made to him for appointments to regional bodies.

We could go even further in copying the National Fitness Council and set up a State Conservation Council, of whom the director whose appointment is proposed under the Bill would be a very important member. This aspect of conservation is, in fact, very similar to national fitness, where the Director of Sport is closely involved in the functioning and administration of this area of Government.

Many tasks would face the regional councils, and certainly they could advise the Government on them. They could make recommendations to the Government and define the problems in their areas, as well as involving themselves in local environmental studies.

These comments bring me to what is probably the major point of my submissions. Such conservation committees could define the conservation priorities of an area. Not long ago the Minister for Mines and Energy challenged the Leader of the Opposition to set out the conservation priorities in this State. It was rather a ridiculous question to ask of him. But it would be possible on a regional basis. Departmental and conservation groups could set down a conservation priority list, just as the National Trust classifies buildings in certain gradings of importance.

The scheme that I am putting forward has important features. In the first place, it is regional, and in line with the new desire in the community for decentralisation of administration. It is a grass-roots approach, because it allows for community involvement. It allows the maximum width in representation from all levels of Government and all interested groups in the community. It moves away from bureaucracy and would do away with the red tape encountered in trying to get a point across to the Government if the regional groups had direct access not only to the State council but to the Minister. They would resolve issues before they could develop into widespread confrontations within the community. They could set priorities and advise the Government.

They could go further and promote new ideas, such as the establishment of nature walks, and conduct educational programmes in schools and throughout the community. They could make people aware of environmental needs, and the necessity to protect what we have. I believe that there is much to be gained by allowing the people a say on this very important issue.

We are taking the first step by appointing a director to encompass the very wide field of national parks, fauna and flora; but I am not sure that we are going far enough. I place the ball right at the Minister's feet.

Mr. GREENWOOD (Ashgrove) (2.39 p.m.): The legislation before the Committee is yet another step in the Government's attempt to safeguard the environment of Queensland for this and future generations.

Honourable members will be aware that, by a series of measures, various aspects of our environment have been protected. The Fauna Conservation Act of 1952, for example, made Queensland islands above the high-tide mark fauna sanctuaries. The Forestry Act of 1959, the Forestry Regulations of 1960 and the Forestry Act Amendment Act of 1964 all went a long way towards the creation of national parks for Queenslanders. Section 82 of the Fisheries Act of 1957 and the amending Acts placed bans on the taking of various marine species without special licences obtained from the Governor in Council, and the Order in Council of 6 June 1963 extended this protection to all marine life, except fish caught with hook and line, on the reefs around Green and Heron Islands and on the Wistari Reef.

We know, Mr. Hewitt, of the Forestry Act Amendment Act of 1971 and the tremendous step forward that it represented in the creation of marine national parks. And in the Bill now before the Committee, which will soon pass into law, we are providing for the appointment of a director who can act as a co-ordinating authority for the purpose of further improving the national parks that will be available to Queenslanders.

There are two points that I would like to make in connection with the appointment of this director. There is a rumour abroad that the marine national parks are somehow or other going to be divorced from the system. In my submission, Mr. Hewitt, that would be a fundamental mistake. It would do a great deal of harm to the proper, balanced development of national parks in this State and the evolution of a consistent and co-ordinated policy for their development and their protection. So I certainly hope that there is no truth in that rumour.

The second point that I would like to make is that it is of vital importance that the man who is selected for this task should be a man of the utmost eminence and quality, because, obviously, tremendous pressures will be imposed upon him from the various groups with legitimate interests to further. Whether from the Forestry Department, the Fisheries Department or the many other departments that have legitimate interests in the use of land in these national parks, the pressures will be there. So it is important that we get somebody who is really outstanding—a man of great character, a man able to take an independent line.

If there is any suggestion that biologists who are interested in terrestrial national parks are in some way therefore not expert in marine national parks, might I just mention to the Committee that many of the most eminent biologists in the field of marine biology are also eminent in rainforest work.

The CHAIRMAN: Order! There is too much noise in the Chamber.

Mr. GREENWOOD: In this regard I need only mention the name of Professor Joseph Hurd Connell, who has a world reputation both in the field of rainforests and in marine ecosystems.

It was specially pleasing today to hear members of the Opposition supporting the Government's initiatives in this field. Might I give them one friendly word of advice and say that their time would be better spent, instead of patting the Government on the back, in perhaps applying a swift kick in the backside to some of their colleagues in the Labor Party in power in other places in Australia. Because if one looks throughout Australia for the group of people with

the most deplorable record in environmental issues, there is no doubt who gets the prize—the Australian Labor Party.

Let us begin with the State Governments. Can you think, Mr. Hewitt, of an issue that was more important environmentally in Australia in recent years that the Lake Pedder issue? What did the A.L.P. do when it was in power? The A.L.P. Government of Tasmania flooded Lake Pedder, with complete and contemptuous disregard for the opinions of the Australian Conservation Foundation and those people all over Australia who were concerned environmentally. When in power, when it had the chance to do something, not only did it do nothing; it destroyed the place.

Let me turn to something a little closer to home—Fraser Island. We have heard a great deal about what the A.L.P. would do with Fraser Island. Let us see what it did do with Fraser Island. It was introducing legislation into the Commonwealth Parliament which would require the carrying out of environmental impact studies before the granting of export permits, but it was very careful not to allow that to apply to Fraser Island. The day before the legislation was due to be implemented it granted export permits for Fraser Island.

What is the record of the A.L.P. with respect to Moreton Island? The A.L.P. Brisbane City Council is the town-planning authority clothed with the responsibility for the use of that land. At a stroke of the pen it could have fulfilled its responsibility and said, "Sand-mining is not for Moreton Island." By placing the appropriate zoning on Moreton Island, it could have stopped sand-mining in its tracks, but what did it do? It said, "These are applications for mineral leases. Although those leases have not yet been granted, we are prepared to agree that extractive industry is an appropriate use for vast tracts of Moreton Island." Might I suggest to honourable members opposite that, instead of patting us on the back, they do something to put their own house in order?

I now turn to something even a little closer to home in my electorate. The Mt. Coot-tha National Park is largely in my electorate. For 12 months this Government wrote to the Brisbane City Council trying to get it to co-operate in the setting up of a world-standard national park for Brisbane, encompassing a great tract of land from Mt. Nebo south to Mt. Coot-tha. For 12 months we tried to get the council to say whether it was prepared to co-operate with us. It could not think of a good reason for not co-operating or for not joining with us in establishing a national park for Brisbane, so it did not reply at all. It ignored us.

Eventually Alderman Walsh came along to one of our meetings. He is the man the A.L.P. has chosen as its next Lord Mayor of Brisbane. He has about as much chance of being the Labor Lord Mayor of Brisbane as you and I have, Mr. Hewitt. He came along to our meeting, but he could not think of a reason for not co-operating, so he stood up, turned his back on us and walked out. I once again suggest that, if A.L.P. members are genuine in their wish to see the creation of national parks in this State, they start right here in Brisbane and see whether their Labor aldermen are prepared to co-operate with the Government in its stated intention to establish national parks.

The Ashgrove quarry is also very close to home. Here is where the A.L.P. once again established its credentials as an environmental protection agency. In 1964 the Brisbane Town Plan allowed 26 acres for an Ashgrove quarry. Everybody knew that sooner or later that quarry would be worked out. We thought that would happen by 1974. We were right because in fact it was worked out by 1974. In the interim, of course, in 1969, the Brisbane City Council tried to expand the area of that quarry. It tried to allow some 70 acres instead of the 26 acres, but the people of The Gap petitioned the council and eventually persuaded it to change its mind, so that once again in 1969 the figure of 26 acres was accepted. When the Town Plan was displayed a month or so ago, it was obvious that the Brisbane City Council had again shown its complete contempt for environmental issues by increasing that quarry not to 71 acres as it tried to do in 1969, but to more than 130 acres.

The CHAIRMAN: Order! The Brisbane City Council quarry is not a national park. I think the honourable member should bypass it.

Mr. GREENWOOD: I accept your ruling, Mr. Hewitt.

Let me turn now to the parklands proposed by the Brisbane City Council. Under the new council ordinances that will govern the Town Plan there is one very interesting thing which I will mention to the Committee. They provide for one use to which parkland can be put with the consent of the Brisbane City Council and the Lord Mayor but without the need for advertising. That use is as a car park. This exemplifies the attitude of the party to which members of the Opposition belong. In their view, it is appropriate to use national parks as car parks. "Make every park a car park" could well be their next election slogan.

Mr. K. J. HOOPER: I rise to a point of order.

The CHAIRMAN: Order! In anticipation of the point of order, I rule that car parks are not covered by the Bill.

Mr. K. J. Hooper: You are clairvoyant, Mr. Hewitt.

Mr. GREENWOOD: The Government is introducing legislation to assist in the proper co-ordination of national parks. I commend it to the Committee, and look forward to the day when all provisions relating to national parks—they are scattered throughout a number of different Acts, such as the Fisheries Act and the Fauna Conservation Act—are brought together in one Act just as is the direction of those various activities under this Bill.

Mrs. KYBURZ (Salisbury) (2.52 p.m.): I have great pleasure in supporting this Bill. I do, however, have many reservations about it. First of all, the Bill is designed purely to set up a Director of National Parks and Wildlife. I should hope that under his control would come marine national parks. However, we have heard rumours to the contrary. It would be a sad thing if they were not brought under his control, and I am sure that most members—possibly with the exception of those who have anything to do with the Fisheries Department would agree with me.

I realise that the Bill is a very important one, not only for the present but also for the future. I hope that it will be followed by legislation giving it greater powers.

I should now like to give the Committee a few details in relation to the present national park estate. In Queensland, national park reserves still fall short of 1 per cent of the total area of the State. There is thus an overwhelming case for giving the highest priority to national park reservation as a form of land use. This is particularly important in the coastal lowlands, where population pressures and therefore recreational requirements are highest.

The following anaylses are relevant to this debate. Queensland has the following acreages:—

Freehold land	..	12 per cent
Leasehold land	..	81 per cent
Reserves for all purposes		5·5 per cent

Queensland's reserves contain—

State forest	.. ..	9,500,000 acres (2 per cent of the total land use)
National parks	..	2,500,000 acres (0·7 per cent of the total land use)

The national park areas in the other States are, I am afraid, much larger than ours. For example, in Tasmania they represent 3.7 per cent; in the Northern Territory, 3.7 per cent; in New South Wales, 1.1 per cent; and in Victoria, .9 per cent.

What, then, is the relationship between national parks and State forests? This is a very contentious issue, particularly as the Forestry Department seems to play such an important part in this Bill. State forests in Queensland are being added to at the rate of about 100,000 acres per annum, mainly by the acquisition of spotted gum and cypress pine forests from grazing selections. National parks throughout the State are being added to at the rate of about 500,000 acres each year, mainly from existing State forests, timber reserves, or vacant Crown land. There is a good case, therefore, for the area of State forests to be increased considerably, say to about 12 per cent, perhaps from the 81 per cent of leasehold land. This could establish a land bank, out of which expanded forestry commitments can be met and, more importantly, out of which national park requirements up to approximately 5 per cent can be allocated.

At the present rate of acquisition, even if it could be maintained, it would take 400 years for Queensland to reach a forest acreage of 12 per cent or a national-park acreage of 5 per cent. What are the area criteria for setting up a national park? World-wide experience in national park administration in developed countries has shown that the demand for national parks is increasing consistently. This is occurring to such an extent that in the United States of America alienated land is being acquired by the nation in order to ensure an adequate supply. It is a grave anomaly that in Australia, and in Queensland in particular, land is being alienated both in title and in function, so that the quantity available for national-park purposes falls far short of the area that would be desired.

Overseas experience indicates that national parks must not only include viable samples of all vegetation patterns, but also occupy an adequate proportion of the area of the country or State concerned. This has often been set somewhat arbitrarily at 5 per cent. The exact percentage, however, does not matter, as long as it is related to various criteria such as accessibility in some cases, inaccessibility in others, and the conservation of important ecosystems, land forms, geology, Aboriginal relics, fauna associations, vegetation patterns and water catchments.

In Queensland national parks are administered by the Department of Forestry under the provisions of the Forestry Act 1959-1973, which states—

> ". . . the Governor in Council may from time to time on the recommendation of the Conservator of Forests by Order in Council set apart and declare as a National Park any Crown Land or Timber Reserve which he considers to be of scenic, scientific or historic interest."

The Act provides that no recommendation should be made except under and in accordance with the following procedure: If the Conservator of Forests considers that any area should be set aside as a national park, then he should refer the matter to the Land Administration Commission for advice as to whether it concurs with the making by the Conservator of Forests of a recommendation that the land be so set apart. In the event

of the Land Administration Commission or the permanent head of any other interested department advising that he does not concur with the making by the Conservator of Forests of a recommendation that the area should be set aside as a national park, then the Minister may refer the matter to the permanent head of that department and the Conservator of Forests for joint investigation and report to the Minister. Here we have a clear conflict of interests. Fortunately, however, the Commonwealth Government has come to the party and made an offer to this State.

The offer by the Commonwealth Government to make finance available for the acquisition of lands that can be then added to the national-parks estate is anticipated to have a significant influence on the development of the ultimate national-parks system within the State of Queensland. However, the effect of this improved financial availability will not be of immediate benefit as the process of negotiation for acquisition of lands for national-park purposes is, of course, a prolonged consideration. The decision to reserve an area as a national park is regarded as a final land-use decision and therefore cannot be taken lightly.

I shall now discuss particular areas of concern. On 5 March 1975, the Minister for National Parks and Wildlife Service (Mr. Tomkins), who, I am sure, believes wholeheartedly in this Bill—and I think he is doing his very best to see that what many members of the Government wish to take place will, in fact, take place—stated in the "Courier-Mail" that the Government intended to establish two national parks and a timber reserve in the Iron Range region of Cape York Peninsula. However, the Minister made it clear that, before the declaration of any national parkland, the area would be explored for minerals, and that possible extraction would follow. What an embarrassing predicament to place a Minister in! I am sure the conflict of interests can easily be seen.

The biological significance of Iron Range cannot be underestimated. A number of vertebrate fauna species occur nowhere else, and a significant number of others occur no further south than Iron Range. A large number of invertebrate fauna species are similarly confined to the region, as are several species of flora. The lowland rainforests of Cape York Peninsula are unique, and have been acclaimed as such by authorities throughout Australia and the world. Indeed, it is my opinion that the vast expanse of Cape York Peninsula offers an excellent opportunity for Queensland to boast a wilderness national park of international standard. Nowhere in Australia other than in Southwest Tasmania does such an opportunity exist. I do not decry the need for Australians to maintain a reasonable standard of living. However, if after taking into account a farmer's mentality, we rate a farmer's decision on land use above that of a rational conservationist, I do not believe that we are getting a balanced decision.

Mr. Goleby: You've got your opinions. We have ours.

Mrs. KYBURZ: The honourable member cannot help his opinions. I have formed mine.

I do, however, regret a situation whereby virtually the whole of the continent has been affected by development, often unnecessary, excessive and unplanned.

Of relevance is the current situation on the Conondale Range and Cooloola in Southeast Queensland. The Noosa River catchment of Cooloola is threatened by the State plantation programme. Regardless of the various pros and cons in the arguments espoused by both sides, the fact remains that this region has unique flora and fauna in addition to tremendous aesthetic appeal. There is also a chance that this development could have drastic results on the Cooloola ecosystem. As with the Barrier Reef, such chances cannot be allowed to arise as a result of developmental whims.

I wish also to raise the matter of Fraser Island. That beautiful island—an island that we should be preserving—has become a political football, if I may use that terminology. It is no use blaming one party or the other. It is the mental attitudes of Governments towards conservation and preservation that we have to contend with. Neither Government has been blameless; that's for sure. The past attitudes of this Government have been obvious, and we all know them. The fact remains that there are not enough national parks, no matter which way anyone tries to twist the figures.

Before declaring a national park, the Minister has to approach other departments to discover their decisions on land usage. That seems to me to nullify his power of decision, particularly as mining has priority over all other forms of land use. If that decision is to be made by another Minister, I cannot see the point in having a Minister for National Parks and Wildlife. However, I hope that the future legislation introduced by this Minister will show us that he not only means well for the present generation but is also providing for generations in the future that will need large areas of national park for the various uses that I have mentioned.

In closing, I urge the Minister to maintain within his department the field of marine national parks, as there are some of us who are very concerned that that responsibility may come within another department the confines of which are really those of development at any cost.

Mr. JONES (Cairns) (3.5 p.m.): This Bill to appoint a Director of National Parks and Wildlife will, I trust, provide the basis of a plan of co-ordination and, I hope, the ultimate superseding of the present system of diverse authorities. The activities of these authorities are limited; indeed they lack authority because of their very diversity.

This enabling legislation will go some of the way towards correcting anomalies and should provide a basis for an extension of the protection of our national heritage. At least it is a belated beginning in an area that has been neglected except by enthusiasts who, over a long period, have been subjected to a lot of derision and abuse.

During the past decade the public has become aware of the need for conservation and the establishment of national parks and environmental parks and the protection of wildlife. We and the citizenry, over the past decade more than at any other time in our history, have become conscious of our unique flora and fauna and the need for their preservation. We as legislators will be held responsible if we do not take adequate steps to ensure that our children and our children's children will be able to enjoy the flora and fauna that are unique to our country. It is for us to legislate for the benefit of those future generations. I suppose we are really initiating stage I in setting up an administration to recognise public awareness and put the public demands into effect.

Coming from Cairns in Far North Queensland, I feel that the immediate confrontation as seen by our metropolitan brothers does not always deal effectively with national parks problems. I see a very grave need for the preservation and protection of the Great Barrier Reef and of marine national parks. Ever since I entered Parliament in 1965, I have asked questions about the Great Barrier Reef and in 1966 I asked questions about the crown-of-thorns starfish.

Our task today is not simply to designate a number of areas (which will be the job of the department in the future) and leave it at that. Public pressure will soon indicate that more is required. Over the past couple of years we have been confronted with what has been called "a development need".

Every time we ask questions in the House about what will happen, for instance, in the wood-chip industry, we are told a story, as I was on 17 April by the Minister in charge of the House at the moment, that—

> "A wood-chip deal of consequence could provide additional jobs for several hundred persons, with indirect benefit to many sectors of the community."

But what price are we paying to provide those additional jobs?

Mr. Moore: It is all right if the wood-chip industry uses the timber that would normally be burnt.

Mr. JONES: The honourable member says it is all right if the timber that normally is burnt is used; but I want to know how residue from sawmills could be used in places such as Weipa, where there are no sawmills and no residue. I will not be hoodwinked by that line of argument. I come from Far North Queensland, and as a child I worked in the rainforest—the scrub, as we call it—in that area. I worked on the Tully Falls road with my uncle when I was a young fellow. I was only a billy-boiler, but I was in the scrub and I came to know the basics of the timber industry.

It is just not a proposition to haul the residue from the scrub. Taking millable timber from the scrub is entirely different from clear-felling of timber. I want no part of clear-felling. I have seen forests of hoop pine grown where previously there were rainforests. The strange thing is that one can walk through the pine forests and see not a bird, wallaby or other form of life. There is no food there for animals. The trees grow in rows, and their leaves fall to the ground and prevent the growth of any other plants. More than just a bit of scrub is destroyed; the natural environment is destroyed for both fauna and flora. Birds will not even nest in the trees.

Mr. Moore: We did that when we put down Queen Street, too, you know.

Mr. JONES: There are cement jungles here, and they present a problem that cannot be overcome. But I am concerned with preventing future problems. We are legislating for the appointment of a director whose duty it will be to care for national parks and wildlife. I think that we should therefore be discussing all aspects of the situation now. We should not consider wood-chip industries one day and a few days later appoint a director of conservation who will have virtually no control at all.

We should also determine who controls what. Decisions concerning the wood-chip industry will probably be made by the Lands Department. Hillside subdivisional development areas will be subject to local government by-laws. Some hillside development might be controlled by the Rural Fires Board. We have land utilisation committees, and all sorts of things controlled by various departments.

I am concerned that insufficient authority is to be given to the director who will be appointed under the Bill. I cannot see that he will have the ultimate authority in, for example, matters concerning the mining industry, which was referred to by a previous speaker. In this matter, the Mines Department will be supreme. In forestry matters, the Forestry Department will be supreme. What power will the director have in making decisions concerning, say, the wood-chip industry and the Great Barrier Reef? What decisions will he have to make? And what value will they have?

Will the director have sufficient power to say, "No, this will not happen here."? Or will he be vetoed by senior Ministers in other portfolios? These are the questions that are worrying me.

If and when a director is appointed, he will not be able to sit in an office in Brisbane and merely delegate his power. He will have to be well advised, and his authority will have to be policed. I believe that the need for rangers will be very great. I know that there has been a great deal of movement in this direction by local authorities.

Of course, till now fauna officers have not had any authority. They have been officials in name only and have not had power to arrest, prosecute or, in some instances, even to report. If they did report, they reported to the local police officer, who, at least in days gone by, was too busy with other matters to be concerned about what the local fauna officer had to say. In the community, the fauna officer was often considered to be a local crank on conservation, a bird-lover, or a butterfly catcher. He had no authority to do anything to protect or control flora and fauna.

As honourable members are aware, the Department of Harbours and Marine has patrol officers, and the Department of Primary Industries has fisheries inspectors. I wonder whether their duties will be encompassed by this legislation, because they have quite a deal to do with policing laws relating to conservation. I know that in countries overseas wildlife and fisheries inspectors have power and authority and do a very good job. I believe that, when the stage is reached of designating wide areas of national park, authority will be vested in rangers or inspectors—call them what you like, Mr. Hewitt—to police the decisions of the Director of National Parks and Wildlife, whoever he may be.

Over the past few years, both the former member for Salisbury, Mr. Doug Sherrington, and I have asked questions in this Chamber about the golden-shouldered parrot. It is a unique bird that brings a very high price on the black market overseas and it is therefore the subject of a good deal of smuggling. I understand that in Far North Queensland people watch nests, waiting for the eggs to hatch, so that they can then take the birds overseas. I do not know the ruling price at present, but it was thousands of dollars a pair when last I heard.

Stands of Cooktown orchids are being desecrated in North Queensland. People are going into the area round Mt. Molloy and Cooktown and carting out Cooktown orchids by the utility-truckload.

Mr. Elliott: How many have you at home?

Mr. JONES: I doubt whether there is a house or other residence in Cairns that has not a Cooktown orchid on a fruit tree. The particular species that I have—its correct botanical name is Dendrobium philanopsis—was taken off an aerial. I also had an albino white, which is a very pretty orchid with a yellow or green throat. In those days, it was worth about $100 a plant; but on the current listing of the orchid society it would be a very expensive orchid indeed. I believe that Cooktown orchids should be protected. If it is necessary to confiscate them, that should be done. I do not think it would be possible to get them all back into their natural environment, but we should at least call a halt now.

I very much doubt whether any half-measures without strict enforcement would succeed in protecting what was formerly protected either under the Plants Protection Act or under the Fauna Conservation Act. Merely legislating for protection now, as in the past, would not be effective in any event in the far-flung areas of the State without intensive policing. But conservation does not relate only to national parks; it relates also to the protection of the environment—animals, places and scenery. We should consider scenic conservation for the sake of the tourist industry. In Cairns we depend very largely on revenue from tourism and I believe we should look at that type of conservation, also. I give as a particular instance of desecration sites near the Tinaroo Falls Dam. Failure to proceed with the subsidiary scheme at Flaggy Creek ruined the Barron Falls as a scenic attraction in Far North Queensland except during heavy wet seasons.

The only instance known to me of a citizen or a group of citizens endeavouring to set up a national park is the subject of some dispute with this Government. To put it mildly there is a conflict of interest. I refer, of course, to what is called in Far North Queensland the Quinkan National Park. I notice that the inquiry into the appeal will not be open to the public. I hope that the inquiry will be given broad terms of reference so that the full facts can be brought out into the open and that it will not be used as a means of sweeping the entire affair under the carpet. I do not believe that there is anything to hide, but there seems to be conflict of interest betwen the Cape York Conservation Council and this Government, or the Aborigines Historic Places Trust. I hope that the magisterial inquiry will be broadened into a searching inquiry into all the activities, both public and private, in Laura and the Quinkan country since 1960. In ministerial statements made under privilege, various people have been maligned in respect of the Quinkan National Park Appeal Fund. I appeal to the State Government to hold a searching public inquiry into every aspect of the Quinkan National Park affair, particularly in view of the character assassination of some people of repute and standing in the area. I hope that the activities of all people involved in the Cape York Conservation Council will be the subject of a very extensive inquiry. I am sure it will show that those people were motivated by public interest rather than self-interest.

Mr. MOORE (Windsor) (3.24 p.m.): In speaking to this Bill to appoint a Director of National Parks and Wildlife, I say first that I think the legislation is timely. I hope the Minister uses his powers to appoint someone with his feet on the ground, a person with balance, judgment and wisdom. The director will be the brains behind future legislation affecting national parks. There would not be one member who does not believe that national parks are essential. There are, however, certain people who go overboard and call for legislation to protect almost anything at all. As an example—we have legislation protecting the black snake. Surely there is something wrong with that.

Many people have claimed that the area of national parks in Queensland is very small. With normal harvesting of trees there is really very little difference between national parks and forestry reserves, and there is no reason why a certain number of trees in our forestry reserves should not be allowed to remain, and never be harvested.

Certain areas must be retained in their natural state. However, Queensland does not suffer from a shortage of such areas. For example, in the area from Cairns north and in the Gulf country there is hundreds of square miles of territory that, although not declared a national park, is virtually a national park. It has not been touched by a timber-getter's axe; nor has it experienced the intrusion of a bulldozer or a ringbarker's poisons.

It is little use declaring national parks if the areas so declared cannot be used by the people. Large areas of national parks could have bridle tracks cut through them so that equestrians as well as hikers can enjoy their beauty.

The Press publish numerous reports showing quite clearly that many sections of the community are conservation-mad. They want to protect every dingo, every taipan, every death-adder, every brown snake and every tiger snake. In fact that is exactly what legislation passed by us some time ago did, and it is the most stupid legislation that I have ever seen. It provided that a person could kill, for example, a tiger snake if he first obtained permission or if it attacked him. One member from a country electorate suggested that he might throw a tiger snake into the Chamber from the public gallery to see how many members apply to the Minister for permission to kill it before they do so.

I have been asked to make my comments brief, so I can do no more than skirt around this issue.

In Western Queensland there is hundreds of square miles of sheep country that is the same now as it was when Captain Cook sailed along our coast. Certainly, from time to time droughts have devastated the area and left it without a blade of Mitchell or Flinders grass. But contrary to the claims of certain people that the country was finished, it has survived, and I have no doubt that it will come through future droughts quite successfully.

As to the Bill and the need to exercise strict control over conservation, the ecology and the environment—I wonder whether the Minister will have sufficient power to prevent the occurrence of things that adversely affect the environment. Sometimes I think that the Premier or someone else should have an overriding authority. There should be one very senior portfolio to cover conservation, the ecology and the environment.

About 10 years ago the word "environment" was not even heard of. It is only in times of affluence that people demonstrate against the despoliation of the ecology. In times of high unemployment, they don't give a damn whether the last tree is chopped down to provide someone with an income. We hear a lot from the do-gooders who do not have their feet on the ground. They adopt a totally unrealistic attitude as to what should be preserved and what should be utilised.

It is difficult to determine how wildlife is to be preserved. Some kangaroo shooters who use a spotlight will kill kangaroos of any size. They will even shoot a red kangaroo, thinking that it is a large grey. It would be a crying shame to see certain species of kangaroos exterminated, but shooters could do that. A farmer or a grazier may say, "I have a thousand 'roos on my property." A fire may have damaged adjoining properties or the grazier may have been lucky enough to get a shower of rain. The thousand 'roos on his property could have come from an area of 200 square miles. If they were wiped out, the entire 'roo population in the area would be wiped out. Property owners might say that they have a 'roo to an acre or one to eight acres, and that a kangaroo eats as much grass as a sheep. No grazier should be eaten out of house and home, but kangaroos are selective feeders. The species should remain for posterity—until it disappears like the dinosaur.

As well as kangaroos, we have various species of wallabies such as rock wallabies, whip-tails, swamp and scrub wallabies, some of which are being vastly reduced. I know that wallabies destroy crops and that they can nip every bean shoot in a 10-acre planting. In the Stanthorpe area parrots annoy fruit growers. At dawn, flocks of greenies and Blue Mountain parrots invade fruit orchards. They descend on the trees and nip the fruit. It cannot be marketed in that condition, although it may be used for cider manufacture. What can we do to help these people remain on the land and at the same time preserve the birds? Farmers have to get permission to destroy them. I would rather have them trapped, but under other legislation we have prohibited bird-trapping. Cockatoos

destroy corn and other grain in the field. Farmers therefore have to blaze away with shotguns and destroy these birds because they are not allowed to trap them.

Whatever happens, I hope that the Minister does not appoint an airy-fairy conservator without the necessary balance of judgment to do this job properly.

There has been much talk about sand-mining on Fraser Island and a ban on further timber-cutting there. On Fraser Island forestry work has been done for almost a hundred years, and no harm has been done. With proper silvicultural practice, it can be carried on ad infinitum. If we adopt a proper, balanced view, receive adequate royalty on the minerals and the island does not end up as a desert, sand-mining could be allowed.

Conservationists speak about saving the silica sand that we sell to Japan by the shipload. It comes from an area north, south, and east of Cooktown. It is there by the millions of tons, yet people in Brisbane, who would not know a grain of sand from a grain of salt, insist that it should not be mined. When they fly over parts of this sand mass which are naturally windblown—parts which have never been touched by man—they say, "Look what they have done." They say this of areas that have never been mined. If the world is to continue to make glass, the sand must come from somewhere, and in the Cooktown area it is available in huge quantities. This is an industry in which local Aborigines are employed.

Mr. Hanson: They have a lot of hippies up there.

Mr. MOORE: There are a few, but they do not work in sand-mining.

A Government Member: They're glass-blowers.

Mr. MOORE: Yes, but we haven't yet produced the glass for them to blow.

The Minister for Aboriginal and Islanders Advancement is also in charge of marine national parks. As we are introducing a measure relating to conservation, I believe that marine national parks should come within the same portfolio as all other parks.

Whatever we do, we must ensure that we make a balanced judgment. Certainly, there have been changes. As man has advanced across Europe and Asia—and the rest of the world for that matter—changes have taken place; but changes have taken place regardless of man's presence. The dinosaur, allosaurus, tyrannosaurus, diptrotodon and many other extinct animals were all here at one time. It was not because of man that they disappeared. It was simply that the environment changed and they had to give way to other forms of life. We had the mammoths, the furry elephant and the sabre-toothed tiger. They have all gone, not because of man's intrusion, but simply through the effluxion of time. Probably that will happen with us.

Mr. Gygar: It will happen to the A.L.P.

Mr. MOORE: Yes.

While I am on the subject of conservation, I cannot follow the thinking that allows the shooting of ducks but not the holding of them in captivity. If anybody finds a batch of duck eggs and decides to put them under an old Muscovy duck and they hatch out, he is not allowed to keep them. He is breaking the law. There is something wrong with the law when someone is allowed to shoot an animal but others are not allowed to keep them in captivity.

Mr. Frawley: Do you know why? It is because there are too many academics in the department.

Mr. MOORE: Yes, of course.

If anybody finds an injured bird or animal and takes it home and feeds it, it becomes dependent on him. However, the law says that it must be freed. When it is, a fox gets it or something else happens to it.

I ask the Minister not to appoint any airy-fairy long hair in the job of Director of Conservation and Wildlife. Irrespective of who it is, I hope he has a bit of starch in him—a bit of backbone. I know the calibre of the Minister. He would not want any theorist in the job, but I hope that when the appointment is announced we find that it is a man capable of balanced judgment.

Hon. K. B. TOMKINS (Roma—Minister for Lands, Forestry, National Parks and Wildlife Service) (3.38 p.m.), in reply: I thank honourable members from both sides for their interest in this measure as well as for the general support that it has been accorded. It is very gratifying to introduce a Bill about which all members speak favourably. Many points have been raised.

Mr. Hanson: Who have you got lined up for the job?

Mr. TOMKINS: It isn't the honourable member anyway. I assure the honourable member for Windsor that it is not a long-haired youth, either.

It is Government policy to bring these two departments together. The question was how to go about it. As the Minister charged with this responsibility I found myself confronted with two alternatives.

One line of thought was that after two or three years, before this Parliament ends, a comprehensive Bill could be introduced to cover all the facets of conservation—perhaps wildlife more than national parks—and incorporate many of the ideas that have been advanced today.

The other line of thought was, "Why not introduce a small enabling Bill to appoint a top man, a director, who could gather officers about him and get started?" We chose the latter course. I believe that it is the right one.

The Leader of the Opposition said that we did not consult anybody. He read a document from the National Parks Branch which claimed that this had all been set up and that the National Parks Branch had not been consulted at all. For the record, let me say in the first place that there has been complete co-operation between the Lands Department, the Department of Primary Industries and the Forestry Department. Each department appointed its own nominee. I am prepared to say that in the negotiations Mr. French represented the Lands Department, Mr. Curtis of the National Parks Branch represented the Forestry Department and Dr. Saunders represented the Fauna Branch of the Department of Primary Industries. I throw back in his face the accusation that there was no co-operation, because there was right from the start. The Bill was introduced as a result of that co-operation. We have the structure for a new organisation. Before long a director will be appointed and the honourable member for Port Curtis will know who he is at the same time as everybody else. In addition, an assistant director and a secretary will be appointed.

A suggestion has been made that the control of marine national parks will be handed over to another department. I will be making a report to Cabinet on this matter; at this stage nothing has happened administratively. It is fairly obvious from the reactions of honourable members generally that they are against the move. Marine national parks have played an important part in national park administration. That administration commenced in 1971 and has done a tremendous amount of work in co-operation with the National Parks Association. There the matter ends.

The honourable member for Salisbury felt that we played second fiddle to mining. This department is being set up by people such as the honourable member who is on my committee and there will be renewed interest in conservation and conservation issues. Any conflict will eventually have to come to me or to the Minister for Mines and Energy. It will then be taken to Cabinet.

There are many safeguards to ensure that this interference will be kept to a minimum. Every attempt will be made by my department to defend what our officers believe is right. I am convinced that the Fauna Branch and the National Parks Branch have many dedicated people who would like more national parks declared in Queensland.

The honourable member for Windsor mentioned birds and snakes and I think some improvement can be expected in the legislation.

Mr. Wright: Would you give some consideration to regional committees?

Mr. TOMKINS: I agree with the honourable member. His original point was quite good and I took note of it. We have to look at these things. This concept must develop slowly. It will be a completely new department with new people in charge and will need to integrate. That involves a tremendous amount of work, including the provision of office space. The aim of the Government is to give it high priority.

The honourable member for Sandgate mentioned the Botanic Gardens. They were established under a special Act of Parliament and have been administered by the Brisbane City Council. The arrangement is quite satisfactory and there is no suggestion that they will be covered by this Bill; as a matter of fact, quite the reverse.

The honourable member for Salisbury mentioned Iron Range. Prospecting will be allowed only on the timber reserve in that area and not on either of the national parks. The timber reserves will be protected from other forms of development. Should any mineral resources be demonstrated on the timber reserve, there is still the protection of the Mining Act, which can be used to reject mining-lease applications unless mining is shown to be in the public interest.

I again make the point that before mining can be commenced, many procedures at which people can be represented must be adopted and if it is believed that they represent the paramount interest, mining would, in the opinion of the court, not commence. We must try to be sensible about this. We are all reasonable people and we must act sensibly and realise that mining has to survive and that it contributes a tremendous amount to Government revenue. On the other hand, I go along wholeheartedly with the thought that we must protect our natural fauna and flora and we want to build this department into something of which we will be proud. I have read of the great amount of work that is being done in conservation and national parks in other parts of the world, particularly the United States, and in those countries it is a service to be proud of. I hope that one day the Queensland department will be similarly regarded.

Motion (Mr. Tomkins) agreed to.

Resolution reported.

FIRST READING

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

GLADSTONE AREA WATER BOARD BILL

INITIATION IN COMMITTEE

(Mr. Miller, Ithaca, in the chair)

Hon. J. BJELKE-PETERSEN (Barambah —Premier) (3.47 p.m.): I move—

"That a Bill be introduced to regulate the acquisition by the Gladstone Area Water Board of property to be utilised by it in the discharge of its function as a supplier of water; to empower the board to control the use of land and water within defined areas so as to protect

water stored for the purpose of supply by the board; and for purposes incidental to those matters or to the proper exercise and performance by the board of its powers and duties."

The Gladstone Area Water Board was established on 18 August 1973 for the purpose of undertaking works to supply water in bulk quantities to satisfy industrial and urban demands in the Gladstone area. This entails the board assuming responsibility for existing bulk-supply works in the Gladstone area and, in addition, proceeding with an augmentation scheme which, in the first stage, will involve the construction of a dam on the Boyne River downstream from the present dam.

The Gladstone Area Water Board was established as a project board under the provisions of the State and Regional Planning and Development, Public Works Organization and Environmental Control Act 1971-74. Under the provisions of that Act, a project board becomes effectively operational once powers, functions and duties are conferred upon the board by Order in Council. This was done on 20 December 1973. Legal opinion obtained, however, has indicated that the board cannot become fully and effectively operational because—

(a) the existing bulk water supply works now owned and operated by the Gladstone Town Council cannot, under the provisions of the Local Government Act, be divested from the local authority and transferred to the board. Furthermore, the Order in Council conferring upon and assigning to the board powers, functions and duties, being subordinate legislation, cannot override the provisions in an Act of Parliament; and

(b) the catchment areas of dams constructed and operated by the board cannot effectively be preserved against pollution resulting from agricultural, pastoral, urban and recreational activities, through powers conferred or assigned by an Order in Council.

Accordingly the Bill has been introduced—

(a) to regulate the acquisition by the Gladstone Area Water Board of property to be utilised by it in the discharge of its function as a supplier of water;

(b) to empower the board to control the use of land and water within defined areas so as to protect water stored for the purpose of supply by the board; and

(c) to permit the proper exercise and performance by the board of its powers, functions and duties.

I now propose to describe briefly the provisions of the Bill, which is composed of four parts. Part I provides introductory information on the Bill. Part II concerns the acquisition of property by the Gladstone Area Water Board from a local authority and outlines a procedure whereby, once agreement has been reached between the board and the relevant local authority regarding the transfer of assets and liabilities, notice is to be given to the Minister of the agreement and the particulars of the agreement. The Governor in Council may then, by Order in Council, divest, as agreed upon, the property from the local authority and vest such in the board. The other provisions contained in this part are either incidental to the effective implementation of the above provisions or relate to the proper exercise and performance by the board of its powers, functions and duties. I will review each of these provisions in detail in the second reading of the Bill.

Part III of the Bill provides for the preparation and implementation of a Dam Catchment Control Scheme for the purpose of preventing pollution of storages constructed and operated by the board. The Bill requires that, subject to ministerial approval, a scheme be prepared and advertised, for the purpose of receiving objections which must be taken into account before the scheme is submitted to the Governor in Council for approval. The Dam Catchment Control Scheme, once gazetted, will permit land use and subdivisional controls in addition to controlling the use of fertilisers, weedicides and like substances. Provision is made to enforce and to amend the scheme, and provision for compensation for injurious affection arising from the implementation of the scheme is contained in Part III.

Necessary powers ancillary to the effective application of provisions contained in the Bill are contained within Part IV, General Provisions. In particular, provision is made for the board to make by-laws specifically in relation to matters pertaining to the preservation of the catchment against pollution.

The provisions contained in the Bill are essential if the Gladstone Area Water Board is to be able to effectively operate as a bulk supplier of water for urban and industrial purposes in the Gladstone area, and I commend the motion to the Committee.

Mr. HANSON (Port Curtis) (3.54 p.m.): I have noted the Premier's remarks, and I believe that much of the trouble that has arisen in this instance, and also in a number of other instances, could, and would, have been avoided by the Government if, instead of amending the Water Acts and Another Act Amendment Act and the State and Regional Planning and Development, Public Works Organization and Environmental Control Act, it had followed a course comparable with that followed in New South Wales in the creation of the Cobar Water Board and the Broken Hill Water Board. In New South Wales those boards were constituted by Acts of Parliament under which they were given specific powers. On 23 March 1973 the Honourable N. T. E. Hewitt introduced the Water Act and Another Act Amendment Bill. Of course,

there are other pieces of legislation on the Statute Book that are relevant to the legislation now before us.

The relationship between water services and other urban services needs to be recognised. Placing the planning of the different functions of basic water services under one authority and co-ordinating functions such as design, construction, operation and maintenance, make for a better service to the people at a fair cost. Land-use planning and utility-planning need to be co-ordinated. Planning for water needs to be co-ordinated and it should complement existing plans for the use of land. Provision is being made in the Bill for just that. Water-supply planners have the responsibility of designing water systems which are complementary to land-use goals. These should be anticipated and the water systems should be able to meet any changes in land use that may come about in the future.

The Premier made certain observations about the use of land designated for recreational purposes. We place reliance on hydrologists and others expert in this field such as water-resource engineers and water-planners, but very early in the piece in all water board schemes throughout the State we should enlist the services of expert landscape architects, who could help to make full use of the terrain in providing aesthetic recreation areas. Because of the desecration that has occurred in years gone by, it is necessary that we pursue that course.

The Gladstone Area Water Board came into being by Order in Council on 18 August 1973. It has been concerned about the funding of its arrangements. Only recently I received advice from the Treasury that loans totalling nearly $100,000 have been approved for the Gladstone Area Water Board. A loan of $35,000 will be made available for deficit financing. A further loan of $64,000 and a cash subsidy of $25,000 will be made available for capital works. An interest and redemption subsidy at the rate of 33⅓ per cent has been made available on $13,333 of the loan for capital works.

We have been told that the operations of the board will be funded by the Treasury Department. We have also been told that the Gladstone Area Water Board will assume control of the water supply and that the council will purchase water from the board and charge the ratepayers for it. This is usual. As the Premier has intimated, certain assets and liabilities will be passed on to the water board. It will be responsible for the Awoonga Dam and will have certain powers transferred to it. It is necessary, of course, that certain adjustments be made.

As a Gladstonian I have certain reservations about the Bill, and the remarks that I am about to make will not be commendatory of the Government. As long ago as 1964 it was realised that Gladstone was on the verge of an industrial boom. The Treasurer and other Cabinet Ministers promised us the sun, the moon and the stars. We were told that the town of Gladstone would be provided with a very efficient water reticulation scheme, one that would meet the needs not only of the population but also of the industries that were about to be established there.

From 1964 to the present time nearly $7,000,000 has been expended on the Gladstone water augmentation scheme. In spite of that, however, as recently as this morning, the Mayor of Gladstone and many leading councillors warned the townspeople that a failure could occur in their water supply. The council has sought advice on the practicability of effet water pumps to overcome this serious situation.

The local authority is not responsible for this state of affairs. The blame can be laid at the feet of the Government. It has been guilty of much shilly-shallying, and the local people have been caused grave anxiety and mental trauma.

As I have said, the scheme has cost nearly $7,000,000. Yet tomorrow the people of Gladstone will be lucky is they are able to have a drink of water or clean their teeth. What a scandalous state of affairs! God only knows what will happen if the one single pump still in working order fails. A grave situation will arise.

The council is bringing the old scheme at Pike's Crossing back into commission. Thank God the plant was maintained in reasonable order and can be recommissioned at a moment's notice.

Of the total quantity of water pumped each day to Gladstone, the alumina refinery consumes 7,000,000 to 8,000,000 gallons and the local people consume 3,000,000 to 4,000,000 gallons.

As a result of continual shilly-shallying and procrastination as well as unwise planning, the Government has not been able to deliver the goods. I sincerely hope that in the implementation of the provisions of the Water Act Amendment Bill, which we passed last week, common sence will prevail. It provides that one authority will be responsible for the planning of all water reticulation schemes throughout the State. I hope that the implementation of that measure will dispel the fears and anxieties of the people of Gladstone and also of the public as a whole.

We cannot get a decision from Cabinet on the final height of the Awoonga Dam. Settlers, pastoralists and farmers in the Boyne Valley have been told that their land will be submerged some day. They are waiting, with their cattle and their crops, to know when that will happen. That is not a good, well-planned situation. The Government's performance in this matter certainly deserves no acclamation.

The pumps installed at the Awoonga Dam are of German make. Representatives of the maker in Brisbane are cabling or telephoning Germany for parts. If they can get another motor, it will come by ship. It is a complete shemozzle.

I hope that the Bill contains ample power, and that the Gladstone water authority will be able to ensure that the needs of the community are well served.

Mr. Bjelke-Petersen: It sounds like the local member has not been very active, doesn't it?

Mr. HANSON: It sounds very much as if the Government has been very remiss. The Premier should hang his head in shame, but, knowing him as I do, I do not think that he will. He is more interested in touring the western areas of Victoria and inciting the people of Tasmania to adopt his political philosophies. He is not interested in whether or not the people of Gladstone get a drink of water. He is not the least concerned about them. What a shocking performance! He should be ashamed of himself.

Mr. Hales: Water it down a bit.

Mr. HANSON: I will give you a shandy in a minute; you might even get a shower.

The TEMPORARY CHAIRMAN (Mr. Miller): Order! I ask the honourable member to keep to the Bill and to address the Chair.

Mr. HANSON: The Bill is designed to regulate the acquisition by the Gladstone Area Water Board of property to be utilised by it in the discharge of its functions as a supplier of water. The Bill contains other provisions that the Premier referred to. I pose a question concerning acquisition by the Gladstone Area Water Board of property. Does this in any way conflict with section 27A of the amendment to the Water Act introduced in 1964? Year in and year out I hear complaints by people concerning money that they were supposed to receive for property resumptions. They have suffered considerable anxiety. I hope that the Gladstone Area Water Authority will be able to deal with such matters expeditiously and say to farmers, "We intend to construct the dam wall to a certain height. That will be it. We will not keep you on a hook for years. We will not trouble you by half freezing your land so that you will be frowned on by the bank manager."

With the wonderful facilities available in the region, with the beautiful, natural harbour and the rich assets that lie in the ground in the environs of Gladstone and—despite what the Premier may think—with the good representation of its State member, Gladstone will advance and become a very viable community with a greatly increased population. I am certain that when the Labor Party takes over the Treasury benches we will multiply the efforts of the present Government tenfold. We will make its efforts look very puny. In those circumstances the Gladstone Area Water Board will not be a sleeping-giant water authority, which looks in the mirror and congratulates itself at every annual meeting. We want a water board that will work in the interests of the community and plan for the future.

There is one very desirable way in which it can plan. Flowing into our harbour are two rivers, namely, the Boyne River on which the Awoonga Dam is situated, and the Calliope River. In view of the number of industries that will come to the northern part of the town, I believe that the day will come when we require a well-constructed dam on the Calliope River. I hope that the water authority and other responsible bodies —Cabinet, too, if it gets the message—will try to plan efficiently to further augment the Boyne River scheme. However, if they go further and augment the scheme on the Calliope River, I do not want to see the shilly-shallying and the completely inept performance we witnessed for seven or eight years on the Awoonga Dam and the present Gladstone water supply.

A copy of the Gladstone "Observer" points out that the situation is very serious and calls for urgent remedy. If the Premier cannot get a copy, I will give him one. As Gladstone plays such a large part in earning huge export income for the State, I hope the Premier will urge his responsible officers to take urgent action. A complete shut down of the alumina refinery caused by the shortage of water would cost the company at least $3,000,000 to start the plant again.

Mr. Goleby: What about strikes?

Mr. HANSON: I reply to that interjection—aluminium has been produced from Weipa bauxite for seven or eight years. In that time there has never been a shutdown, which is to the great credit of those responsible for industrial relations—not only the employers but also the union members. Might I say to the honourable member for Redlands, "How does that grab you?", to use a colloquialism? The honourable member was interested in subdividing land by the hectare on islands in Moreton Bay. What would be his interest in the Gladstone water scheme? All his land is under water. Anybody who wants to buy a block over there has to don a diving suit to get down and have a look at it.

I am very sincere in my remarks and the submissions I make to the Premier. When the Bill is printed, I will discuss some of the clauses in it with members of the council and I hope to be able to speak at the second-reading stage.

Motion (Mr. Bjelke-Petersen) agreed to.

Resolution reported.

FIRST READING

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

SUPERANNUATION ACTS AMENDMENT BILL

INITIATION IN COMMITTEE

(Mr. Miller, Ithaca, in the chair)

Hon. J. BJELKE-PETERSEN (Barambah —Premier) (4.15 p.m.): I move—

"That a Bill be introduced to amend the State Service Superannuation Act 1972-1974 and the Public Service Superannuation Act 1958-1974 each in certain particulars."

It has been the policy of my Government to regularly review and where necessary improve the State Public Service Superannuation Scheme. As I have said before, it is one of the best schemes in the Commonwealth.

Honourable members will recall that the Superannuation Acts were amended last September to provide for improved benefits on early retirement from the Public Service. Since then, the Superannuation Board has received a number of representations from contributors claiming they have been disadvantaged. The board and the Treasury have examined these submissions and consider there is justification for further amendments.

Following discussions with the State Actuary, the board considers that the relevant sections should be amended. It is proposed, therefore—

(a) That section 27 (6) and section 28 (5) of the State Service Superannuation Act 1972-1974 be amended by the insertion of an additional formula in each of the two subsections. This will provide a positive value where the service of a contributor (who seeks early retirement between the ages of 60 and 65) is less than six years. The formula now prescribed by the Act will give a negative result when calculating the benefit entitlement of a contributor who elects to retire between 60 and 65 years of age after less than three years' service. It is a situation which could occur and it is only reasonable to insert the proposed amendment so as to ensure that such an officer will receive a benefit entitlement.

(b) That section 23 (5) of the Public Service Superannuation Act 1958-1974 be amended to provide that, where the Superannuation Board has approved the surrender of units of benefit, the contributor may decide to surrender units effected under section 22 (a) even though such units are not those for which the contributor last began to contribute.

(c) That section 39 (b) of the Public Service Superannuation Act 1958-1974 be amended to provide for restoration of the right to commute to a contributor who is permitted to surrender those units of benefit effected under section 22 (a) within five years of retirement. The amendments to section 23 (5) and section 39 (b) are related to each other and the following comments deal with both sections. The Act presently prescribes that when a contributor is permitted to surrender units of benefit, the units to be surrendered shall be those for which he or she last began to contribute. This provision could prevent a contributor from exercising the right to commute for a lump sum in certain circumstances. The proposed amendments will give an option to the contributor to regain the right to commute the annuity entitlement where the surrender of units is approved by the board.

(d) That section 40 of the Public Service Superannuation Act 1958-1974 be amended to empower the Superannuation Board to refund prepaid contributions on application by the contributor before actual retirement, being prepaid contributions from which a contributor would derive no additional benefit. Prior to the implementation of improved benefits being payable on early retirement which I referred to in my opening remarks, a contributor who prepaid contributions up to age 65 would have received a benefit by reason of that prepayment. The improvement in benefits on early retirement changed this condition, and it seems only fair that the pre-paid contributions might be refunded should the contributor so desire. The proposed amendment will allow for the return of the pre-paid sum on application by the contributor prior to actual retirement.

Acceptance by honourable members of these amendments will improve the superannuation scheme, particularly the benefits available to contributors who elect to retire from the service between the ages of 60 and 65, and I commend the Bill to the Committee.

Mr. HOUSTON (Bulimba) (4.21 p.m.): The Opposition will study the details of the Bill once it has been printed. I am sure that the Premier will agree that before commenting on legislation such as this, which is basically of an administrative nature, it is necessary for members to see the Bill and compare the new formulas with those applying at present.

Mr. Murray: That applies to any legislation.

Mr. HOUSTON: The point made by the honourable member for Clayfield is valid only to a point. In some legislation the principles are quite obvious and it is possible for us to say immediately whether we agree or disagree with it.

Mr. Murray: But you want to look at the small print, nevertheless.

Mr. HOUSTON: We are usually fairly well informed on what is going on. In this case, the Opposition has no fight with the principle of superannuation benefits for Crown employees, nor do we object to making the benefits as good as it is actuarially possible to make them for the contributors. I

do not believe that the board or any member of Parliament would want contributors' money to be left virtually lying idle. If the money cannot be used to their advantage, I believe that they are entitled to it. There is therefore no question to be raised on that part of the Bill.

The Premier mentioned that five or six sections of the Act are to be amended, and that new formulas are to be prescribed. It will be necessary to study them to see whether they do in fact give effect to the intentions of the Bill. It will be recalled that when the last amendment to this Act was before us, the formula for the payment of benefits to those who retired between the ages of 60 and 65 was accepted and it was not expected that anyone would be disadvantaged by it. However, as the Premier has said, and as no doubt members have been told by public servants, there has been some disadvantage to certain short-term employees. If the Bill corrects that situation and allows those employees to receive more just remuneration from the superannuation fund, naturally the Opposition will have no objection to it.

The Opposition cannot say "Yes" or "No" to the Bill until we have had an opportunity to study the formulas contained in it, and when we receive the Bill we will do just that.

Motion (Mr. Bjelke-Petersen) agreed to.

Resolution reported.

FIRST READING

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

MAGISTRATES COURTS ACT AMENDMENT BILL

INITIATION IN COMMITTEE

(Mr. Miller, Ithaca, in the chair)

Hon. W. E. KNOX (Nundah—Minister for Justice) (4.26 p.m.): I move—

"That a Bill be introduced to amend the Magistrates Courts Act 1921-1974 for the purpose of facilitating the hearing and determination of actions for small debts and to provide for matters related thereto."

The Magistrates Courts Act makes provision for courts in which action can be taken in most types of civil matters where the amount involved does not exceed $1,200. Amongst the actions which these courts can hear and determine, within that limit, are actions for the recovery of debts.

Over the years the average person has seemed loth to exercise his rights in these courts, and because of this, in 1973, I introduced legislation to provide for tribunals in which consumers could bring claims against traders. The Small Claims Tribunals, I am pleased to report, have operated most successfully and, in fact, have become commonplace throughout the nation. Now the time has arrived to establish Small Debts Courts, along similar lines to Small Claims Tribunals, in which traders and other creditors may take action for the recovery of small debts owing to them.

Honourable members will be aware that the number of references to Small Claims Tribunals is relatively small. It is anticipated, however, that claims for small debts will be filed in their thousands. To accommodate such a volume it is proposed to use the existing structure of the magistracy and the Magistrates Courts and to incorporate the machinery for the recovery of small debts within the Magistrates Courts Act and Rules.

It is necessary, however, to amend the Magistrates Courts Act only in a limited way to provide for small debts recovery, while the remaining matters can be dealt with by amendment of the rules.

The Bill will propose that a plaintiff may proceed either under the means presently available to him or may elect to proceed under the proposed legislation. Hearings will be before a stipendiary magistrate sitting alone and constituting a Small Debts Court.

An action for a small debt will be limited to a debt or liquidated demand in money where the amount involved does not exceed $450 inclusive of interest.

Similarly to Small Claims Tribunals, the right of appeal will be restricted to excess of jurisdiction or where there has occurred a denial of natural justice to a party to an action.

Provision is also being made for hearings to be informal in chambers from which the public will be excluded, or in a closed court. Results of determinations made therein will be published periodically in the Government Gazette.

It is further being provided that the court, in hearing and determining an action for a small debt, shall be guided by equity, good conscience and the substantial merits of the case without regard to technicalities or any rules of evidence. Upon the hearing, a record of evidence is not required to be made.

Provision will also be made for any other action, where the sum sued for is less than $150, to be heard and determined in a similar manner. At the present time any such action may be so dealt with in this manner only where the sum sued for is under $50. The increase in this instance is to conform to the present provisions relating to appeal, where automatic right of appeal exists only when the amount claimed is $150 or over.

Professional or remunerated representation, as is the case with the Small Claims Tribunal, will not be allowed except with the consent of the opposite party and if the court, after consideration of the difficulty of any question of law or fact raised in the action, is of the opinion that no party will be disadvantaged by the presence or absence of such representation.

Other principles being applied to the operation of Small Debts Courts will provide that no costs be allowed to either party, that the plaint form be simple, that the filing fee be $2 in each instance, and that service of plaints and notices be effected by registered post or certified mail. It is not necessary to amend the Act to achieve this or to deal with representation before the court. The Magistrates Courts Rules will be amended for this purpose.

Judgments of Small Debts Courts will be enforced under the present system. However, subject to the directions of a court as to the future conduct of a hearing, the automatic operation of certain practice rules will be excluded.

I am confident that the introduction of this legislation will fill a long-felt want relating to the recovery of small debts and assist those persons desirous of obtaining inexpensive judgment in such matters.

I commend the Bill to the Committee.

Mr. WRIGHT (Rockhampton) (4.31 p.m.): For many years criticism has been levelled at the debt-recovery systems that operate not only in Queensland but throughout the nation and, in fact, in all English-speaking countries. We have had them described as being outmoded and archaic. We realise how unsatisfactory they have been to the small businessman and to the self-employed. It has been a very costly and often long-drawn-out process. As the Minister said in his introductory remarks, many businessmen and self-employed persons simply did not bother to try to recover debts.

Members of the Opposition and, I am sure, other members of the Committee have realised the need to modernise and streamline the systems. It would seem that that has been accepted by other States and countries, but not always with satisfactory subsequent action. I note that the New South Wales Act is still based on English models. Possibly we could gain something in this Assembly if we were to consider the experiments and experience in other countries such as the U.S.A. and Canada. It is not my intention to deprecate the English models. The legal institution in the British Commonwealth has stood the test of time, but surely we must come to the point when there is a need to be a little more adventurous when it comes to upgrading legal institutions.

One might say that the Minister is being somewhat adventurous because he is stepping aside from the normal formal system of going to a Small Debts Court, as it is known in New South Wales, the Court of Petty Sessions, or the Magistrates Court, as it is known in Queensland. However, I think that we have to look back at legal history. There is a persistent record of corrective measures being taken over many hundreds of years to ameliorate the harshness and anomalies that existed in debt-recovery laws. That has certainly happened in this nation.

It is not my intention to delve in great detail into that aspect of law. I am sure that most honourable members appreciate the difficulties of the situation, but we have heard of the wretched provisions that did exist in the laws relating to debts. Persons were committed to prison for not being able to meet debts, with the ridiculous situation that they had to stay there until their debts were paid. Even though they had no ability to earn money to meet their debts, the law provided at that time that they should remain in prison until their debts were paid. We often heard the story of the very generous person who would meet the debts of another so that he could get out of debtors prison.

Those shocking provisions made us realise that imprisonment is not the only answer for debt recovery. I think all honourable members would agree with me—certainly I hope so. Because of the shocking conditions in previous centuries we have seen changes take place in the laws relating to insolvency and bankruptcy, to the point that recognition is now given to both the debtor and the debtee. The law is still not satisfactory, and I think we all agree that there has been a need to develop a more adequate protection from the rigours of debt-recovery law. Later I wish to speak on the matter of garnishee because this is one of the really harsh aspects of debt-recovery law.

The main aim of any debt-enforcement law should naturally be that of assisting the creditor to recover debts that are owed to him. We would not argue against that; surely this is the principal aim of any such law. But even so, while we accept that there is a legal obligation on a person to pay his debts, we should not regard this as an unqualified obligation.

It always bugs me that we have special laws for the businessman and too often put aside the consumer, the man who is not tied up with trade. For a long time it has been accepted that businessmen who trade within the framework of a company of limited liability are protected from personal liability for the debts they incur. We see there a move away from this principle of having to pay debts.

Similarly, in the law of bankruptcy and insolvency, it has long been recognised that an individual trader may in some circumstances ultimately obtain a discharge from debts. Admittedly the non-trader or consumer has been recognised over the last century, and we have seen some debt-enforcement practice that granted protection to debtors whose financial circumstances are not such as to enable them to repay their creditors without suffering extreme hardship. Queensland has laws limiting the property of a debtor that may be seized and sold towards the payment of his debt. Consideration is given in the State and throughout the Commonwealth to persons of limited

income—to pensioners and to those who receive either unemployment or sickness benefits.

I think all honourable members will agree that any acceptable scheme must give consideration to the rights of other creditors. It must also protect the debtor and his family from extreme hardship. These are the first two criteria; we must recognise that he has a debt to the creditor, and we must also protect the debtor and his family from extreme hardship.

I suggest that we examine the United States and Canadian systems, which seem to have introduced another principle, that of rehabilitation. It is desirable to help rehabilitate those debtors whose insolvency may have been caused or contributed to by their inadequacy or incompetence in the handling of credit and general budgeting, or their lack of over-all skill in money management. This is a new idea in Canada and the United States of America, and some cognisance is being taken of it in other parts of the world.

It is not good enough merely to punish a person who does not have this skill and who incurs debts that he is unable to meet. We should embody within our legislation some rehabilitative process whereby we can give advice to that debtor in rearranging his financial affairs in a more efficient manner, for example, by advising him on the use of credit facilities, and so help him to upgrade his money-management skills. I realise that it would be difficult to achieve this aim. Nevertheless, as attempts have been made in other countries to do so, I suggest that we give consideration to it here.

The proposed measure is not a new idea; it was suggested by many other honourable members, including members of the Opposition. "Hansard" will show in fact that it was first suggested by Opposition members However, that is beside the point. The Minister smiles. He has this policy, as we have noted over many years, of taking note of suggestions put forward by the Opposition.

Mr. Jensen: He's one of the few.

Mr. WRIGHT: He takes note of them, but he says nothing about them at the time and many months later suddenly makes a public announcement as to what he intends doing. We have seen this in relation to small claims and other legislative measures. It is time for recognition to be given to Opposition members who make such suggestions. After all, the Opposition has the role of being constructive in its criticism, and I think we have been constructive in this area of law.

Accepting that it has been raised previously, I consider this system to be an improvement on the one presently in force. The Minister has talked about its informality, its saving in cost and its swiftness in dealing with these matters. I would think it is a remedy possessing these characteristics. The present remedy is certainly cumbersome and archaic as well as deficient in many other ways.

We all realise that it involves the issue of summonses, the examination of debtors, the granting of final orders and the enforcement of those orders. Because the present system in the Magistrates Court seems to be a case of first in, first served it is not exactly advantageous to other creditors. If a person can rush in and get a magistrate's order against a debtor, his debt will be paid, but other creditors will miss out. There seems to be a lack of uniformity on what property of a debtor can be seized and what property he can keep. There is lack of uniformity between State and Federal laws. Maybe the Minister for Justice will explore this area.

I shall now refer to a point I made earlier. No criticism can be levelled at the present system without mentioning garnisheeing of wages. This practice is being used unfairly by many firms. Certainly it is detrimental to the debtor and his family. It is time we gave some thought to it. Little consideration seems to be given to many of the debtor's other financial commitments. Some firms—I shall not name them—often within the same group continually garnishee employees' wages. Often the employees do not know anything about it until the employer says, "You will lose so much a week." Family commitments are never recognised. The employee's difficulties and his other responsibilities are not considered. A great deal of evidence goes to the point that wage garnisheeing is self-defeating in the long run. It results in sackings and, quite often, voluntary termination of employment. When a man loses his job or voluntarily relinquishes it, his ability to pay his debts is reduced. Quite often the creditor who sues in this way in the Magistrates Courts eventually loses. I hope that the Minister pays due cognisance to the problems that arise in the garnisheeing of wages.

It should be noted that in South Australia the practice was abolished about 80 years ago. I am not sure that there is great value in such a remedy; it is not desirable in debt enforcement. However, if it is the opinion of this Assembly that we should have it, let us introduce some protection for the employee to make sure that he cannot lose his job if his wages are garnisheed. This is where the real problem lies; this is where the practice is self-defeating. Many firms sack employees because their wages have been garnisheed. I should like the Minister to do something about it, whether it lies in his sphere or that of the Minister for Industrial Development, Labour Relations and Consumer Affairs.

The Opposition looked very closely at debt enforcement not only because the Minister gave notice of it in the Press, but also because it has concerned us for some

time. The Opposition's legal committee, with which I am involved, looked at the matter repeatedly. We came to the conclusion that we should take the area of small-debt enforcement out of the courts. We therefore support the idea of these cases being heard in chambers. That is the first step.

When considering this matter some time ago, we made note of the recommendations of the Payne committee in the United Kingdom. I do not know if the Minister has considered this but possibly he, or at least the Law Reform Commission, should look at the recommendations of that committee. It went a step further by saying that not only should this procedure be made informal and speeded up to cut costs, but also that it should be removed from the courts completely. It said that it should be the task of some enforcement office. That is the terminology used by the committee when talking of the office where the enforcement of debts is dealt with. It called it the "Enforcement Office".

It has a very important task centring on the control of enforcement of all money judgments. In doing so, it looks at some very important points. The first task it undertakes is to ascertain the financial position of the debtor. Surely the first and foremost requirement, before any judgment is made, is to determine exactly what he owes, what other creditors are involved and what are the financial obligations of himself and his family. It is essential to know what difficulties will be incurred if, in fact, the payment of the debt is enforced.

Another important matter is the best mode of recovery to be used in individual cases. Very often this relates to the selling of property. Again, it can be the garnisheeing of wages, apparently; but the enforcement office looks at the individual case and decides what is best. It is not recommended that all the rights of creditors should be removed. The creditor can apparently recommend a certain mode of recovery, but it is left to the enforcement office to make the final decision. The creditor is helped, too, because the money paid is returned through the enforcement office, thus guaranteeing that the creditor receives it.

These are other areas. I admit that they are extensions of what we are doing in this measure, but at the introductory stage of any legislation all honourable members have the opportunity to suggest further improvements. I believe that the recommendations of the Payne committee are in fact an advance and could well be adopted, at least in part, in this State.

Returning specifically to the legislation—members of the Opposition support the recommendation of the Minister. We support the principle embodied in the measure. We believe there is a need to streamline debt recovery. For some time we have been concerned that many self-employed people such as dentists and other professional people just cannot recover their debts. I think of the proprietor of a small corner store who allows people to build up credit, often to the extent of $20 or $30. The moment the amount reaches a certain point, the consumer starts to deal with another store. If the small shopkeeper wants to retrieve those debts, he has to spend a considerable amount of money. I think that is unfair. Whilst we want to protect consumers to the maximum, I think we ought to ensure that they meet their obligations. After all, bad debts are carried by the total community, not just by those who build them up. Therefore, we support any measure designed to meet the situation.

I am concerned, however, that this new tribunal, or Small Debts Court, is being retained within the structure of the Magistrates Courts. I can understand in one way that this is necessary because we want to decentralise its coverage and make sure that all claims can be dealt with swiftly. But over a period I would hope that a different system could be established—a different sector of our judicial system, with people acting as arbitrators, because I believe that will be the role they will play. That will be their function. There will not be rules of evidence or the formality of the Magistrates Courts. Magistrates will be used in a different capacity; so why not build on the system we already have by setting up arbitrators and taking it out of the realm of the Magistrates Courts?

I am very pleased that in a Press release the Minister revealed that there will be no legal representation. If we are to minimise costs, we have to remove the solicitor, with due respect to the legal profession. I think members of the legal profession understand that there are many areas in which they should not be involved. Small debts and small consumer matters such as are dealt with in the Small Claims Tribunal do not warrant legal representation. I believe the success of the Small Claims Tribunal supports my argument on this. It has done extremely well without the "legal eagles" being involved. Costs have been kept to a minimum. The filing fee in that field is the same as that provided by this measure —$2. We have gained from our experience in that field; so let us hope that this measure will meet the needs of the community in the recovery of small debts.

Finally, I suggest that the Minister consider the whole field of the recovery of debts and that, through his Law Reform Commission, he undertake a study of the Payne committee's report. I hope that consideration will be given to taking all aspects of the recovery of debts out of the courts and setting up some type of enforcement office. A lot is to be gained from that, and I believe the community generally would benefit from it.

Mr. YEWDALE (Rockhampton North) (5.48 p.m.): I rise to support the remarks of my colleague. I wish to touch very briefly on the formation of the Small Debts Court and the procedures to be followed by it. I feel that this measure reflects an extension of the Small Claims Tribunal; this measure is complementary to that. Undoubtedly, as the Minister pointed out, a Small Debts Court will be inundated by thousands of claims by creditors. I am sure that a lot of dirty linen will be washed and a lot of matters will be cleared up.

I support wholeheartedly, too, the procedure to be used within the court, as it will be along similar lines to that followed in the Small Claims Tribunal. I know several people in the Rockhampton district who have taken advantage of the opportunity to seek relief through it. They all comment on the informality of the procedure adopted by the referee. I hope that the same air of informality will apply in this field.

I believe that many small debts are built up over a period for a number of reasons. In another area in the community, business houses are only too willing to extend credit for the purchase of boats, cars and other products which, because of the standard of living we have developed, young people in particular are prone to desire. People soon find themselves in the clutches of finance houses. In many cases they cannot meet their commitments. Unfortunately finance houses do not worry very much about the ability of a person to meet his commitments —both the one he is undertaking at the time and others he might have already. Consequently, as my colleague pointed out, a person could find that his commitments are many and varied.

The average person in the community would be more prone to accept the function of a Small Debts Court than the present procedure. Firms and companies are quite prepared to send out an account, a second account, a final account and, in the end, a warning that if the matter is not taken care of a summons will be issued. The middle and low-income earner who finds himself in this position tends to ignore that particular debt, because of the circumstances surrounding the summons, the court hearing and the likelihood of having to pay court costs as well. In many cases people are even prepared to leave a district to avoid their commitments. Like my colleague, I feel that people should meet their commitments wherever possible.

This Bill will help both parties in the long run. People with a number of small debts would feel more inclined to come forward to meet their debts, thereby helping the small businessman or small shopkeeper to receive what is considered to be rightfully due to him. Generally, I think that this measure is complementary to the Small Claims Tribunal and I hope it will prove to be of advantage to most people.

The Minister referred to a limit of $450. I question the wisdom of this, but I shall leave comment on it until a later stage of the debate. In other areas of responsibility the Minister has set a limit and in this session he has increased the limit on the jurisdiction of the Small Claims Tribunal. Under this legislation he is limiting the jurisdiction to $450. I believe that within a short period that figure will be considered too low and another Bill will have to be introduced. I welcome the legislation and reserve the right to comment further at the second reading.

Mr. LOWES (Brisbane) (4.53 p.m.): I should like to reply first to the last submission made by the honourable member for Rockhampton North about the limit to $450. While the bankruptcy jurisdiction remains at $500 it would seem appropriate that the State should not increase the jurisdiction of the Small Debts Court beyond $450. It is a matter that could be reconsidered at a later date.

Mr. Wright: Don't you think it is about time you lifted the bankruptcy jurisdiction?

Mr. LOWES: I should like to question whether we consider the bankruptcy jurisdiction of $500 to be inadequate. I think the Government would say, "Yes." But it is not for this Government to make that variation.

We have had periods of golden legislation as well as periods of dark-ages legislation in Queensland. In the early 1950's we experienced one of the periods of dark-ages legislation. I instance the club legislation, the university legislation, the "dim-sim petrol" legislation and possibly even the Magistrates Courts Act Amendment Bill in 1954, which increased the jurisdiction of the Magistrates Courts from £200 to £600. In retrospect, all of that legislation might be regarded as bad.

As to the increase in jurisdiction of the Magistrates Courts, it must be remembered that in 1954 there were only two jurisdictions, namely, the Magistrates Courts and the Supreme Court. If one looks for a period of what might be called golden legislation, it might well be 1867 and the 1870's. Many of the Acts passed in that period remain. One is the Act that established a Small Debts Court, and another the Act that set up the District Courts. Both those courts functioned very successfully, to the satisfaction of all litigants, until the 1920's.

Then what happened in 1921? The Small Debts Court was abolished by the introduction of the Magistrates Courts Act. The limit of jurisdiction of that court was then fixed at £200, and it so remained until 1954. The District Courts were abolished, too. It is difficult now to see how the legal system carried on without the District Courts. In about 1964, the present Government reinstituted the courts, with a jurisdiction of up to $10,000 in motor-car collision cases and

up to $6,000 in other claims, and gave them a criminal jurisdiction that removed from the Supreme Court the vast bulk of work that had previously been done by it. On looking back now in 1975, the mind boggles at the thought of trying to get along without the District Courts. But the District Courts were reintroduced, and the Small Debts Court was not—at least till now.

Mr. Hanson: The honourable member for Townsville South said that the District Courts were reintroduced because Supreme Court judges would not work.

Mr. LOWES: The honourable member for Port Curtis makes salacious remarks about judges of the Supreme Court.

Mr. Hanson: I didn't; he did.

Mr. LOWES: The honourable member for Port Curtis is prepared to repeat salacious remarks and, by repeating them, he lends support to the allegations of the honourable member for Townsville South.

Mr. Hanson: I would like your comment on that remark.

Mr. LOWES: If the honourable member for Port Curtis lends himself to these tactics of the honourable member for Townsville South, he must expect to go down with him.

Mr. Hanson: I am just telling you what he said.

Mr. LOWES: In 1975, the Government is proposing to reinstitute what was instituted as far back as 1867 and operated very well for 50 years.

With the abolition of the Small Debts Court, not all small debts lacked a forum for contest. In the Magistrates Courts, they became subject to all the necessary pleadings and all the costs involved, including the costs of legal representation. Except in particular cases where the parties agreed to the exclusion of the rules of evidence, the Magistrates Courts conducted a full hearing of any small debt, just as they would consider any matter involving a sum up to $1,200.

In actual fact, the first jurisdiction to be abandoned by any counsel who is establishing any sort of a practice is the Magistrates Courts jurisdiction. One often finds on tendering a Magistrates Court brief to counsel that he no longer practises there. The amount of work that has to be done in a Magistrates Court action, whether the amount involved is $100 or $1,000, is exactly the same as the amount to be done in a Supreme Court action in which a party may be suing for $10,000 or $50,000.

The proposal to introduce a Small Debts Court, which will function without the aid of legal practitioners, is, I agree, a step in the right direction.

This is a court similar to the Small Claims Tribunal. It will operate in close association with the Consumer Affairs Bureau, and it will be remembered that that bureau is an organisation—again set up by a National-Liberal Government—the particular purpose of which is to protect the individual against the monopoly and against the corporate body. I think it has been said before by people with a fair understanding of the practical operation of law that some corporate bodies have neither a soul to save nor a body to flay. Yet these corporate bodies, in spite of the small amount of a claim, are always in a position to afford to retain counsel to appear on their behalf, frequently to the detriment of the individual.

In this jurisdiction, which the Government proposes to reinstate after a lapse of 50 years, the individual will be given the right to be heard without the risk of incurring costs. The visitation of costs is always a deterrent to the potential litigant. Before going to the court, he will look at the amount of the claim, have regard to the possible or likely costs, and then do a sum for himself. In most cases involving, say, the small corner store, he will say, "The costs are not worth the candle." Consequently, some people have become aware that the small corner store will not sue them for $10, or that the local garageman will not sue for $20 or $30. They have battened on to that, and they have done it for years and years in the honest belief—it is not by any means a mistaken belief, because it is a belief which comes from practice—that they will defeat their creditors. The Small Debts Courts will provide a solution to such cases.

Mr. Hanson: What does the Law Society think of this legislation? Is there any unanimity on it?

Mr. LOWES: I am unaware of the attitude of the Law Society, but I think that it would be somewhat similar to that of the Bar Association—that is, that these are matters which involve a great deal of work, the recompense for which is not adequate.

It is rather interesting to note that the 1867 Act provided for a Small Debts Court with jurisdiction up to £30, and by consent £50. It laid down also, as does the Magistrates Courts Act, a scale of fees. Section 9 of the 1867 Act provided for fees payable to counsel and attorney. That is a curious use of the old "attorney" as compared with "counsel". When solicitors are admitted to practice, they are admitted as solicitors, proctors and attorneys. So obviously in 1867, when perhaps people were more precise in the use of terms, the Act used the true and correct term "attorney". Both words were used in a sense of similarity.

Under the schedule of fees provided by section 9, where the amount of the claim was under £10 the fee was one guinea, and in all other claims the fee was two guineas,

irrespective of whether counsel or attorney appeared. Applying that scale of remuneration to the present-day cost of living——

Mr. Wright interjected.

Mr. LOWES: As the honourable member Rockhampton said, in those days a witness received 5s. 0d. for his attendance. Applying the cost that operated in 1867 to the present day we see that neither counsel nor attorneys in 1975 would be afraid of losing any sort of income, with perhaps the rare exception of a particular counsel or attorney who would be in court every day of the week, all day long, appearing for a corporate body. It is not difficult to imagine for whom such a person would be appearing.

Mr. Wright: He would be on a retainer.

Mr. LOWES: Yes. It is quite proper that provision is made in the Bill for the exclusion of persons who have a particular skill. We know what happens in the sphere of industrial advocates. In the industrial field a quasi-legal system has grown up—which is not within the province of the Law Society or Bar Association—of people who have acquired expertise as a result of frequent appearance in that jurisdiction. If that were allowed to happen in the jurisdiction of the Small Debts Court it would be to the detriment of the individual. As a Government we are committed to protecting the individual, particularly from the large corporate bodies. We are pledged to do that, and we will continue to do that.

The Bill is intended merely to reintroduce something that was good, and something that we had until it was abolished in 1921 by a Government that was not of our political persuasion.

A Government Member: A Labor Government.

Mr. LOWES: A Labor Government. For the sake of the small individual and the small trader. we are seeking to reintroduce the Small Debts Court. There could be no opposition to the proposal from either side of the Chamber. I completely endorse the Bill.

Mr. DEAN (Sandgate) (5.8 p.m.): The Opposition's case was very ably presented by the honourable member for Rockhampton. Not being connected with the legal profession in any way, I speak purely as a layman. However, I should like to pose a couple of questions. With a certain amount of reservation I say that the Bill appears to be good in parts.

First of all I ask: what happens to the debtor if he fails to meet his obligation to pay after an agreement has been reached? Does he have to serve a prison sentence? Do we go back to the 17th century, when people were committed to gaol for owing small debts? The Small Debts Court in Great Britain and other countries was abolished years ago. That is my first question to the Minister. Unfortunately some people in the community refuse to honour their debts. They take part in financial transactions but after they receive the goods or services they overlook payment. Of course, some of those people do not fail to spend money in a T.A.B. agency, and they honour their debts to bookmakers and publicans.

I am wondering what action can be taken against the person who refuses to pay his debts, particularly if he has no goods and chattels that can be sold up. If a person has goods and chattels, that is a different matter; but some debtors are rent-payers without any worldly goods other than the clothes they stand up in. I am hoping that the Minister will answer that question in his reply. Where does the creditor stand if the debtor fails to honour his obligation after an agreement has been reached?

Hon. W. E. KNOX (Nundah—Minister for Justice) (5.10 p.m.), in reply: In introducing a new matter such as this when we are treading on new ground, new questions arise and new answers have to be found.

In answer to the question asked by the honourable member for Sandgate—it is like the enforcement of any other court order. Blood cannot be got out of a stone. No matter how many legal processes may be gone through, it just isn't there. It will be treated as a normal order of the court, as is the case now.

I did mention that many thousands of people might take advantage of the Small Debts Court. I feel, however, that, in the light of the matters raised by the honourable member for Brisbane, many people, aware of the existence of the court, will not do the things they are doing now. I suggest that fewer debts will be incurred, simply because there will be less travelling and more arriving in these matters, if I might put it that way.

It is because of the lack of action on the part of traders, such as proprietors of corner stores, butchers and bakers, that some people have deliberately avoided meeting their commitments. I think all honourable members are aware of this practice.

Some time ago when I brought this matter to the attention of the public, I was amazed at the number of small traders in the community who, in their submissions to me, adverted to the difficulties encountered by them as a result of this practice that has grown up in recent years. Butchers told me that they had accumulated small debts to the tune, for example, of $1,100 to $1,200; milkmen told me of debts owed to them amounting to $5 or $6; and service station proprietors stated that, having given credit on filling the tank of a motorist, they found that he never turned up again. Even if they knew the address of persons who did

not meet their commitments, they had to take two or three hours off work to chase them up and obtain their money.

Mr. Hanson: The great majority are reasonably honest, though.

Mr. KNOX: Yes indeed. I know, of course, that the honourable member for Port Curtis has a sign in his bar saying that no credit will be given, so he does not have this problem.

Mr. Hanson: There's no ambiguity about the sign, either.

Mr. KNOX: I think in another bar he has a sign saying, "Money up or shut up". No doubt, because of his very strict cash arrangements, the honourable member for Port Curtis is in a very good liquid position.

I am quite sure that anyone who has been involved in trading or has worked with traders and seen their accounts will be aware of the type of problem that exists.

We are not concerned with people who are basically honest and who have no intention of defrauding anyone but nevertheless experience difficulty in paying their debts. Arrangements can be made to cover such an eventuality. The legislation will discourage a lot of people who have engaged in what is virtually a form of stealing. They have no intention of paying their accounts and they flit around from trader to trader. This legislation is very much needed.

I am indebted to the honourable member for Brisbane for bringing the old legislation to the notice of the Committee.

Mr. Wright: It won't be the same.

Mr. KNOX: No, it won't be. Some 12 months ago I had reason to seek out this legislation and read the history of it. When it was introduced in this Chamber, it was considered to be fairly progressive legislation. It is surprising how, with the passage of time, these things have been overlooked.

Mr. Jensen: Would I be allowed to appear with someone?

Mr. KNOX: The same sort of rules would apply as to the Small Claims Tribunal. We have allowed a friend or relative to assist people before the Small Claims Tribunal. In this instance, similarly, when they need assistance they will be welcome to have it. Interpreters have been used quite often to assist many tribunals in Queensland.

As to who thought of these things first, I shall not try to claim any credit.

Mr. Hanson: You always do at election time. You are noted for it.

Mr. KNOX: That would be reasonable. During the last election campaign the honourable member for Rockhampton claimed credit in his advertisements for every piece of worth-while legislation I have introduced in this Assembly. I do not mind his doing that. If he can benefit from my efforts I am flattered to think that they have been generally accepted. Virtually everything worth while introduced in this Chamber, it appears, was thought of first by the honourable member for Rockhampton. Apparently he gave me the full details and it was only a matter of my putting the legislation before the Chamber and getting his acquiescence.

Mr. Jensen: He did not give you any credit for it?

Mr. KNOX: He did not mention my name. That was the only thing that upset me.

Mr. Hanson: I have some of your pamphlets distributed in Nundah. By Jove, I'll show them one day!

Mr. KNOX: The last election was the first time the honourable member issued an electioneering pamphlet, he was so frightened of the result.

The CHAIRMAN: Order! I think the Minister is allowing himself to be diverted.

Mr. KNOX: The United States and Canadian systems have included small debts courts for some time. I am amazed at the amount of money handled by these courts in the United States. In the State of New York and many other places they operate at night-time. I believe crowds watch the proceedings, which are not held in Chambers. They regard them as free entertainment. That does not appeal to me as a way of administering justice in this area.

Mr. Hanson: Your photograph appears in "The Courier-Mail".

Mr. KNOX: I think the honourable member is digressing from the matters before us.

The honourable member for Brisbane outlined the history of this measure extremely well. At the same time, he answered some of the observations made by the two previous speakers.

I believe I have answered the question raised by the honourable member for Sandgate.

Mr. Wright: What will you do about garnisheeing?

Mr. KNOX: That matter is a little outside my field at the moment. Representations have been made about it to various Ministers.

Mr. Jensen interjected.

Mr. KNOX: I may even introduce a private member's Bill dealing with it. We could all claim credit for it then.

Motion (Mr. Knox) agreed to.

Resolution reported.

FIRST READING

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

THE SCOUT ASSOCIATION OF AUSTRALIA QUEENSLAND BRANCH BILL

INITIATION IN COMMITTEE

(The Chairman of Committees, Mr. W. D. Hewitt, Chatsworth, in the chair)

Hon. W. E. KNOX (Nundah—Minister for Justice) (5.21 p.m.): I move—

"That a Bill be introduced to make provision for the vesting of certain property in the corporation styled 'The Scout Association of Australia Queensland Branch' and for related purposes."

The Bill seeks to rectify the anomalous position which has arisen over the years relating to the title to the considerable property acquired by the Queensland branch of the body now called The Scout Association of Australia.

In 1912 that body, then called The Boy Scouts Association, was incorporated by royal charter, and in 1926 the Queensland branch was formally created but never separately incorporated. As a result the property acquired by the Queensland branch is properly registered in the name of The Boy Scouts Association. Legally, this property vests in the parent body in the United Kingdom. The Queensland branch, however, always treated the property as its own and dealt with it freely without reference to the parent body, which has never questioned this and has no knowledge of or interest in the property.

In all other States, the branches of the association have been separately incorporated and have therefore acquired independent property rights.

Some years ago, the Australian Boy Scouts Association was formed to direct and control matters of policy in Australia. The various State branches of the Boy Scouts Association became branches of the new body, and their property rights remained independent and unaffected by the structural change. This new body was incorporated by royal charter in 1967 but the existing rights of branches were not affected. The determination of the status of the Queensland branch as a branch of the Boy Scouts Association, which took place some time before the grant of the charter, would appear also to have determined its capacity to deal with real property.

The name of the Australian Boy Scouts Association has since been changed to The Scout Association of Australia, the Queensland branch of which on 15 August 1974 was incorporated by letters patent under the Religious Educational and Charitable Institutions Act. The property in Queensland, however, remains registered in the name of The Boy Scouts Association, which has formally renounced all interest in it.

The principal purpose of the Bill therefore is to vest in The Scout Association of Australia Queensland Branch all real and personal property belonging to or vested in The Boy Scouts Association Queensland Branch and that situate in the State belonging to or vested in The Boy Scouts Association.

The Bill further provides that, upon production to it of such documents as are necessary and without requiring payment of any fee, the registration authority keeping any register or record in which is recorded a registration or notification of the association in either of its old names, shall amend that registration or notification by substituting therein a reference to the new name of the association. All references in any document whatsoever and any devise, bequest or gift to the association in its former names are to be read and construed as a reference, devise, bequest or gift to the body in its new name.

The proposed measure will enable a very worthy organisation to put its affairs in order with a minimum of inconvenience and permit its normal business to proceed in a proper legal manner.

I commend the Bill to the Committee.

Mr. WRIGHT (Rockhampton) (5.25 p.m.): When notice was given of this legislation I took it upon myself, as president of the Rockhampton district association, to contact Chief Commissioner Tom Roberts, who explained that this legislation as outlined by the Minister is required. It is quite apparent that it is a machinery and technical measure and should have the support of every honourable member because, as the Minister said, scouting is a very worthy organisation in our community.

Apparently Imperial headquarters has been consulted on this measure. I imagine legally it would have to agree to any change-over of property rights and Tom Roberts told me that there is a letter in the files of the Queensland branch of the Australian association saying that it is quite prepared to forgo any rights or interest in land held in Australia by the Scout Association. So we totally support this. I think every honourable member would support any measure to assist scouting.

As we seem to be so prepared to help each other nowadays, I seek the Minister's assistance. One area that needs looking at —admittedly it is a Federal area but I think the States could make representation at the Federal level—is obtaining sales tax exemption for the Scout Association. Our local association faces serious problems in trying to buy goods on which sales tax is payable. The Minister mentioned gifts of property and so on. The donor does not have the benefit of using a donation as a tax deduction. I should like the Minister to contact the Federal Government as I have done. I wrote to Dr. Jim Cairns and I am very pleased with his reply. He has indicated that he is prepared to consider the matter.

Mr. Knox: What did he say?

Mr. WRIGHT: He is prepared to consider it. He said it has been raised before and that it is being raised at national level in scouting. I suggest that the Minister who is obviously interested in this area and other honourable members contact Federal members of Parliament to make this an issue. If honourable members are interested in scouting, they should make representations to the Federal Government to do something about this. It would certainly help the thousands of young fellows tied up with scouting. If this concession is allowed to the Scout Association, it will apply also to the guide movement.

Mr. POWELL (Isis) (5.27 p.m.): As the District Commissioner of Scouts in Bundaberg and having under my control a large number of uniformed staff and boys, I support the Bill. The scouting organisation in Queensland moulds the character of many boys. As an organisation it should be supported to the full by this Government.

It is apparent in our community that we need a large number of youth organisations. But many organisations do not seem to be attracting those who are at present outside their ranks. With the change in the past couple of years from the old knot-tying concept to the updated organisation that the Scout Association is today, catering basically for the character-training of boys, it is certainly an organisation that every boy would be well advised to join.

It has a good deal of parent involvement. Every honourable member should have something to do with the scouting organisation in his own area. It needs a lot of people to help, and all honourable members should take an active interest in it. Too often parents are willing to send their boys to Cubs, Scouts or Venturers and leave it at that. They adopt a child-minding attitude which I deplore. I hope honourable members will do their best to become involved in the organisation.

The scout organisation has a large community involvement. However, we need more resource advisers to guide the boys into the various activities in which they wish to train. The organisation provides a tremendous amount of interest both for boys and for the community. I am pleased that the Government has supported the Scout Association financially in the past, and I hope that it will continue to do so in the future.

I join with the honourable member for Rockhampton in his plea on the sales tax issue. The Bundaberg association is no different from the Rockhampton association in having to bear the burden of this tax.

With those few remarks, I place on record my support for the Bill, and I hope that it will receive similar support from other members.

Mr. HANSON (Port Curtis) (5.31 p.m.): In company with——

Mr. Knox: The troop leader.

Mr. HANSON: In the words of a true scout, I say in reply to the Minister, "I am prepared." I have a very extensive brief.

I think all members of this Assembly have a general appreciation of the worth of the scouting movement, and the very profound influence that it has on the youth of not only this State and nation but the whole world. The honourable member for Isis spoke of parent involvement in the movement. Of course, in carrying out our electoral duties, we, as members of Parliament, attend Founder's Day and other scouting functions. We are always very happy to participate in them, and to share these wonderful days with parents.

Quite recently in my electorate there was a unique occasion in the history of scouting. The Queen's Scout badge was awarded to a lad who three years ago had received the Eagle Award, which is the highest scouting award that can be earned by a United States citizen. It is very unusual indeed for the one person to gain both awards. He is a very fine young fellow, and he has a wonderful mother. His father died not long after he came to Australia to work for Queensland Alumina Ltd.

I should like to know if the title "The Scout Association of Australia Queensland Branch" has anything to do with determinations of the Treasury. In recent years certain moneys have been allocated in the budget to scouts, girl guides, and allied organisations. It is, I think, the first time that such allocations have appeared in a Budget.

I view with a little concern some of the decisions made at times by the head scouting body. There may, of course, be reasons for the decisions. Recently I had brought to my notice the case of a branch of the scouting association whose building was in a bad state of repair. It was essential that repairs be effected, and a direct approach was made by this branch to the authorities for assistance. The result was a rather nasty note from headquarters about the matter. If the rule is that branches must communicate with headquarters, and must not make direct approaches to the appropriate authorities, I think that the rule could at times operate to the disadvantage of specific areas. Mine is an area that is developing and in which there are many problems in trying to provide wholesome activities for young people. Naturally I should like to see the expansion of scouting activities, and I do not want to criticise the headquarters of the Scout Association. As I said, it may have its reasons for making certain determinations within the movement.

However, not only the Scout Association but also bowls clubs, basketball clubs and many other clubs that approach the Government for financial assistance do so through the parent organisation in the State, and the Government then communicates only with that organisation. Although that may have certain advantages, it has the disadvantage that it could produce an elitist body within the movement. It may even lead to a form of dictatorial control, and that, of course, could create a certain amount of dissension.

However, I would not for a moment expect any dissension to occur in a fine organisation such as the Scout Association. I believe that it is capable of being master of its own affairs, looking at matters objectively, laying down guide-lines and rules and planning the proper distribution of any financial assistance that it receives by way of Treasury advances. I am sure that it will be able to do that amicably. But I sound this note of warning: not every association, company or corporation works smoothly, efficiently and well. At times, people in such organisations have certain ideas about how they ought to function and no one is able to persuade them otherwise.

I join with my colleagues in affirming general support for the proposed Bill. Having sounded that note of warning, I merely say that I do not wish to see any deterioration in the Scout Association or any other similar organisation that receives Government assistance.

Hon. W. E. KNOX (Nundah—Minister for Justice) (5.37 p.m.), in reply: I think that all honourable members, without finding it necessary to speak to the motion before the Committee, would be supporters of the Scout Association in this State, and I am sure that we all share the sentiments expressed by the honourable member for Port Curtis.

On the subject of sales tax and tax deductions for donations to scouting—I rather hoped that the honourable member for Rockhampton would tell the Committee that the Federal Treasurer had indicated that he would do something about it.

Mr. Wright: It is being considered, but I think it is a matter of principle.

Mr. KNOX: Perhaps he is busy going to the Philippines or somewhere else.

Mr. Hanson: It does not help when he is being rubbished continually by the Premier.

Mr. KNOX: I am certain that all honourable members would support any move to assist the scouting movement with taxation concessions. Let that go on record so that there cannot be any dispute about it.

The honourable members for Isis and Port Curtis pointed out the valuable work done by the scouting movement. I believe that the matter which concerns the honourable member for Port Curtis on disputes—perhaps that might be too strong a word to use—that do occur in the administration of bodies such as the Scout Association really arise because of misunderstandings. It is surprising how many local associations believe that they have autonomy in certain areas when in fact they do not and never did have. They have never bothered to consult the constitution of the association.

When legislation governing bodies of this type is being amended, perhaps one should take the opportunity to remind people at a lower, though important, level of administration that there are laws and constitutions that regulate the behaviour of such bodies and that they should endeavour to make themselves familiar with them. If they did that, they would be less likely to be confused about their autonomy and their rights within the organisation.

I have had close association with scouting, and I have seen how problems arise over the years when people who are very involved in the work of scouting are not really conversant with some of the legal problems that have to be handled by higher authorities.

Mr. Wright: It has been suggested that the Bill may create trouble for local groups. Is there any truth in that?

Mr. KNOX: No more trouble than the trouble that exists now, if it does exist, in any local group. I have in mind one or two that are having some disagreement with their headquarters about how they should be operating in the area of control of property and that sort of thing. That is a continuing trouble. As I said a little while ago, much of it is due to a misunderstanding in the first place. People have not understood clearly their position in the scouting organisation. It is a pity that somebody does not take the trouble to explain it carefully and fully to them so that the misunderstanding could be avoided.

The Bill merely formalises the situation which has in fact been in existence now for some years, but no attention had been paid to the legal niceties that should have been attended to. If those problems exist now between the local associations, district associations and headquarters, they will continue to exist, regardless of the passage of the Bill. All I hope is that people who have those problems will work towards resolving them, and not towards aggravating them. This is a communications problem within the scouting movement as well.

Motion (Mr. Knox) agreed to.

Resolution reported.

FIRST READING

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

PUBLIC ACCOUNTANTS REGISTRATION ACT AMENDMENT BILL

SECOND READING

Hon. J. BJELKE-PETERSEN (Barambah—Premier) (5.44 p.m.): I move—

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

When I introduced the Bill I explained its purpose, which is mainly to enable the membership roll and records of the Public Accountants Registration Board to be processed by computer instead of manually. Honourable members will recall that I indicated the time and costs that would be saved. Perhaps the saving of costs in the first year will not be a very great amount but a great deal of work is involved in keeping accurate records because of names being added to and deleted from the membership roll and changes in addresses.

We live in an age of computerisation. Today the computer plays a vital role. I recall very clearly the days when we first spoke of installing computers at the university. I also remember the role that they played in later years, when they were utilised by various Government departments. The introduction of computers in Queensland was a great step forward. Prior to that time they were largely unknown here. Great skill was required in their use and operators were sent overseas to acquire the necessary knowledge and skill.

Mr. Hanson: Have you got them up at the National Party headquarters?

Mr. BJELKE-PETERSEN: The National Party is not an affluent political party as is the Labor Party, which has lots of computers and skilled operators at its disposal. But of course the Labor Party needs computers to help it collect union fees from those members who fail to pay them.

The installation of computers in the Treasury Department was heralded as a history-making event. Other members of Parliament and I visited the Treasury Building to witness the computers in operation.

Mr. Burns: The one in the S.G.I.O. has given us a lot of trouble.

Mr. BJELKE-PETERSEN: It may have caused some problems initially. Computers are now considered a necessity in the S.G.I.O., the Treasury Department and the Main Roads Department. We tend to take them for granted. The high cost of operation is no longer regarded as a serious problem. As I say, in this modern day and age they are considered a necessity.

To ensure that the proposed computer system in the Public Accountants Registration Board conforms in all respects to the law, it is necessary for the Public Accountants Registration Act to be amended in certain particulars. This will ensure that such records are legitimate.

Honourable members have had the opportunity of examining the Bill, and they will see that it is a machinery measure designed to facilitate the operations of the board.

I feel that my explanations on the aims and objects of the Bill as outlined in my introductory speech were quite comprehensive, and I see no need to further delay the House in its consideration of this measure. I commend the Bill to the House.

Mr. BURNS (Lytton—Leader of the Opposition) (5.49 p.m.): Mr. Speaker——

Mr. Moore: Can you go three minutes on this?

Mr. BURNS: I have been told to speak for 10 minutes to keep the House sitting till 6 o'clock and to keep everybody happy.

I agree with the Premier that this is a machinery measure. We accept the idea of computerisation.

Without referring specifically to clauses, two provisions of the Bill are of great importance and will be of help to the general public. One is that which provides that the secretary shall at all reasonable times, on payment of the prescribed fee, supply to any person in such form as the board thinks fit a copy of or an extract from the register. That is a sensible provision, and will be looked upon as such by the general public. Anyone will, upon payment of a fee, be able to obtain a copy of the register.

The other provision to which I refer is that relating to the annual practising certificate. As I said at the introductory stage, most public accountants presently in practice have an old yellow certificate on the wall stating that they were registered in, say, 1920. Without being able to check from the register as to whether a person is still permitted to practise as a public accountant, a member of the general public has to accept that, because he has a shingle hanging outside, he is competent to act as a member of the public accountants profession. Public accountants have a responsibility to the public, just as we have the responsibility of ensuring that the public are informed of these matters. Both of those provisions are quite good and deserve the support of both sides of the House.

I am concerned about the following amendment of the schedule relative to examining authorities:—

"Any university or college or institute of advanced education or other examining institute situated in a State of Territory of the Commonwealth or any other country".

On one occasion when we were debating a Health Bill the former Minister for Health told us that, while it was provided that

we would accept medical qualifications gained in the British Commonwealth, certain other States and territories in the Commonwealth, and certain other countries, we could not accept doctors from some countries because it was known that in those countries a person can send $50 through the mail and receive in return a certificate to practise medicine. When we include a broad provision covering any other country, are we really doing the correct thing? Should we allow people who qualify at, say, the university of Minnesota, Blackbutt, or somewhere else in the United States, to hang up their shingles, giving those qualifications as proof of their professional expertise? Will we have to accept them, or will the Public Accountants Registration Board set certain standards before accepting accountants from certain countries or universities? If it does not, we lay ourselves open to allowing people to buy a university degree or some such thing. I do not know that we see so much of this practice today, but in the past some of the more lurid magazines circulating in the State carried ads such as, "Study Accountancy at Home."

Do the other provisions in the Bill make it more difficult for the ordinary man who has joined an institute or undertaken correspondence courses to become an accountant? If a person working in an office somewhere wants to improve his status in life—we can only hope that they will all try to improve themselves by bettering their education, because that must benefit the State——

Mr. Lane: What a great load of rubbish this is.

Mr. BURNS: When we are talking about loads of rubbish, we should remember that a load of rubbish is sitting over there representing Merthyr.

Mr. SPEAKER: Order!

Mr. Hanson: He has loads of rubbish at Samford, too.

Mr. BURNS: That is so.

We are so restricting the accepted standards in the schedule that I worry whether we are making it more difficult for such people to improve themselves by becoming public accountants.

I should not like to think that everyone had to go to a university, a college, an institute of advanced education or other examining institute to become an accountant. Surely we can continue with the system that has been accepted over the years.

Mr. Lane: You are opposed to the Bill?

Mr. BURNS: No, I am not.

Mr. Lane: Why don't you let it go through?

Mr. SPEAKER: Order!

Mr. BURNS: I have been asked to stay a little longer and then let it go through.

I raise that question honestly because I think it concerns the average fellow who has committed himself in some way to one of these correspondence courses.

Mr. W. D. HEWITT (Chatsworth) (5.54 p.m.): The Leader of the Opposition touches with some validity on those accountants trained years ago and their problems in maintaining their expertise in contemporary society. I recognise the difficulty that they would face. With the best will in the world an accountant trained 15 or 20 years ago could find great difficulty in handling contemporary accountancy problems. The discipline is much more complicated. The demands of our society, of necessity, make it much more complicated. I should think that accountants these days, particularly those in public practice, have to spend many hours in close study merely to keep themselves up to date with new statutes and new laws of the land.

I can well instance our company law. When I studied company law—I hesitate to think how many years ago—it was a comparatively simple document; but, because of the pressures of society and because of those who found loop-holes in the Act, of necessity it had to be tightened up. Consequently, the demands upon the accountancy profession were much heavier.

The accountancy profession has long contributed to a number of doctrines, one of which is the doctrine of disclosure. I am bound to say, though, that for many, many years that was recognised more in the letter than in the spirit. For a number of years I worked for a major public company in Queensland, which, in its annual report and balance sheet, seemed to go out of its way to hide facts. Recently I have been looking at the balance sheets of the same company for recent years. Of necessity, because of the law of the land, there is now disclosure, with supporting notes.

These days there is an obligation upon company directors not only to certify as to the condition of their company at a certain date but also to certify as to significant events that happened between the time when the books of account were closed and the time when the accounts were presented. Therefore, I agree with the Leader of the Opposition that it is a matter of great necessity for practitioners to keep themselves up to date and conversant with the disciplines of their profession.

It is a distinguished profession, and one that most people have recourse to. Because of the complexities of our laws, it is remarkable how many people can no longer handle their own affairs. They are in need of professional advice. Because of that necessity, it behoves the profession to keep itself constantly au fait with current situations and current laws and to make sure that its practitioners are so trained that they provide the very best service possible.

Perhaps I may express some surprise at one matter alone. It surprises me that it is necessary for an Act of Parliament to formalise the very simple exercise of changing records over to a computer. One would not have thought that such a simple measure would necessitate action by the Legislature. The Premier indicates his agreement to it; nevertheless the Act is apparently so written that this amendment is necessary. Any progress is to be applauded and supported, and I am quite sure that without any dissent at all the House would lend its support to the measure.

Hon. J. BJELKE-PETERSEN (Barambah—Premier) (5.57 p.m.), in reply: I appreciate the contributions of the Leader of the Opposition and the honourable member for Chatsworth. I am sure that we have no reason to be concerned about the danger mentioned by the Leader of the Opposition. The board is composed of members of qualification and experience. The position is clearly laid down. I have pleasure in commending the Bill to the House.

Motion (Mr. Bjelke-Petersen) agreed to.

COMMITTEE

(The Chairman of Committees, Mr. W. D. Hewitt, Chatsworth, in the chair)

Clauses 1 to 7, both inclusive, as read, agreed to.

Bill reported, without amendment.

[*Sitting suspended from 6 to 7.15 p.m.*]

LOCAL GOVERNMENT ACT AMENDMENT BILL

SECOND READING

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (7.15 p.m.): I move—

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

Mr. K. J. Hooper: Where did you buy the suit?

Mr. SPEAKER: Order! If the honourable member for Archerfield persists in interjecting, I shall deal with him under Standing Order 123A. I ask him to co-operate in this matter.

Mr. HINZE: If you do not deal with him, Mr. Speaker, I will.

Mr. SPEAKER: Order! The same rule applies to the Minister.

Mr. HINZE: Honourable members were provided with a summary of the principal provisions of the Bill during its presentation at the introductory stage by my colleague the Leader of the House. I take this opportunity of thanking him for acting on my behalf on that occasion when I was necessarily absent from the House on Government business.

I am aware that a number of honourable members expressed the view during the debate at the introductory stage that a complete revision and restructuring of the Local Government Act was desirable. It will be appreciated that this Act is one of the most extensive in its provisions that we have on the Statute Book in this State, and it is one that has a very great effect on the lives of citizens. I agree that a constant review is necessary, and the current Bill is a move in this direction. My department will be looking towards extending the scope of this review in the future in the light of ever-changing circumstances and conditions.

Mr. BURNS: Mr. Speaker, I rise to a point of order. I draw your attention to the state of the House.

(Quorum formed.)

Mr. HINZE: What a pity the Leader of the Opposition acted so frivolously on this occasion. He had to send A.L.P. members out of the House to make sure——

Mr. Burns interjected.

Mr. SPEAKER: Order! I have warned honourable members that if they persist in interjecting I shall deal with them under Standing Order 123A. This applies to all members in the House.

Mr HINZE: The Act has been subject to very considerable amendment already and Bills to give effect thereto have been presented to this House almost every year in recent times. Let me assure honourable members that matters raised during the introductory debate will be borne in mind and consideration will be given to further amending the Act, as deemed necessary, in relation to those suggestions.

The honourable member for Wolston stated during the introductory debate that local authorities would be bankrupt without assistance presently being provided by the A.L.P. Government in Canberra. The truth is that, because of the economic policies of the A.L.P. Government in Canberra, local authorities are in greater financial difficulty today than ever before.

The Government of this State has supported its local authorities over many years and in many ways. It guarantees all loans raised by local authorities in Queensland. It assists them with substantial contributions (at the moment over $21,000,000 per annum) by way of its subsidy schemes towards the capital cost of various works—a scheme which, I might add, is the envy of local government in other States. In addition, generous assistance is given in other ways—for example, the special grants totalling $5,000,000 which were approved for local authorities in the current financial year, and which will continue in future years. As a number of honourable members have mentioned, the great problems with financial assistance from Canberra at the moment are the lack of certainty of purpose, extent, and

continuity and the conditions attached. Also, there are so many Commonwealth Government programmes, with no certainty of participation by the individual local authority, that local authorities have been required to expend many man-hours on making applications, with the quite real possibility, and in some cases expectation, that no return will be forthcoming. A number of honourable members referred to this problem at the introductory stage. By comparison, all State programmes are certain and clearly defined and the need for continuity is clearly recognised.

Before commenting on matters raised on specific aspects of the Bill, I would like to refer to the subject of local authority boundaries, which I note was raised by the honourable member for Rockhampton. I am fully aware of the need for close examination and adjustment of boundaries in certain circumstances. A thorough investigation of such boundaries in the Maryborough district has recently been completed and certain proposed adjustments in that area have now been placed on public display for examination and comment. A number of boundary changes have been made involving off-shore islands. Other changes have been made with the agreement of the local authorities concerned. However, I regard boundary adjustment as a gradual process, and I am not in favour of any wholesale re-assessment of boundaries.

The reference by the honourable member for Rockhampton to regionalisation has no doubt been prompted by the centralist policies of his Federal colleagues in Canberra, and their emphasis on "regional" as distinct from "local" government. Local authorities can be assured that the State Government is opposed to these centralist policies and the obvious desire of the Commonwealth Government to create a fourth tier of government.

I turn now to some of the particular provisions of the Bill before the House which have drawn comment. As to rating and the proposed increase from 10 per cent to 15 per cent in the maximum rate of discount which may be allowed in cases where rates are paid within 30 days of the service of a rate notice, I would expect that this amendment will be more to the local authority's advantage than to its disadvantage. The power will, of course, be discretionary. Whilst some loss of revenue could no doubt be entailed, the substantially increased discount could offer a clear inducement to the ratepayer to settle his rate account within the prescribed time. This would be of benefit to the local authority in that it would gain receipt of a larger percentage of its revenue more expeditiously, with a subsequent decrease in the amount of outstanding rates, and reduced cost of follow-up action.

The honourable member for Murrumba indicated his view that some specific ceiling should be fixed for minimum rate levies. Whilst I appreciate his views on the subject, I would point out that, for reasons indicated in my introductory speech, I feel that full discretion in the matter should be left with the local authority.

In respect of the proposal by which a local authority is to be empowered to dispose of land or surplus goods or materials up to a value of $500 without the necessity of calling tenders or having an auction sale conducted for the purpose, I believe that the provision contained in the Bill is reasonable and practical. The administrative work and costs involved in calling tenders or arranging an auction for goods of such comparatively little value would appear to be hardly justified. The $500 limit is also in line with the same limit above which a local authority must call quotations for works, goods or materials to be purchased.

At the introductory stage the honourable member for Redlands raised the matter of electricity supply to a part of the Redland Shire, using section 32(4A) of the Local Government Act, which is referred to in clauses 9 and 10 of the Bill. Section 32(4A) was included in the Act to meet the situation, particularly in the western part of the State, where local authorities were prepared to raise loans to enable more electricity works to be carried out in their areas, in co-operation with the electricity supply authority, and recover the resultant annual debt service costs from the properties receiving the benefit.

The honourable member for Redlands drew attention to a similar situation, not apparently envisaged by the Act or the Bill, in which the electricity supply authority was prepared to construct an electricity extension, and provide the funds, provided that the local authority undertook to guarantee annual repayment costs on the extension. The local authority would then recover the annual costs by rates on the benefiting properties, as in the other situation envisaged by the Act. I am in agreement that the distinction in principle between the two situations is very minor, and that the present Bill could well be amended to extend the intention of the legislation to both situations. I therefore foreshadow an amendment to clause 10 of the Bill to achieve this objective. I thank the honourable member for Redlands for bringing the matter to my attention.

Over all, I consider that the Bill represents a major contribution to more efficient and effective local government in Queensland, and I commend it to the House.

Mr. MARGINSON (Wolston) (7.26 p.m.): Notwithstanding what the Minister has told honourable members about the assistance that he claims State Governments have given local authorities, I still maintain that the Government of Queensland has not met its responsibilities and obligations to local government over many years. I know of

one local authority in this State that to date has received from the Australian Labor Government $2,000,000.

Mr. Hinze: They ought to be ashamed of themselves. They should blush when they take it.

Mr. MARGINSON: Apparently it is annoying the Minister that I mention that. However, it is true, and I am very pleased that that local authority has been able to obtain the money from Canberra.

Mr. Hinze: I will tell you how later.

Mr. MARGINSON: In his second-reading speech, the Minister said that some local authorities had spent hours preparing submissions to the Government in Canberra, not expecting to receive anything from that Government. Of course, if the Australian Government receives from local authorities the type of co-operation that it receives from the Premier and the Government of Queensland, one would not expect them to receive much. Some local authorities have been slacking, and in most cases they are dominated by people of the same political colour as the Government of this State. They do not want to co-operate with Canberra to obtain money.

I make those points because I do not think what the Minister said was quite correct. He was playing politics, and I thought he ought to be answered.

I wish to mention a number of points in the Bill. I am quite happy about some of them. One provision in the Bill is for the setting up of advisory committees, and the principle is a good one in the case of the two local authority areas that are now under the control of administrators. There may be more later, and I should like to know whether the advisory committees will be composed wholly of members of the local community. In my opinion, they should be, because they are acting in the capacity of advisers to the administrator.

As I mentioned at the introductory stage, I am not very happy about the unlimited power given to local authorities to fix the minimum general rate. I should like to see the Minister set a limit. I do not suggest that the present limit on the minimum rating is reasonable; on the other hand, unlimited minimum rating is, in my opinion, unreasonable.

I think it is desirable that the discount allowable should be increased. Aldermen and shire councillors have complained to me that the discount is now too low. At present, the maximum is 10 per cent, although not all local authorities go as high as that. In some cases, of course, a slightly higher rate would have to be imposed to meet the cost of the discount concession. I have been advised by members of local authorities that some people—again, it is the big business people—have told them that it is better not to pay their rates than to pay a higher rate of interest on an overdraft.

Mr. Hinze: Why pay 15 per cent interest to get a discount of 10 per cent?

Mr. MARGINSON: Yes, and I am pleased that the discount limit has been raised to 15 per cent to overcome the problem that now exists.

I believe the electoral reforms the Minister is introducing are good ones. I like the one about the ballot-box. Instead of taking the ballot-paper away from the returning officer and posting it back to him a postal voter will have an opportunity to place his vote in a ballot-box. I also like the proposal about the initialling. Initialling is unnecessary. I like the proposal doing away with the initialling of ballot-papers.

We will probably speak to a few clauses at the Committee stage, but, generally speaking, we favour the Bill.

Mr. AKERS (Pine Rivers) (7.31 p.m.): The subject of the present debate is a major amendment to the Local Government Act. As I said at the introductory stage, the proposed amendments will be welcomed by anyone who has been forced to work under the Act. Many of the clauses correct machinery items and allow minor changes, but several points will bear some further study.

Clause 12 increases the rate discount allowable.

Mr. SPEAKER: Order! I draw the honourable member's attention to the fact that we are not dealing with the clauses in the Bill.

Mr. K. J. Hooper: You have had a lot of experience with local government, so why don't you wake up to yourself.

Mr. SPEAKER: Order! I have warned the honourable member for Archerfield before. If he continues interjecting I will deal with him under Standing Order 123A.

Mr. AKERS: I will deal with the clauses in the Committee stage, but I must stress that the amendments as proposed will make it much easier for local authorities to deal with many matters that come before them, in particular applications in respect of town planning.

Mr. K. J. Hooper: How about telling us about the Samford Valley development?

Mr. SPEAKER: Order! I have already warned the honourable member for Archerfield. This is his last warning. I will deal with him under Standing Order 123A if he interjects again.

Mr. AKERS: The Bill increases the discount allowable for prompt payment of rates. I do not believe that that will have a great effect on the arrears of rates, but it is worth while trying anything to overcome this perennial problem.

The clause that increases the minimum period of notice for the sale of land for arrears of rates is extremely important. It is purely a technical change, as most local authorities already adopt this as standard practice.

Local authorities have become deeply involved in health and welfare services and facilities. The proposed amendment simply recognises this fact and clearly states that such action is a function of local government.

One of the important clauses is the one that removes anomalies regarding the appointed day in a town-planning scheme. At present the appointed day refers only to the date on which a scheme was originally gazetted. In future it will refer to the date of an amendment, and apply to the area covered by that amendment. The appointed day will be taken to be the day on which the amendment is gazetted.

Another clause makes provision for the making of applications to a local authority for rezoning and sets out the form thereof. I find it extremely difficult to comprehend how so many appeals have been made and court decisions on applications for rezoning handed down when never before has there been provision for making an application. I suppose those are our legal ways.

The amendment that will be most welcome to local authorities in fast-growing areas is the one which sets out the matters to be taken into consideration by them in dealing with rezoning applications and makes provision for conditions and security on rezoning approvals. Again, this has been standard practice for local authorities for many years. Several local authorities have dealt with rezoning applications in the legal manner and others in the town-planning way. Because such a provision was not a part of the Act, some councils simply agreed to rezone any land in the manner applied for. This has left a legacy of low water pressures and overloaded sewerage plants, as well as enormous costs to local authorities in making up the leeway.

The alternative method of dealing with rezoning was for councils to follow the town-planning principles by saying that, if an applicant wanted to use land for a purpose other than that for which it was zoned, he should be required to provide the extra services. Most reputable developers have accepted this as their moral obligation and they meet these costs. However, a few unscrupulous men have demanded that they be able to squeeze the last cent of profit from their development. The deficiency has been known to local authorities for some time, but previous requests for amendments to the Act have been fobbed off. I am extremely happy that the Minister has seen fit to bring forward this amendment.

It took a Supreme Court appeal by the Pine Rivers Shire Council to bring this matter to a head. This provision will enable local government town plans again to have some meaning. It will save millions of dollars expenditure on the part of various councils and will enable orderly development to be carried out. The provision also sets out clearly the rights of both the subdivider and the council. It will help to control disorderly proposals, such as the Samford Valley development project.

A major fault in the Bill is the one to which I referred at the introductory stage. There is no difference in principle between a developer's meeting the cost of water and sewerage mains and his meeting the cost of water and sewerage treatment plants. The Act presently allows for the promulgation of a by-law requiring the former but not the latter. I urge the Minister to consider this point in an early review of the Act.

Another section provides for the creation of pedestrian malls. This is a significant step forward in town planning and will be welcomed, especially by tourist areas.

Administration will be made cheaper and easier by the removal of the requirement that separate trust fund moneys raised by way of regulated parking be held. Councils will now be able to obtain interest on this money but will still be required to spend the motorists' money on the provision of facilities for motorists.

I commend the Bill and strongly urge the Minister to continue with a revision of the Act, as promised in his speech.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (7.38 p.m.), in reply: I thank the honourable member for Wolston and the honourable member for Pine Rivers for their contributions to the debate. It is always a pleasure to me to be engaged in debate with the honourable member for Wolston, who has had many years' experience in local government. He has a deep appreciation of local government work. Because of this I intend to be a little bit tolerant with him.

The honourable member for Pine Rivers also has been engaged in local government for some time. He was able to speak with authority on the proposed amendments to the Act. He referred particularly to rezoning. The Pine Rivers Shire is a fast-developing one and in it he is gaining practical experience in rezoning and the subdividing of land.

Mr. K. J. Hooper: You are shaping up as a very knowledgeable Minister.

Mr. HINZE: I love you, too—when you wear a different suit.

The honourable member for Wolston claimed that the State Government is not shouldering its responsibility. He knows as well as I do that local government in Queensland is the envy of all other States. We continue to make our subsidies available to local authorities and we speak on their behalf. They have the most democratic

system of government in Australia. At all times we are trying to raise sufficient funds for them.

I must refer to his comment on the allocation to the Ipswich City Council under the R.E.D. scheme.

Mr. Marginson: I never mentioned the name.

Mr. HINZE: Well I have. The honourable member represents the area, and must be pleased with the allocation of funds under the scheme. Mr. Hayden must think there is an early election ahead, because he appeared on TV telling everyone in Queensland that he had been able to raise these funds for the city of Ipswich.

I do not want to stop any local authority from accepting funds from Canberra. I am concerned, however, at the way in which they are handed out. 130 local authorities in Queensland are in financial trouble, as are 800 local authorities throughout Australia. They all want a share of the Commonwealth taxation pool. How can that be done? They have been talking for years about getting a toe in at the Loan Council. The Federal Government, which has been in office since December 1972, tried to by-pass the States for a while and give hand-outs to local authorities. We hear a lot about Regional Employment Development scheme funds coming through in large amounts. In the last few days I heard that this money is going to areas which are embarrassed by the money they have; they have so much they do not know what to do with it. The only way to allocate funds from the Federal Parliament is on a sensible basis—that is, through the State Government. I have no objection to local authorities getting funds from the Federal Government, but they should get them as a right, not as a hand-out.

In the last week or two, I have said that I should hate to be a shire or town clerk of any local authority in Australia because I would not know how to draft a budget. Owing to the state of the meat industry, one local authority in Queensland is collecting only 10 per cent of its rates. Honourable members know as well as I do that, unlike the Federal Parliament which has a deficit of about $3,000 million, local authorities must balance their budgets. We do not give them the latitude that we and the Federal Parliament take for ourselves. Local authorities must balance their budgets. How can a local authority collect its rates from a grazing area? Time and time again in the past few weeks I have said that I am sorry for local authorities.

I have been trying desperately to get across to our friends in Canberra that local authorities should be allocated a certain amount. If it is $100 a head for persons in local authority areas, at least the authorities will know that they have a certain amount to start with. If there are 8,000 or 10,000 people in a council area, and a council knows that it will receive $100 a head from the Federal Parliament, it will know that it has a certain sum on which it can rely as a right. Today, a shire or town clerk sits down and says, "I need a certain sum to run the council. I have a deficit which I must pick up because the Government says that I may not budget for a deficit. I must balance it." He then says, "I can strike a rate according to the valuation of my shire to get the amount required to conduct the affairs of the council"——

Mr. Marginson: Do you think local authorities should have direct representation on the Loan Council?

Mr. HINZE: We have been asking ourselves that question for many years. Frankly I do not know how we could get them represented directly on the Loan Council. We have one Commonwealth Parliament and six State Parliaments which are represented around the table, but how in the hell can we get anybody to represent 800 or 900 local authorities? Whom do we send? Do we send one representative? Could we send Clem Jones? He would be able to go there, but would he be able to represent 800 or 900 local authorities? He could not do it! The councils are entitled to an allocation from the Federal Government as a right.

At present, knowing the right person at the right time is very important. I refer to my friend Dickson, the president of the North Queensland Local Government Association who received $200,000 in the last few days because he is of the right political colour. I understand he is the Labor candidate for Leichhardt. If that is the way the A.L.P. intends to allocate funds to local government, the system will not last. There is no way in the world it will work, and Opposition members know that as well as I do.

Mr. Lane: They are playing politics with local government.

Mr. HINZE: I came into this only because the honourable member for Wolston said that we were not doing the right thing by local government in Queensland. I point out to members of the Opposition that Labor is playing ducks and drakes with local government. It is using national funds in this way while it has a deficit of $3,000 million. It is throwing money around like a drunken sailor, in the belief, apparently that there will be an early election. That is the only way the honourable member for Wolston could say, " We are getting so much for the city of Ipswich." At the same time, $200,000 has been allocated to the Johnstone Shire because of Dickson, the man who is standing for the A.L.P. in the Leichhardt electorate. And so much was allocated to my friend the Lord Mayor of Brisbane that he could say, "If you have any unemployed in Queensland send them along to me." He, too, got a fair whack from the R.E.D.

scheme. The honourable member opposite can shake his head, but he knows as well as I do that what I am saying is correct.

There is only one way to do this. I accept that a rate must be struck on the valuation of land—I understand that landowners must pay their share—but local government must receive an allocation from the national Government on a fair and equitable basis, not by these stupid hand-outs through the R.E.D. scheme, or R.O.A.P. or A.I.P. or whatever initials they choose to use. The Canberra friends of honourable members opposite are using them to tie up grants. Whenever they want to take them away, they will. They will wipe them as quickly as they are giving them hand-outs. What will the Commonwealth do when, after leading their friends up a tree by saying, "You can budget freely because we will get you a few hundred thousand dollars", nothing is left in the bin? They know there is nothing in the bin. It is not possible to keep on printing money the way the Canberra colleagues of honourable members opposite are doing—no way in the world! I do not want to take any more of the time of the House.

Mr. K. J. Hooper: Without barking your fingers on the lectern and without thumping your hands sharply—what about Hughie Muntz in the Albert Shire?

Mr. HINZE: A gentleman if ever there was one! I trained him. He is probably one of the best shire chairmen in Australia. He became chairman of the Albert Shire after sitting with me as a councillor for nine years. He has now been chairman for nine years. He is an excellent administrator of local government in Queensland—indeed, in Australia—and we are proud to have him.

Having said as much as I wished to my friend and colleague the honourable member for Wolston, I now commend the Bill for consideration in Committee. I shall be referring to remarks made by my friend the honourable member for Pine Rivers in the Committee stage.

Motion (Mr. Hinze) agreed to.

COMMITTEE

(The Chairman of Committees, Mr. W. D. Hewitt, Chatsworth, in the chair)

Clauses 1 to 9, both inclusive, as read, agreed to.

Clause 10—Amendment of s. 23; Funds—

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (7.48 p.m.): I move the following amendment—

"On page 8, line 47, after the words 'in section 32 (4A)' insert the words—

'or in the discharge of any obligation undertaken by the Local Authority pursuant to the said section 32 (4A)'."

I understand the honourable member for Redlands brought this to the notice of the Committee. I commend him for it. It was considered by my officers and me during the recess. We are prepared to adopt it.

Amendment (Mr. Hinze) agreed to.

Clause 10, as amended, agreed to.

Clauses 11 to 25, both inclusive, as read, agreed to.

Bill reported, with an amendment.

NUNDAH LIBRARY VALIDATION BILL

SECOND READING

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (7.50 p.m.): I move—

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

Honourable members will recall that no objection was raised by any member to this Bill when it was introduced. As was stated at that time, the Bill is to honour an undertaking given by the Government to the Brisbane City Council following the New Farm Library case that, if the council kept the Nundah Library open, the Government would take appropriate steps to validate such action by passing retrospective legislation as soon as possible.

This was an agreement between the Lord Mayor (Ald. Clem Jones) representing the Brisbane City Council and me representing the Government. I am now introducing the necessary retrospective legislation. I appreciate the actions of the Lord Mayor in this particular matter. It was an awkward one and we were able to get over it because of the way we approached it.

The Leader of the Opposition, in supporting the provisions of the Bill, raised the question, however, whether any other municipal libraries in Brisbane were in the same situation as the Nundah Library, and he referred specifically to the Municipal Library at Carina. It was indicated to the honourable member at that stage that the Carina Library was not in a similar situation to that of the Nundah Library.

I would like to enlarge on that statement by pointing out that the Right Honourable the Acting Lord Mayor of Brisbane, in a letter addressed to me on 6 November 1974, stated that, on investigating the extent of the problem created by the Supreme Court decision relating to the erection of a library in New Farm Park, it was found that the only other library affected was that at Nundah.

It would seem that the Carina Library was erected prior to the coming into force of the Brisbane Town Plan and therefore, regardless of the zoning under the town plan of the land on which it is situated, its erection could not be classed as unlawful in terms of that plan.

As I have already indicated, there has been no objection whatsoever to the provisions of this Bill and I accordingly commend it to the House.

Mr. BURNS (Lytton—Leader of the Opposition) (7.53 p.m.): As I said at the introductory stage, the Opposition has no objection to the Bill. It honours an agreement and an undertaking given by the Minister and the Government to the Brisbane City Council that, if the Nundah Library was kept open, a Bill such as this would be introduced. We support the proposal.

Mr. LANE (Merthyr) (7.54 p.m.): I do not wish to raise any objection to the principles of the Bill; in fact, I support them. It is regrettable that the Brisbane City Council saw fit in the first instance to take the action that necessitated the introduction of this Bill. I think it was reprehensible.

As the Minister and many other honourable members have said, this action arose following the New Farm Library case in which I played a very small part. A promise was given by the Lord Mayor and the Australian Labor Party team that ran with him over three or four successive elections that a library would be constructed in the shopping centre in Brunswick Street, New Farm, where there was easy access for the general public, on land that had been purchased by the previous C.M.O. administration. The Vice-Mayor at that time was Ald. Harold Crawford. The Labor council did not honour that promise and, without consulting the public and ignoring several thousand signatures of objectors on petitions, it went ahead and constructed the library in New Farm Park which was referred to by the Minister when moving the second reading of the Bill. Without any warning to the people of New Farm, and contrary to the promises given before several elections, the bulldozers and other machines moved in and started to dig up beautiful, historic New Farm Park to establish a library.

The people of New Farm were incensed by this action, and a group of civic-minded citizens who came together in the Save New Farm Park Committee collected signatures on a petition——

Mr. SPEAKER: Order! I draw the honourable member's attention to the fact that the House is dealing with the Nundah Library.

Mr. LANE: Yes, Mr. Speaker. I am referring to the principle contained in the Bill which seeks to overcome the decision given by the Supreme Court in the New Farm Library case.

Mr. DEAN: I rise to a point of order. The honourable member is not speaking to the Bill.

Mr. SPEAKER: Order! The honourable member will return to the subject of the Nundah Library.

Mr. LANE: The Bill seeks to honour an agreement that was made only as a result of the Supreme Court case concerning the New Farm Library. The New Farm Library case was referred to by the Minister.

Mr. SPEAKER: Order! I ask the honourable member to return to the principles of the Bill. The House is dealing only with the Nundah Library.

Mr. LANE: I would not have been prompted to speak, Mr. Speaker, had I not heard the Minister refer to the New Farm Library case. It is that case on which I, too, wish to make some comments. With respect, Mr. Speaker, it was that case that necessitated the agreement referred to by the Minister to bring down this Bill. It is extremely difficult to refer to the agreement mentioned by the Minister without making reference to its background, which was the Supreme Court case concerning the New Farm Library.

I think it was regrettable that politics, directed at influencing public opinion during the last State election campaign, played a large part in this exercise. If you went there today, Mr. Speaker, you would see a sign erected by the Brisbane City Council outside the New Farm Library referring to the case——

Mr. SPEAKER: Order! If the honourable member will not speak to the principles of the Bill, I shall have to ask him to resume his seat. The House is dealing with the Nundah Library on land in Boyd Park, Nundah. I ask him again to return to the principles of the Bill.

Mr. LANE: I am also referring to the agreement reached——

Mr. SPEAKER: Order!

Mr. LANE: I am referring to the agreement that the Minister spoke of between himself and the Lord Mayor concerning the Nundah Library, which resulted from a challenge in the Supreme Court over the New Farm Library. That Supreme Court decision, as interpreted by the Brisbane City Council, caused the Nundah Library to be closed. I am suggesting that the proposed closure of the Nundah Library was a flagrant political exercise closely tied to the last State election. It showed no consideration for the many people of that area who make use of the library. At that time, the Nundah Library probably was one of the closest to——

Mr. SPEAKER: Order! I have allowed the honourable member so much latitude that I may finish up in the New Farm Library myself. The Bill deals with the Nundah Library. I ask the honourable member to deal with the Bill before the House.

Mr. LANE: Mr. Speaker, I am interested in the New Farm Library and the fate of the people of New Farm, if no-one else in

the House is. I am interested in the aged people of New Farm having a library, and in the dirty, stinking politics that were played by the Brisbane City Council to prevent them from having one.

Mr. SPEAKER: Order! The honourable member will resume his seat. I call the Minister for Local Government and Main Roads.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads): Mr. Speaker, I move——

Mr. Lane: Are you gagging me over this?

Mr. SPEAKER: Order! I ask the honourable member for Merthyr to behave himself, or I will have to deal with him under Standing Order 123A, and I do not want to have to do that to anybody. I called the Minister for Local Government and Main Roads.

Mr. HINZE: Mr. Speaker, I indicate to the honourable member for Merthyr that I resent his statement that I gagged him. I rose to speak when you, Mr. Speaker, asked him to sit down, and not until then. I ask the honourable member to withdraw the statement. I did not intend to gag him or any other member of the House.

Mr. SPEAKER: Order! The Minister has complained, and I ask the honourable member for Merthyr to withdraw the remark that was offensive to the Minister.

Mr. Houston: Where is your belly now?

Mr. SPEAKER: Order! I ask the honourable member for Merthyr to withdraw it.

Mr. LANE: Withdraw what?

Mr. SPEAKER: The remark.

Mr. LANE: My reference to the New Farm Library?

Mr. SPEAKER: No.

Mr. LANE: The structure we have been trying to get built down there for the last 15 years for the people of New Farm.

Mr. SPEAKER: Order! I have asked the honourable member for Merthyr to withdraw the remark which is offensive to the Minister.

Mr. LANE: Well, it is not hard to come to the conclusion that it is not the Minister who is trying to gag me here tonight.

Mr. SPEAKER: Order! Under Standing Order 123A, I now ask the honourable member for Merthyr to leave the Chamber.

Mr. Lane: You obviously don't care about the New Farm Library and the people down there.

Mr. SPEAKER: Order!

Whereupon the honourable member for Merthyr withdrew from the Chamber.

Motion (Mr. Hinze) agreed to.

COMMITTEE

(Mr. Miller, Ithaca, in the chair)

Mr. Burns interjected.

The TEMPORARY CHAIRMAN (Mr. Miller): Order! While I am on my feet, I expect respect from everybody, including the Leader of the Opposition. If I do not get it, I will take appropriate action.

Clauses 1 to 4, both inclusive, and schedule, as read, agreed to.

Bill reported, without amendment.

HEN QUOTAS ACT AMENDMENT BILL

SECOND READING

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (8.5 p.m.): I move—

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

I do not intend to speak at any great length on this Bill considering its apparent ready acceptance at the introductory stage.

The amendments have been introduced at the request of the industry itself, and I believe that the industry has adopted a very sound approach to its current problems.

As the honourable member for Port Curtis pointed out, eggs which are surplus to domestic requirements are pulped and exported mainly to Japan. However, in Australia, we have approximately 10,500 tonnes of pulp stockpiled, and Japan has 10,000 tonnes, thus there is virtually no market for surplus production.

Under equalisation arrangements, surplus production drags down the returns to all growers, and will continue to do so until our quotas are adhered to by all producers. If the export surplus is considerably reduced, as it will be under this scheme, the current high equalisation charges of approximately 8c per dozen in South Queensland and 5c in Central Queensland should become unnecessary.

The honourable member for Port Curtis also seemed concerned with the quality of eggs available in Queensland. When the egg supply is more closely matched to demand, surplus stocks will be reduced, and this will reduce the problems of rotations in storage to which the honourable member referred.

The honourable member for Landsborough expressed my own sentiments concerning the smaller producers when he said that he would like to see the little man in the industry given some special consideration. This the quota committee has done as far as is possible in the present surplus situation. In

future I would hope that the position of the small producer can be further consolidated. I would, however, stress that this may take some time. First we must get rid of the unpayable surpluses.

In 1973-74 a conservative estimate of net income was $3 per laying hen. However, this figure fluctuates greatly. It is the intention of the scheme to stabilise this net return so that the position of all producers will become more stable.

I am grateful for the confidence expressed in the officers of my department by the honourable member for Cunningham. I respect his reservations and those of other honourable members concerning the powers of entry and the infringement of individual rights, but would emphasise that the entry powers can be availed of only where reasonable grounds exist. In the case of a dwelling-house a warrant to enter must first be obtained from a justice who is satisfied again that reasonable grounds prevail.

It is true that, where a grower is holding over-quota hens, the present Bill provides that they may be seized. However, the court may disallow such seizure, and, if it does, it may award costs and compensation as it thinks fit. As far as possible all the appropriate safeguards are included.

If egg producers as a whole are to obtain the benefits of this scheme, the amendments are essential.

I think that I have covered the main points raised during the introductory debate. However, I shall be happy to answer any further questions on the Bill.

Mr. HANSON (Port Curtis) (8.9 p.m.): I thank the Minister for supplying certain details in his second-reading speech. He said, as I indicated at the introductory stage, that the amendments in the Bill have been introduced as a result of submissions from the industry. This is all to the good when we remember that there has been a certain amount of apprehension in the industry about a reduction in farm numbers and an increase in flock sizes. In recent years there has been a localisation or centralisation of people engaged in egg production.

The Minister has appropriately replied to what I said at the introductory stage about the Japanese market for egg pulp. The United Kingdom market for egg pulp has also disappeared in recent years. That has caused a lot of anxiety in the egg industry. The Minister has spoken of the huge stockpiles of egg pulp held in Australia as well as those held in Japan. He mentioned the figure of 10,000 tonnes and the fact that there is virtually no market for surplus production.

Japanese production is geared to achieving 100 per cent self-sufficiency in the early 1980's. Japan is presently 97.23 per cent self-sufficient.

In view of certain past events in our export trade, egg pulp is of vital concern to growers. I am reminded that recently the self-acclaimed genius, the Premier, told the Japanese that if they did not take our meat they would not get our coal. I do not know whether he will look after the egg producers in a similar provocative manner. If he did, it would be an exercise in futility. Although he has maintained that he has achieved certain results, everyone knows that the Australian Government has the responsibility to negotiate trade deals, and has done so quite effectively.

I fully realise that under equalisation arrangements surplus production drags down the return to the grower. This is one reason for the introduction of this measure.

At the introductory stage I referred to comments made years ago by the honourable member for Clayfield on the power of entry. Certain provisions in the Bill call for explanation. If police officers wish to enter a common gaming house, they merely obtain a warrant from a justice and then effect such an entry. But I fail to see in this legislation where a warrant issued by a justice can be directed to a member of the committee. The Bill provides for a very broad disposition of the warrant. Obviously the secretary is the one who should receive such a document, but apparently anyone can be an authorised person within the provisions of the Bill. Certain safeguards are called for. For example, on the committee there could be such an authorised person who is engaged in intense rivalry with a producer. He might use his appointment, and engage in all types of nefarious practices, to get square on his rival.

Many other things are foreign to me. The warrant could be directed to a member of the committee to enter a place as specified in the warrant for the purpose of exercising therein the powers conferred on him by this provision. It sets out that a justice who is satisfied on the complaint of a member of the committee or authorised person may issue a warrant directed to a member of the committee to enter a place specified in the warrant. In other words, members of the committee are to be given almost universal powers. To keep egg production on a rigid quota basis, they will be able to act more or less as strict policemen in carrying out a type of control which is somewhat foreign to us.

People in an industry should have the right to make certain determinations to preserve a fair and just return for members who have their money invested in the industry. This legislation enables committee members to meet the requirements of a great body of members. At times the Government goes overboard and is over-enthusiastic in assisting those engaged in an industry to achieve 100 per cent of their requirements. The legislation is really designed to cope with a minority which has

not been keeping within the letter of the law. That is what influenced the Minister to introduce it.

As I said in my introductory speech, the consumer wants to buy high-quality eggs. Unfortunately, through the poor rotation of stock on a retail basis, the purchaser does not get the high-quality product that he should be able to purchase. In view of the high prices paid for everyday food requirements, I hope that considerable improvements can be effected to maintain the good health of our people.

I have been told that local authorities and those engaged in the industry rigidly police certain areas which are well outside the metropolitan area. People who keep a certain number of hens are subjected to rigid inspection by those who are anxious to see that quotas are not exceeded. I do not agree entirely with this. There should be certain freedom. Local authority regulations, admittedly, govern the size of flocks. That is desirable and stems from the complaints from neighbours and other factors. But in certain areas of the State where transport charges are excessive people should be able to keep a flock of hens to satisfy their own needs and those of their neighbours.

I do not know what other honourable members think about the contentious clause I have referred to. I hope some discussion on it will ensue and that the Minister will enlighten us on what is intended.

Mr. MURRAY (Clayfield) (8.20 p.m.): My name has been mentioned by the honourable member for Port Curtis. Unfortunately, I was away the day the Bill was introduced. However, having now perused it, I am very worried indeed about the powers that it grants for entry and search.

Over the last few years we have gone to a lot of trouble and taken great care to limit the powers of inspectors. At one stage I think the Parliamentary Draftsman automatically wrote certain powers giving the right of entry to any place into any Bill that had anything to do with inspectors. That provision was just written in as a matter of course. There was considerable argument in the Chamber on the subject—and some pretty hot argument, too. Since then these powers have not been automatically written in by the draftsman. At one time virtually every Bill contained the provision. Doubtless, some still do. I hope that at some stage in the future they are brought before the Parliament for amendment, when perhaps we can exercise common sense and modify those powers.

It is extraordinary that under many Acts of Parliament inspectors have been given powers that the police do not possess.

Mr. Jensen: That's right, more powers than the police.

Mr. MURRAY: It is quite incredible, really.

The former member for Windsor, Ray Smith, fought very vigorously on this matter. He conducted a constant campaign to have these powers reduced to a rational basis.

We ought to consider why we need these powers. I do not intend to argue against the Hen Quotas Act, which I think was introduced by the present Minister for Primary Industries in 1973. Whether one agrees with the concept of that or not is another point. Here we have an amending Bill in which are written these extraordinary powers.

If one reads the Minister's words at the introduction of the Hen Quotas Act, one finds that he was really only worried about the larger producers. In fact, he said that those with fewer than 5,000 birds were really not causing concern; those producers were not the offending ones. Growers with more than 5,000 birds were the ones that were causing trouble to the industry, and their actions seemed to constitute the principal reason why the Hen Quotas Act came in with such force.

No doubt a lot of producers have fewer than 5,000 birds; but, if the Government is only worried about those with more than 5,000 (and this legislation is principally aimed at them) holding a number of birds considerably in excess of their quota, the wording of this Bill looks a little silly. I think we ought really to take a good look at it, because we will be held up to considerable ridicule.

First of all, who wants to conceal a great number of hens in his dwelling-house? This is what the Minister is saying.

Mr. Sullivan: No, I am not.

Mr. MURRAY: With respect, Mr. Hewitt, that is what the Minister is saying. That is the only reason why the legislation gives members of the committee or any other authorised person—and I will return to that shortly—the right to obtain a warrant. They already have the power to inspect outhouses, little houses, big houses—any house at all that may contain hens. The reason they are given a warrant is set out in clause 3 (b) which adds in section 25 subsection (4) (b)—

> "A justice who is satisfied on the complaint of a member of the Committee or authorised person that there is reasonable cause to suspect—
>
> (i) that there are in any place hens kept for any purpose."

The person is only being given a warrant so he can enter a dwelling-house. That is the only reason. Otherwise he does not need a warrant. He needs a warrant only to enter a dwelling-house. He can go anywhere else without a warrant. He needs a warrant only if the owner of the premises does not give him permission to go in. Then he goes to a justice and gets a warrant. I shall deal

further with that in a moment. In all common sense can anybody imagine somebody obtaining a warrant to go into a house and look under a fellow's bed or somewhere else for an extra 500 hens?

Mr. Sullivan: I don't know how you can imagine it.

Mr. MURRAY: I can imagine the mess when he tries to catch them and do something with them. I know what it is like to try to catch one hen perched on the roof of my car at night. It is an awful shemozzle. Down on my farm, a few hens camp on the header and, if I leave the car window open, they get inside the car. Try to imagine getting hens out of a house. Imagine anyone keeping hens in a house anyway. If this is not practical and sensible, why have it in the Bill? If this is not the intention, why is it there?

It may well be suggested that it is fair enough to have a warrant—we know this is provided for in other legislation—to go to see if "there are in any place books, papers, documents or writings with respect to the keeping of hens for any purpose." If a person wants to keep his books and the inspector has a good case and an absolute right to look at those books, this might be all right. It is arguable and a lot of people would object to this, too.

An inspector can enter at any time, although the provision is a "reasonable time". But a "reasonable time" might be the time the inspector arrives. It could be at 11 o'clock at night. The legislation does not specify, for instance, between 9 a.m. and 5 p.m. Why should there be any concern about hens being kept in a fellow's house? That is what is covered in the legislation.

Mr. Sullivan: I don't read it that way.

Mr. MURRAY: The Minister doesn't agree?

Mr. Sullivan: No and I don't know how you do.

Mr. MURRAY: Obviously I have read the Bill incorrectly. But it says that inspectors may go into any place without a warrant except a house and he may even get the owner's permission to do that. If he does not, he gets a warrant. The Minister must surely agree with this. We will argue this in more detail when we get to another stage of the Bill.

Mr. Sullivan: Do you know of anybody who might keep 500 hens under his bed?

Mr. MURRAY: I wish I did. I would let the Minister know immediately. I would like to see the inspectors go and try to catch them. There would be feathers everywhere. I do not think that provision should be in the Bill. It looks silly and it is silly. The Minister suggests that I am reading the Bill incorrectly. We will go into it more deeply at another stage.

The Minister should have a good look at this because I think it has been included incorrectly. I do not think it really should be there. If it should not be there or if there is any doubt about it, take it out. It just does not make sense. I cannot for the life of me believe there is any possibility of hens being kept in a dwelling-house.

Mr. Sullivan: I agree with you entirely.

Mr. MURRAY: Right. Then the Minister should take it out. It is not needed.

I do not know the qualifications of committee members. I suppose they vary from time to time. The Minister might tell me how many committee members there are.

Mr. Sullivan: I will give you the details.

Mr. MURRAY: I would be surprised if all of them are qualified to handle a warrant. I just cannot believe it. We are terribly careful in this regard. Police are the only people I know of who are qualified to handle a warrant. Are warrants given to anyone else? Who, other than a police officer, is able to go to a justice and obtain a warrant? The Minister may have precedent for what the Bill provides, but I do not know of any others who are able to do that. Unless we know the qualifications of the members of the committee, I think we are treading on dangerous ground.

I take a further point. What about "or person authorised"? By whom is that person to be authorised? Is it to be by a member of the committee? If a member of the committee cannot go, someone is authorised to go. What qualifications has the person authorised to go? We are indeed getting onto dangerous ground.

The Bill also provides—

> "For the purposes of gaining entry to any place a member of the Committee or authorised person may call to his aid such persons as he thinks necessary and those persons, while acting in aid of such member or authorised person in the lawful exercise by him of his power of entry, shall have a like power of entry."

I really think that we have gone too far, too fast. I do not think that any other piece of legislation runs as freely and as widely as this Bill. Committee members, authorised persons, and every Tom, Dick and Harry can gain entry to a place to catch hens. They all have the power of entry under warrant—and I do not think that that is good enough.

Mr. Jones: You will recall that we had a similar provision struck out in the Act dealing with tow-trucks, when the Government tried to do exactly the same thing.

Mr. MURRAY: Yes. We have struck it out of many Acts. At one stage, as I pointed out earlier, inspectors had the right to enter any place. Now they have to do something else. I think there is still some legislation

under which an inspector can have conferred on him power to enter a dwelling-place. But this is a very dangerous state of affairs, and we should be very careful of it.

Another aspect of the Bill that upsets me a little is the use of a word which, in my simple bush vocabulary, is quite foreign. The Bill provides in clause 3—

> "(d) In this subsection, premises that are used as a dwelling-house do not include the curtilage of those premises."

I doubt whether the ordinary poultry farmer for whom this Bill has been brought down will understand the meaning of "curtilage". I looked it up in the dictionary at the table of the House, and it is there defined as "a small courtyard or piece of ground attached to a dwelling-house and forming one enclosure with it." It is a word that I have not heard before in the Parliament.

Mr. Sullivan: What is the word?

Mr. MURRAY: Curtilage. The Minister could ask any member what it means, and I doubt if he would be given a correct answer. Requiring people in this day and age to refer to dictionaries to understand what is written is, I suggest, not good enough. Even when one does find the meaning of that word, it does not seem to have application to the Bill. For some reason, it does not quite make sense.

I am not trying to be facetious in what I am saying. I am desperately worried that we are going too far with the powers of entry. We are giving to members of the committee, to "authorised" persons, and to all those whom they want to help them, powers that are not in fact given to police officers. I do not think that that is good enough. Over the years we have been striking a blow in the right direction by reducing such powers, but now we appear to be reversing the process. If I am wrong in saying these things, I am sure the Minister will take me to task for it. But I think that the way in which I read the Bill is the way in which the ordinary, simple fellow for whom the Bill is designed will also read it, and he will be very worried.

There is only one other point that I wish to raise, because someone asked me a question that I could not answer. When we speak about an egg producer, Mr. Deputy Speaker, I assume we are speaking about a registered egg producer. It seems that an egg producer is somebody who owns 20 or more hens. Does that mean that any honourable member may keep 100 hens—or, in fact, any number of hens—on his farm if he wishes to do so? I hope that he can, and that he has not the worry, when he goes home and finds that a hen has had chickens, of having to lop heads off to get the number down to 20. Great doubts were expressed in this House years ago when another Bill was being debated—I think it had to do with the Commonwealth Egg Marketing Authority —as to whether the small farmyard set-up would be eliminated. I certainly hope we are not going to do that in this instance, and I hope that the Minister, in his reply, will deal broadly with some of the questions I have put to him.

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (8.36 p.m.), in reply: Perhaps I might deal with the comments of both honourable gentlemen together, because they both seem to be concerned about the one matter.

I think I am correct in saying that the main concern of the honourable member for Port Curtis was the right of entry of inspectors. He said earlier that the Premier had said, "No beef, no coal." I am sure, Mr. Deputy Speaker, that you would rule me out of order if I mentioned that.

Mr. DEPUTY SPEAKER (Mr. W. D. Hewitt): Order! I assure the Minister that the honourable member for Port Curtis lived fairly dangerously.

Mr. SULLIVAN: The Minister for Industrial Development, Labour Relations and Consumer Affairs mentioned a couple of instances of right of entry. That provision is included only to deal with law-breakers, and one would hope that the majority of egg producers are honest people like the Honourable Fred Campbell, who had a long association with the industry.

Mr. Murray: You are giving a right of entry before you know whether he has broken the law.

Mr. SULLIVAN: There must be powers in any Act to deal with a law-breaker. They will not affect the producer who works within the law.

Let me get one matter off my plate before I forget it. The honourable member for Clayfield gave the dictionary definition of the word "curtilage". It means the surrounds within the enclosure but not the house. It is a well-known legal expression, as the members of the legal profession in the Chamber will know.

Mr. Jensen: How would the egg farmer know that?

Mr. SULLIVAN: The egg farmers are not as ignorant as the honourable member apparently assumes they are.

I come now to the words "person authorized". They mean a person authorised in writing by the chairman of the committee. Warrants can be issued to, and exercised by, committee members. All members are appointed by the Minister from a panel of names given to him by the industry, so one would hope that they would all be reputable people. They at least have the backing of their organisation. The appointment can be revoked at any time by Order in Council if a member does anything that it is considered warrants such a revocation.

The honourable member for Port Curtis raised the point that it may be a competitor. Surely if a person has been nominated by the industry to be a member of the committee and the committee then authorises him, one must have sufficient faith in him. However, as I said, if he does anything untoward, the powers are there under which he may be removed by Order in Council.

The honourable member for Clayfield, in expressing concern about the right of entry, talked about chooks under the bed. I am told that it is not unusual to have an attachment to a dwelling-house in which hens are kept. That would be difficult to define because it could be part of the house. We do not want to prolong the argument on this, but we must have these powers. I should think that 99 times out of 100 the person concerned would not be looking for hens in the house but for records. After all, if the man is doing the decent and honest thing and has nothing to hide, I should think that he will readily make his records available to an inspector.

Motion (Mr. Sullivan) agreed to.

COMMITTEE

(Mr. Miller, Ithaca, in the chair.)

Clauses 1 and 2, as read, agreed to.

Clause 3—Amendment to s. 25; Powers of Committee—

Mr. HANSON (Port Curtis) (8.42 p.m.): We have certain reservations about clause 3, particularly subsection (4) (b) of the proposed new section. Subsequent clauses deal with the rights of persons aggrieved. It is the right of every person whose premises are the subject of a warrant to ask for the production of the warrant. It is certainly incumbent on the Government to inform the producers of that right. All producers should know that they are entitled to have the warrant produced to them. We know what happens at places where entry is gained by virtue of a warrant issued under the provisions of the relevant legislation. We saw the honourable member for Merthyr in his true style tonight. No doubt in his day he would have put his boot in the door and, if necessary, kicked it in. He would not care if there were children present or a widow having an asthmatic attack. As long as he got in and in real Fascist fashion obtained his evidence, he would not care two hoots about what happened, because, after all, the production of his evidence would have meant a considerable promotion from the commissioner of the day. I know he was sweet with a few of them. However, that is by the way.

Mr. Lowes: Like the A.S.I.O. raid.

Mr. HANSON: It might be analagous to the political forebears of some honourable members opposite and a certain house in New Farm when two journalists got under the table and tried to bribe a Minister of the Crown. They ended up in the hoosegow. Certainly they were not Labor Party people. However, that is by the way, too.

Certainly the person who is duly summoned before a court has the right to ask for the production of the information on the warrant, or the reasons for the warrant, as the honourable member for Brisbane would well know from his vast knowledge of the law.

Like the honourable member for Clayfield, I certainly have some reservations about the clause. I am reminded of the objections of the honourable member for Cairns when a similar provision was included in legislation covering tow-truck operators. It was only the firm assurance given by the Minister at that time that prevented any real division from occurring. Tonight we are not greatly impressed by some of the Minister's statements.

As to the qualifications of people on the committee—committee members are appointed by vote, and I suggest that some are elected in the same way as National Party members are elected to Parliament. National Party plebiscites are real rorts. They are not like the clean plebiscites held by the Australian Labor Party.

Government Members interjected.

Mr. HANSON: Government members can say what they wish. Our record is 100 per cent clean on this. At times even the Liberal members are ashamed of the conduct of the National Party plebiscites.

The Minister has said that only the lawbreaker will be subjected to the surveillance of persons appointed to protect quota balances. But how often have we heard of decent, innocent people being subjected to the heavy weight of persons like the member for Merthyr, a former member of the C.I. Branch? How many times has a police officer like him pushed his shoulder against someone's door or kicked in the lavatory door in the hope that he will find blokes with S.P. bets written on pieces of paper? How many decent, honest people have been subjected to that type of intrusion? I hope those days are gone. That type of thing used to happen in the Fascist countries governed by the totalitarian powers against whom we fought in World War II.

The Minister said that there will be 15 members of the committee. More could be appointed. Every one of them will run around with a warrant as if he were taking part in the triumphal entry of the Premier to Kingaroy after he had been to Tasmania or the western areas of Victoria and inflamed the local people.

Mr. Sullivan: I forgot to mention that there will be five members who will be able to enter.

Mr. HANSON: All it needs is a statutory amendment to increase the number to 55, so I see real danger in this provision. These

persons should not be permitted to walk around with chests stuck out, saying, "I'm the boy who can flog a warrant on you." That is absolutely wrong.

We have no complaint with the appointment of an authorised officer of good type, appointed after close scrutiny. We do object, however, to this universal power.

The Bill provides certain rights for a person aggrieved by the seizure of his hens. Why should he not have the right to know what is the law when he is confronted with a warrant? How many times have migrants come along to members of Parliament with summonses in relation to motor vehicle registrations? They are caused undue anxiety. The kids might be howling and screaming and goodness knows what might be happening.

Mr. Gygar: Why didn't you tell that to Senator Murphy before he kicked the door in?

Mr. HANSON: The honourable member will be back at the university after the next election. He will again be the old campus Casanova. If he listens a little, however, he might gain some expertise in his profession of the future, whatever it may be. If he becomes a member of the legal profession, he certainly won't have me as a client—in spite of the fact that at times he resembles Jim Killen.

On a more serious note—like the honourable member for Clayfield, I, too, feel quite emotional about this clause.

Mr. MURRAY (Clayfield) (8.50 p.m.): I enter the debate with some reluctance, but I did suggest to the Minister that we should look at this in more detail. The clause states "A member of the committee or person authorised in writing in that behalf by the chairman of the committee either generally or in a particular case . . .". It does not say that the chairman will confer the final power with respect to the warrant. It merely says a little later that a member of the committee may go before a justice and get a warrant. Apparently he is authorised in writing by the chairman in the first place to have general powers. I do not know what those powers will be. He is a committee member or a person authorised in writing. He can then go and get a warrant. The clause does not say that he has to go back to the chairman to seek the chairman's authority to get the warrant. I cannot find such a provision, and I do not read it that way. It therefore leaves a member of the committee or an authorised person with the same power. That does not make sense.

Under clause 3, an authorised person may enter and remain in or on any place if he suspects on reasonable grounds that there are in that place hens kept for any purpose. Hens cannot be kept for many purposes but they are useful for a couple of specific purposes. He may enter and remain in or on any place if he suspects on reasonable grounds that there are in that place books, papers, documents or writings with respect to the keeping of hens for any purpose, and that in respect thereof an offence against this legislation has been committed, is being committed or is likely to be committed. Those are very wide powers. Again, in accordance with the Bill, he may search any place so entered and inspect, examine and count hens found therein and he can do that in a private home if he gets a warrant.

Mr. Jones: He could take a handful of cracked corn and save himself a lot of trouble.

Mr. MURRAY: It probably would. He can seize and detain hens found by him. The Minister has seized an odd hen or two at times. This is a graphic description: he can seize a hen and then detain it. I think he can take a hen or hens away, but I do not know who is to feed them or be responsible for them. He will probably put them right off their laying if he takes them away. He may remove the hens seized from the place where they are seized and take them to such place as he determines, or allow them to remain at the place of seizure. The powers we are giving this fellow are quite extraordinary, and he does not require a warrant to exercise all of them. He requires a warrant only when he goes into a person's home. I do not quite understand the term "the curtilage of those premises".

Apparently the Minister does not wish to remove clause 3 (b) (2) (a) (i) relating to the fact "that there are in that place hens kept for any purpose". That could be in the home, because that is what the Bill says in paragraph (4) (b). To enter a home he has to get a warrant from a justice who is satisfied on the complaint of a member of the committee or authorised person that there is reasonable cause to suspect that there are in any place hens kept for any purpose—any place in a home, because that would be the only reason for getting a warrant—or that there are in any place books, papers, documents or writings with respect to the keeping of hens for any purpose. I could not support this clause. It is retrogressive. It is wrong for us to introduce this sort of thing in this day and age—in April 1975. Once we do this, what argument do we have against this sort of power being included in any other legislation that comes before us?

I remind honourable members that it will happen again. We took a long time to get this out of certain legislation. Here we have it back in with a vengeance. I am very disappointed indeed. I believe that clause 3 is badly drafted. I do not think it would stand up to common-sense examination. The Minister ought to withdraw the Bill and have a good look at it. He should

let the joint parties have a look at clause 3 again and see whether we really agree with it.

I wonder whether our lawyers, God bless them, would agree with it. Many times I have received complaints from the bar and lawyers generally about this form of wording in legislation. They have said, "For God's sake get rid of it." It is against any concept of liberty and all the things they preach.

I believe it to be a gross intrusion on privacy when these powers are conferred on a committee member or an authorised person. At a later stage the Bill makes provision for virtually every Tom, Dick and Harry who is mustered up by the committee to catch the fowls. They all have the same powers. I entirely disagree with the clause. It should not be accepted by the Committee. I would ask the Minister to withdraw it. If not, as much as I hate doing so, I would not support it.

Mr. DOUMANY (Kurilpa) (8.57 p.m.): The previous two speakers on this clause have certainly gone into a lot of detail about the wording and mechanics of it. They have been worried about the seizure of hens. However, it seems to me that they have overlooked the original purpose of the Bill and clause 3 of it, which is to bring about stability of output in an industry that is afflicted by oversupply and is very vulnerable to individual excess of production, because from a very small area and in a few sheds a person could glut the egg market. It is not like growing wheat on thousands of acres. One hundred thousand chickens can be housed in a very compact area. A producer can very easily be deceitful about the number of hens on his property, particularly with today's intensive techniques.

It seems to me that the purpose of the Bill is to catch those who deliberately set out to overproduce. Let us not have any illusions about them. They are cold-blooded in their actions, which are tantamount to stealing from their fellow producers because they are in effect taking a share of the market to which they are not entitled.

It is very clear that those who are debating the semantics of this clause are not having very much regard—no regard, in fact—to the effects on the honest people in the community who take the trouble to observe the letter of the law and keep to their quotas and who suffer the depredations of the few who deceive by housing many more hens than they are supposed to. That is why the clause gives strong powers to inspectors.

Members of the Opposition amaze me. When it comes to price control they love authority. If they had the chance they would send inspectors into every shop on every corner in this city to tell the shopkeeper that he is charging 2c more than he should for eggs and that he will be fined $100 or whatever penalty the Act prescribes. They would have no compunction about doing that. But it suits them on this occasion to criticise what they regard as the flouting of democracy. This is an essential way of getting practical control. Production beyond quotas cannot be controlled by any method other than this.

Clause 3 has teeth in it. It must have teeth where there are a lot of beaks and there are a lot of beaks on the other side of the Chamber. I support the principle of this clause. It is practical. It will get the job done. It is directed towards the ultimate end of bringing stability into the poultry industry.

Mr. MURRAY (Clayfield) (9.2 p.m.): No-one doubts that the honourable member for Kurilpa is quite right. Of course we have to crack down on those who offend. But the Minister has stated publicly in part of a speech in this Chamber that he is worried about those with more than 5,000 birds. They are the principal offenders. The honourable member for Kurilpa knows perfectly well that they are the ones who rock the boat in this industry, not the small fellows with hundreds of hens. The principle is bad enough. If a person breaks the law, he breaks it anyhow. The main ones are the big boys with 15,000, 20,000 or 50,000 hens. Counting the number of their hens must be quite a job. They are pretty sharp and are in the business on small margins and great volume. No doubt they will stretch the law and be a couple of hens over now and again. No-one doubts this.

Mr. Moore interjected.

Mr. MURRAY: The honourable member for Windsor is quite justified in raising that point. I have not overlooked it. Nor do I think the honourable member for Port Curtis has overlooked it. What I am complaining about is the precedent we are establishing here. It is a dangerous one. We are going backwards. It was suggested earlier that in nearly all cases warrants are handled by the police. As I asked before, can anyone tell me of warrants issued by justices that are handled by other than police?

Mr. Jensen interjected.

Mr. MURRAY: Maybe they are, but it is not common. It is very special when warrants are handled by other than police. Inspectors are clothed with powers of entry under an Act. They do not have to get a warrant to do this. They have powers under the Factories and Shops Act and many other Acts to go into premises. With great trouble we have taken away their right to enter the dwelling part of a building on the basis that a man's home is his castle whether it is two rooms above his shop or whatever else it may be. Let us maintain the right to privacy.

The honourable member said we are forgetting the point. I think he has forgotten the point that what we are proposing is a dangerous precedent. We will clothe people all round the ridges with warrants. What are their qualifications? Nothing is spelt out in the Bill. I think it is extremely dangerous indeed. I should like warrants to be handled only by men with considerable qualifications and training, men who know what they are doing. If inspectors have the ordinary right of entry and so forth, by all means, but it is wrong to clothe them with warrants permitting them to enter at any time they regard as reasonable. I should hate honourable members to think that I am not concerned about the law. The Hen Quotas Act was passed in 1973. The industry has been operating under that Act, and an amendment to it is now before us. We know how the law stands, and it has to be observed. No-one is disputing that. But I am disputing, and I will continue to dispute, precedents set in clothing people with powers that, in my opinion, they should not have. That is all I have to say, Mr. Miller. I am completely against these provisions.

Mrs. KYBURZ (Salisbury) (9.6 p.m.): I, too, would like to voice my absolute disgust at these clauses. I think that the honourable member for Clayfield has stated the case perfectly. To me, these clauses reek of socialism. They permit the conferring on people of powers that are really quite frightening. I completely agree with the honourable member for Clayfield that they set a very dangerous precedent.

Mr. Moore: Would you say it is Naziism?

Mrs. KYBURZ: I would say that the honourable member would not know the meaning of that word.

There are, however, a few points on which I seek clarification from the Minister. I should like to know precisely what is the philosophy behind these clauses. I should like to know his personal interpretation, not that of his private secretary. I should like to know also whether these clauses are set up to protect the small producer or the large producer.

I wish to voice concern also because it seems to me that these amendments particularly allow for artificial price maintenance. I think that that is the most disgusting part of the amendments put before us today. After all, eggs are far too expensive now.

I realise that many members have a great deal of expertise in this field, and certainly I am not one of them. In this respect I speak merely as a consumer. However, I do feel that these clauses, particularly clause 3, call for a great deal of explanation not only to the Committee but also to the public. After all, we are very readily accused by the public of not allowing them to speak up when they want to. Now we are imposing our own rules and regulations upon small and large egg producers, and I think that this case should be stated publicly and very, very carefully explained.

Mr. ELLIOTT (Cunningham) (9.8 p.m.): I should like to clear up a couple of points. I think that some people are getting carried away over this clause.

An Honourable Member: Their thinking is becoming rather scrambled.

Mr. ELLIOTT: I think that sums up the position rather nicely. I should like to point out to the last speaker something that I think would be very dear to her heart. She spoke about artificial price maintenance. I think something that is far more dangerous is the entry into the poultry industry of multinational corporations (they would be dirty words to her, I am sure). Many large American producers have entered the broiler industry. I think that this is a precedent that needs to be watched carefully.

The honourable member for Clayfield said that the Bill set a precedent in marketing arrangements and powers of entry. That is not true. All statutory marketing boards and organisations have similar powers.

Mr. Moore: Not as far as dwelling-houses are concerned.

Mr. ELLIOTT: Already under the relevant Acts, people have the right to enter and inspect records. Officers of the Wheat Board, the Barley Board and other commodity boards have this power. A case concerning the Fish Board was cited from this side of the Chamber. So do not let any more red herrings be dragged across the trail by the allegation that this is a precedent; it is not.

I spoke against the principle at the introductory stage. I do not believe that inspectors should have the power to raid a house in the middle of the night; certainly I am not in favour of that. It is not a case of this Committee's trying to force this onto an unwilling industry. The suggestion has come through from the industry in a democratic fashion. It is a very important principle, and I believe that honourable members must accept it as such.

I point out also that the people in the industry are the ones who elect the inspectors. Therefore, any honourable member who says, "You can't do this", is guilty of saying, "We know how to run your industry better than you do yourself." In my opinion, that is a very dangerous attitude.

Mr. GIBBS (Albert) (9.12 p.m.): I support the Bill. I believe that honourable members are speaking about things that will not happen, and I am quite sure that the producers want the Bill. The system has worked well in other industries such as wheat-growing and wool-growing; but, of course, the Federal A.L.P. Government has now upset the markets of people in those industries in western areas.

The Government of this State is trying to stabilise and maintain the viability of hen and egg producers. Members of the Opposition will recall that years ago one could not buy eggs for love nor money at Easter time. Where in Queensland these days does one find a shortage of eggs at any time of the year? Eggs are available all the year round because the market has been stabilised. That has helped the housewives.

Mr. Hanson interjected.

Mr. GIBBS: The stabilising of the market has also assisted people in the hotel trade—even in Gladstone—who can now supply bacon and eggs each morning to their guests. Of course, the actions of National-Liberal Governments have brought a great influx of people to Gladstone, which is now a wonderful town. In addition, it is being given a water supply at a cost of next to nothing. Although I am getting away from the clause, Mr. Miller, what I say is factual.

I support the Bill on the basis of continued production. The producers in the industry are the ones who want this protection, and they want protection not from the little people but from the big producers—the ones who are likely to flout the decisions of the Hen Quota Committee in the production of eggs. I do not believe that the Department of Primary Industries will go outside its charter or send out big, ruthless inspectors to knock on people's doors in the middle of the night. I support the Bill in its present form, and I believe that saying that the inspectors will not worry whether or not an old lady on whom they call has asthma is absolutely stupid. We are speaking of responsible men, and the Minister, of course, is responsible, too.

Mr. AHERN (Landsborough) (9.14 p.m.): What has to be understood clearly is that the success or otherwise of the hen quotas legislation rests with the penal provisions—the enforcing provisions—that are in these clauses. The fact is that, up till now, the industry has believed that the provisions have not been sufficiently strong. That became obvious when one looked at the position in other States and a situation in which a number of producers who have over-quota hens are saying to the members of the Hen Quota Committee, "You can't enforce the provisions of the Hen Quotas Act." Many producers are thumbing their nose at the Hen Quota Committee. If the legislation is going to work adequate penal provisions must be available to that committee.

None of us like giving these powers to inspectors but they are essential in the circumstances. If we said that only certain persons were eligible to obtain a warrant or that an order of the court had to be obtained, obviously the legislation would not work. Producers would say, "You can try us on. We know the penal provisions are not good enough, anyway."

Having studied the situation in other States, and knowing what it wants here, the industry put these proposals to us. It said, "Give us these powers and we are sure the scheme will work." In fact it asked for more power than the Government is giving it.

In Victoria, for instance, there is provision for a continuing fine of a certain amount per 100 hens per day if a person keeps over-quota hens. That provision was asked for in Queensland. At the present time some producers have thousands of hens too many, but the Hen Quota Committee does not have the necessary power to enforce the existing legislation. It has asked that inspectors be given the right of entry to make necessary inspections, and that they be given the right to seize hens under certain circumstances. They will not have to wait around for a court order but can apply to the chairman of the committee for authority to act. The industry will know that that power is there, and so the hen quota scheme will work. That power is essential to the over-all operation of the scheme.

Hon. A. M. HODGES (Gympie—Leader of the House): I move—

"That the question be now put."

Question put; and the Committee divided—

AYES, 48

Akers	Lamond
Alison	Lee
Campbell	Lester
Cory	Lindsay
Crawford	Lockwood
Deeral	Lowes
Doumany	Muller
Edwards	Neal
Elliott	Newbery
Frawley	Powell
Gibbs	Row
Glasson	Simpson
Goleby	Small
Greenwood	Sullivan
Gunn	Tenni
Gygar	Tomkins
Hales	Turner
Hartwig	Warner
Hewitt, W. D.	Wharton
Hinze	Young
Hodges	
Hooper, K. W.	
Hooper, M. D.	*Tellers:*
Kaus	
Kippin	Ahern
Knox	Moore

NOES, 14

Burns	Melloy
Dean	Murray
Hooper, K. J.	Wright
Houston	Yewdale
Jensen	
Kyburz	*Tellers:*
Lamont	Hanson
Marginson	Jones

Resolved in the affirmative.

Question—That clause 3, as read, stand part of the Bill—put; and the Committee divided—

AYES, 50

Akers	Knox
Alison	Lamond
Byrne	Lee
Campbell	Lester
Chalk	Lindsay
Cory	Lockwood
Deeral	Lowes
Doumany	Muller
Edwards	Neal
Elliott	Newbery
Frawley	Powell
Gibbs	Row
Glasson	Simpson
Goleby	Small
Greenwood	Sullivan
Gunn	Tenni
Gygar	Tomkins
Hales	Turner
Hartwig	Warner
Hewitt, W. D.	Wharton
Hinze	Young
Hodges	
Hooper, K. W.	
Hooper, M. D.	*Tellers:*
Katter	Ahern
Kaus	Moore
Kippin	

NOES, 16

Burns	Murray
Crawford	Porter
Dean	Wright
Hooper, K. J.	Yewdale
Houston	
Jensen	
Kyburz	*Tellers:*
Lamont	Hanson
Marginson	Jones
Melloy	

Resolved in the affirmative.

Clauses 4 to 9, both inclusive, as read, agreed to.

Bill reported, without amendment.

SWINE COMPENSATION FUND ACT AMENDMENT BILL

SECOND READING

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (9.38 p.m.): I move—

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

I was naturallly pleased with the reception accorded the Bill when I introduced it last Thursday night.

The cost of eradicating any future outbreak of swine fever in Queensland will be shared by agreement with the other States and the Commonwealth. Swine fever, therefore, is no longer a disease for which compensation is payable under the Queensland Swine Compensation Fund Act and the time has come to give consideration to using the money in the fund in other directions.

Interest is not payable on the money, inflation is seriously depreciating its value in real money terms, and any suggestion of returning the money to those who contributed it would have to be regarded as quite impracticable. For these reasons I feel honourable members will agree with the diversion of the money to other purposes conducive to the improvement of swine production. As I pointed out in my introductory speech, Governor in Council approval will be necessary and this will ensure that all proposals will be carefully scrutinised.

During the course of the introductory debate, the honourable member for Port Curtis said that in the event of an outbreak of swine fever, the collection of stamp duty would be recommenced in the interests of the producers. This is, I believe, a misunderstanding of the position. As I understand it, the stamp duty would not be reimposed, as to do so would prejudice the agreement with the other States and the Commonwealth. This in turn could lead to Queensland having to meet the whole of the cost from its own resources instead of approximately 11 per cent, as would apply under the agreement.

The honourable member for Port Curtis also referred to the credit due to officers of my department for their vigilance in keeping swine fever out of Queensland on occasions when it had occurred elsewhere in Australia. I would like to express to him my appreciation for his reference in that regard. At the same time, I cannot let the occasion pass without commenting that effective disease control and prevention is very much dependent on the operation of effective legislation to back it up. If the legislation is not adequate to the task in hand, then effective control is put at hazard and may break down. With serious diseases such as swine fever, this could be very much to the detriment of the industry, all those engaged in it and associated trades.

The immediate concern of my department is to find some money to add to a sum of $70,000 that has been voted by the Australian Pig Industry Research Committee as a contribution towards the construction of a major pig husbandry research facility at Wacol. As the honourable member for Cunningham pointed out, the industry has given its full support to drawing on the compensation fund for this purpose. It is necessary, however, to first amend the Act to provide for the use of the fund in this direction.

The honourable member for Somerset pointed out that, although we have not been affected by swine fever, there are a number of other diseases that our pig producers have to contend with. This unfortunately is true, and the proposed husbandry research facility at Wacol, together with the disease research facility at Yeerongpilly, will provide a good over-all cover for pig-production research. It is to the credit of pig producers that they have recognised the need for these facilities and contributed cheerfully towards their establishment, and I can assure the House that officers of my department will be keen to ensure that the facilities are put to the best practicable use.

I thank honourable members for their initial acceptance of the Bill. It is a short one designed for a specific purpose and

it is, in my view, a wholly meritorious one. I commend it to the further favourable consideration of the House.

Mr. HANSON (Port Curtis) (9.43 p.m.): On behalf of the Opposition, I voice approval of the Bill. We have made a very comprehensive study of the various clauses, and we can find nothing in them that would be in any way injurious to the industry.

I thank the Minister for some of his references to remarks of mine at the introductory stage. The money in the fund is, of course, virtually trust money, and it is therefore regrettable that it has been held for years without bearing any interest. Pig producers have been worried for a long time about diseases that could attack their pigs, and it is in the interests of the producers that trust moneys be used to best advantage.

The Bill represents, of course, more or less a change of heart by the Government. On assuming office after years on the Opposition benches, the Government immediately got its hands on every fund it could find. Many suspense accounts in the Stamp Duties Office and the Treasury were used by the Treasurer of the day for all sorts of purposes. There was also a correlation of trust funds, loan funds and funds from Consolidated Revenue. There was a real scramble to juggle and balance the financial affairs of the State. Many members of the Opposition drew attention to that in subsequent Budget debates.

The Minister mentioned that I said at the introductory stage that stamp duty would be reimposed in the interests of the producers in the event of an outbreak of swine fever. I meant that stamp duty could be introduced. However, my memory is that when the Swine Compensation Fund Act was last amended, complementary legislation relating to the Foot and Mouth Disease Fund was also introduced, and it allowed for a considerable degree of Commonwealth participation.

Over the length and breadth of the State, Commonwealth financial assistance has been made available to protect the pig industry and the cattle industry, both of which contribute so greatly to Queensland's revenue. The port incinerators that have been provided with Commonwealth assistance play an important part in preventing the introduction of exotic diseases, but I suggest that the Department of Primary Industries could look into the times at which the incinerators are used by various harbour boards. Information that I have indicates that a number of harbour boards that deal with ships trading direct into their port from the East do not use the incinerators to the best advantage in the interests of the pig industry. For example, my attention has been drawn to the fact that in a number of ports throughout the State rat guards are not in place on the ropes between the bollards on the wharves and the ships. Of course, rodents can introduce a number of livestock diseases. Even though the Minister might not have the necessary power under the Act, I recommend to him that he request his officers to make certain observations in the course of their duty. I am sure that none of us want to see swine fever or any other disease, whether exotic or not, affecting the pig industry of this State.

The Minister said, quite rightly, that effective disease control and prevention are very much dependent upon the operation of effective legislation. Effective legislation is needed not only in this field but also in allied fields. If we are vigilant, and keep our eyes open, I am sure we can achieve almost 100 per cent prevention of disease in the industry.

The allocation of money for the establishment of a pig husbandry research unit at Wacol is wonderful news. Such a facility will be in the interests of pig producers over the whole of the State. It will be a wonderful asset and will, I am certain, relieve them of a great deal of concern.

In conclusion, I thank officers of the Minister's department who have shown me over pig husbandry facilities in this city and elsewhere in the State. It has been wonderfully rewarding for me to be in company with them and receive such courtesy from them while examining and noting the work that they are carrying out.

As I said earlier, the Opposition regards the measure as being of vital importance. We believe that there has certainly been a change of heart by the Government, and if that has been the result of speeches in Budget debates in this Chamber and other speeches by members of the Opposition calling attention to the dire necessity for providing additional funds to be used in the interests of the industry, we are very pleased about that. We are not very worried whether the suggestion came from this side of the Chamber, from the industry, or from Government members. However, if in the presentation of our submissions we have played a small part, we are very pleased indeed. Certainly we hope that the industry will gain considerable benefit in the years ahead.

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (9.51 p.m.), in reply: I thank the honourable member for Port Curtis for accepting the proposals embodied in the Bill on behalf of the Opposition as I imagined they would be accepted.

Motion (Mr. Sullivan) agreed to.

COMMITTEE

(The Chairman of Committees, Mr. W. D. Hewitt, Chatsworth, in the chair)

Clauses 1 to 4, both inclusive, as read, agreed to.

Bill reported, without amendment.

CITY OF BRISBANE TOWN PLANNING ACT AMENDMENT BILL

INITIATION IN COMMITTEE

(The Chairman of Committees, Mr. W. D. Hewitt, Chatsworth, in the chair)

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (9.53 p.m.): I move—

"That a Bill be introduced to amend the City of Brisbane Town Planning Act 1964–1974 in certain particulars."

The purpose of the Bill is to simplify the procedures presently prescribed under the City of Brisbane Town Planning Act for applications for rezoning of land, and to provide for exemption in some cases from some procedures prescribed for applications for approval to subdivide land.

In the case of an application for a rezoning of land, section 22 of the Act prescribes that notice of the application made to the council must be advertised. This advertising includes a notice in the newspaper, a notice on the land and notice to owners of adjoining land.

Provision is made for the lodgment of objection, and rights of appeal to the Local Government Court are conferred upon objectors and upon the applicant, depending upon the council's decision on the application. After completion of this procedure, if the council so decides, or the court so orders on appeal, the council must then proceed under section 6 of the Act, which relates to amendments to the town plan. Under this section a notice is then required to be advertised, notifying the intention of the Brisbane City Council to apply to the Minister for the necessary amendment to the town plan, to effect rezoning of the land.

Section 6 requires that the proposed rezoning be again open for objections and that the application subsequently be submitted, together with all objections received (if any) and the council's representations thereon, to the Minister. The final decision in the matter rests with the Governor in Council.

It is felt that this procedure could with advantage be simplified by removing the duplicated advertising and objection procedures. It is considered that all interested persons have adequate opportunity to object and to appeal in respect of a proposed rezoning under section 22 of the Act, and that it is a costly, time-consuming and unnecessary exercise for a second opportunity of objection to be provided.

It is presently possible for an application to come forward to the Minister pursuant to section 6 of the Act without his being aware of the fact that the particular rezoning has already been the subject of objections or an appeal under section 22. There is no legal requirement for the council to advise the Minister of this fact. It is possible for an objector under section 22 to be unaware of the necessity to object again when the proposal is advertised under section 6, if he still opposes the proposal, so that his objection will come to the notice of the Minister and the Governor in Council.

The amending Bill removes the necessity for advertising under section 6, and also removes the right of objection at this time, in any case where the application for rezoning has been fully dealt with in accordance with section 22. In such case, following completion of proceedings under section 22, the council may, and shall when so directed by the court, forward the proposal to the Minister for consideration by the Governor in Council. The council will be required to advise the Minister of objections received, and the results of any appeal that may have occurred, under section 22.

In relation to the subdivision of land, I would inform honourable members that a survey conducted by the Institution of Surveyors in relation to subdivision applications processed by the Brisbane City Council for a six-monthly period, as revealed by public advertisements, indicated that 69·5 per cent of all applications within this period were for the subdivision of land into two lots only; 14·7 per cent were for subdivision into three to five lots; 6·7 per cent were for subdivision into six to 10 lots; and 9·1 per cent were for subdivision into more than 10 lots. It will be observed that by far the greatest number of subdivision applications in the period under review involved small subdivisions only, and the imposition of advertising, objection and appeal procedures in these cases seems to be quite unjustifiable and outside the original intention and aims of present legislation. It is proposed in the amending Bill that subdivisions up to five lots be removed from the advertisement, objection and appeal procedures. It will be noted that this exemption will cover approximately 84 per cent of subdivision of land applications received by the council.

Evidence is available that considerable cost to the small property-owner is involved in meeting the requirements of section 22 at the moment, and that considerable time and cost to many people could be avoided by the proposed amendment. This exemption will be provided with some qualifications. For example, the exemption will not extend to subdivisions in the existing open space zone and the proposed open space zone under the town plan, which subdivisions have been the subject of recent controversy. A provision is also included directed at preventing misuse of the exemption by requiring that the exemption not apply to further subdivision of the same land within two years.

As honourable members will appreciate, the use of land is primarily dependent upon its zoning, and any subdivision will take place in the light of zoning of the land and of any relevant council ordinances. Other legal provisions apply to subdivision of land

under the ordinances, and these provisions enabling the council to control all subdivisions will still apply.

Some other matters are provided for in the Bill, ancillary to the main purpose. One of these is a small amendment to sections 6 and 7 which controls amendments to the town plan initiated by the council or the Minister. It is made clear that where the council or the Minister advertises a proposed rezoning, notice of the proposal will be advertised in a newspaper and by notice on the land, and copy of the notice must also be forwarded to owners of adjoining land. This procedure was the subject of debate in the House last year, and during the debate these three methods of advertising were regarded as essentials. The amending Bill so provides.

I would like to make it clear that the Bill does not relate to the making of a new town plan. It concerns the plan actually in force at any particular time, and involves particularly and exclusively simplification of procedures, with full regard to the rights of citizens of Brisbane.

As I said previously, the matter has been brought to my notice by responsible people in the city of Brisbane. It has also been thoroughly discussed in the Government party rooms. As honourable members are aware, an esteemed barrister now represents the Ashgrove electorate, and we have drawn on his knowledge to some extent in framing this measure. I have much pleasure in commending it to the Committee.

Mr. BURNS (Lytton—Leader of the Opposition) (10 p.m.): I thank the Minister for giving me a copy of his introductory speech, which he went through like a Bondi tram. If I had not had a copy of it, I would not have been able to understand the Bill.

Mr. Hinze: I learnt from you how to speak fast.

Mr. BURNS: You have been teaching me some lessons tonight.

I take the point from the last page of the Minister's prepared speech that the Bill does not relate to the making of the new town plan and that that means we cannot discuss the current Brisbane Town Plan.

I view with some concern any Bill that removes citizens' rights. Prior to the Minister's introductory speech I had an opportunity to speak to the Minister's advisers. I am pleased that I spent some time with them because they helped to allay my concern.

One problem in town planning seems to be that the ordinary citizen (the worker and the pensioner) always has his voice drowned out by the shouts of the developers —the big combines and companies. When introducing such legislation, we must ensure that their right or opportunity to object, and their opportunity to learn what is happening to their land, are not reduced. The most important investment that you and I make, in our lifetime Mr. Hewitt, is in our land and home, which most of us pay off over about 30 years; but in many cases our homes can be threatened by rezoning, by industry encroaching on us or by high-rise buildings which can create problems for us. It is important that the public should be involved, informed and protected all along the line. It should be stipulated that advertisements in the Press and any other notifications for the benefit of the public are clear and produced in such a way as to be easily understood.

I suggest once more that we should advertise in local newspapers. An advertisement in the Saturday afternoon edition of the "Telegraph" is not a suitable means of advertising the subdivision or rezoning of land in a small area of the city. I am not attacking this paper, but I understand that the circulation of this edition is very small. It seems to me that one way of improving the notification provisions under the Act is to ensure that public notices are larger than postage stamps and are placed in such a position that people cannot fail to see them. I admit that the provision whereby adjoining owners must be notified is an improvement, but we should consider improving that provision. If a factory is to be established two or three streets from my residence, I may not be notified and I may not see the ad in the paper. By the same token, I may not drive past the factory site and therefore I will not see the notice.

Mr. Hinze: Be practical! Where do you stop?

Mr. BURNS: I know that it is difficult. I am not making a positive proposal, nor am I making destructive criticism. I am simply asking departmental officers to look very carefully into it for the reasons I have indicated.

When A. J. Bush and Company of Murarrie were allowed to establish an industry on the site, many people a mile away took no notice of the application, but today, when the bodies of cattle, kangaroos and other animals are rendered down at night-time, people are virtually polluted out of their homes. That application, or decision, would have been objected to by people living a mile away if they had known the type of industry to be established, or if it had been drawn to their attention despite the distance from the site. They did not see the advertisement in the Press and understandably they did not receive any personal notification. In addition, they did not drive past the site on their way to or from work. So there was no way under the Act by which they had to be informed of something which later affected them so seriously.

A Government Member interjected.

Mr. BURNS: This land was in a general industry zone. It was rezoned to allow a noxious industry to be established in the area. It was done quite legitimately under the Act. The application proceeded in a legitimate way. The company advertised on the site and put notices in the Press. Adjoining landholders were notified. But people living a mile away suffer every night as a result of that rezoning. When similar rezoning is applied for, there should be some way of saying to the applicant, "You will have to notify a wider circle of people than you would normally be required to notify for residential or general industry purposes that do not create problems."

I repeat my concern about any restriction of rights. I always recall a statement in the Press, headed "Public don't help plans", attributed to Mr. Don Young of the Co-ordinator-General's Department. On returning from an overseas tour he said, "Nobody I met felt public participation in town planning was working effectively." He said, too, that the planners did not think there was an adequate balance of say by the public, mainly because usually those in favour of a certain project did not speak up to balance the voices of the protesters.

The reason we advertise is to allow people to object. I do not think we are looking for support for the proposal. The people who are putting it up are its supporters. They have made up their minds what they want to do.

After reading Mr. Young's statement I always worry about the position he holds in the Co-ordinator-General's Department.

Mr. Hinze: A very capable officer.

Mr. BURNS: That may be so, but I disagree with him violently about public participation; I do not think anything is more important, especially in town planning.

I support the proposal by the Minister that—

> "where the council or the Minister advertises a proposed rezoning, notice of the proposal will be advertised in a newspaper and by notice on the land, and copy of the notice must also be forwarded to owners of adjoining land."

I have dealt with the matter of notice to adjoining landholders and I have suggested that much more stringent requirements should be laid down for the giving of notice of proposals to establish noxious industries and the like.

I support, too, the proposal that will allow up to five blocks to be subdivided without going through advertisement, objection and appeal procedures. I refer to an extract from the 1972 policy speech of the Australian Labor Party, in which we said—

> "Another Act which is causing unbelievable hardship is the amendment to the City of Brisbane Town Planning Act. Here the Institute of Surveyors has pointed out that even in the smallest subdivision the new legislation will cost the property owner in excess of $100 over and above the normal survey fees. To give an example of the absurdity of the situation—if you and your neighbour own quarter-acre blocks and you want to sell him two feet of your land, you must publicly advertise the fact, and anyone in Brisbane is entitled to lodge an objection to the proposal and, if he wishes, to take the matter to court. This must surely be the worst possible form of Government interference in the lives and rights of individuals."

So tonight we are at least remedying that position.

I wonder whether we should go as far as five blocks. I have read the Minister's figures of 69.5 per cent for up to two lots, 14.7 per cent up to five, and 6.7 per cent for six to 10 and so on from there. I wonder how far we should go in removing the right of the local citizen to object. I agree that the requirement has added immeasurably to the cost, concern and delay for those people who just want to buy a bit of land from their neighbour.

I support, too (but with some reservation until I have a chance to read the Bill) the amendments to sections 22 and 6. Whereas in the past we have had to advertise once, after discussing the position with the Minister's officers I understand the position now is that we accept objections, and the rezoning proposals can end up in court. After the court decision is made, we have to go back if necessary, through a further advertising process, and ultimately the matter comes to the Minister or to the Governor in Council. At that stage it would have been possible for the Minister to be notified of this rezoning problem without having heard from the first objectors. All that had to be sent to the Minister was the second set of objections. I accept the proposal that we ought to amend these sections, firstly to reduce the cost and the delays involved and, secondly, to provide that the objections that are first put forward should be handed to the Minister. I cannot understand how we had an Act—and I did not realise it contained this weakness—under which people could object and, when the final decision was made by the Governor in Council, their objections need not have reached the Minister. I have always believed that, after I put my objection in, somewhere along the line well before final determination by the Minister or the department, my objection would have been noted by the Minister.

At this stage, I will not delay the Committee. I conclude by saying that I will read the Bill with interest and I reserve any further comments to the second-reading stage.

Mr. GREENWOOD (Ashgrove) (10.9 p.m.): The Bill introduced by the Minister represents a great deal of work by him and his staff, as well as a certain amount of work by members of the committee of the joint Government parties who worked on the Brisbane Town Plan.

The first major improvement which the Bill effects concerns the information provided to members of the public in the various notices that are given when the council endeavours to amend the plan of its own volition. For example, under the Act, when the council wished to amend the plan it had to give personal service of its notice of intention to do so, but that personal service had to go to only the man who owned the land. Under the Bill it will also go to the owner of any land abutting on such land.

Secondly, there is the question of advertisements. Under the Act, certainly advertisements had to appear in the newspaper but they were not very informative. For example, they indicated where the zoning maps could be inspected by members of the public, but, because members of the public might not understand those maps even when they saw them, that was not much good. But now the advertisement will have to show from which zone the land is proposed to be excised and the zone into which the land is proposed to be included.

In addition, members of the public will not have to depend on things like real property descriptions. Under the Bill, the advertisement will contain the postal address and it will make it much easier to identify just what land will be affected.

Lastly on the questions of improvements in advertising procedures and in making it easier for the public to know what is going on, I should mention that the Bill requires a notice placed on the land itself and requires the letters on that notice to be of a certain size.

In all these respects, when the council itself proposes a rezoning, it will have additional obligations imposed on it and the effect of those obligations will be to make it much easier for members of the public to know what is going on and, if they wish to make objections, it makes it easier for them to do so.

Those are the sections and provisions which deal with council-initiated rezonings. But there are other sections of the Act which deal with rezonings that are initiated by the Governor in Council. Here, too, similar improvements are made in the advertising procedures.

I shall now turn away from advertising procedures to one of the other main purposes of the Bill. It is to expedite certain procedures. We hear complaints on all hands nowadays of the increase in the cost of land to young people who wish to build a home. One of the main factors which produce these escalating costs is the delay that subdividers have to put up with and the elaborate procedures of advertising which they have to submit to.

The Minister and his officers looked at this problem and tried to find a solution which, on the one hand, would expedite procedures and have the effect of keeping down the cost of land and, on the other hand, would fully protect the members of the public and their right to know what was going on. So the solution adopted was not to avoid advertising but to avoid duplication in advertising procedures.

Under the Act the whole lengthy advertising procedure has to be carried out twice. First of all, when a developer seeks a rezoning, he has to carry it out, and that is right and proper. If there is an objection, the whole matter is ventilated in court and that is also right and proper. But the end result of this elaborate procedure, after all the members of the public have had an opportunity to make their objections and have their day in court, is that the Local Government Court recommends to the council that it should seek a rezoning. The whole procedure has then to be gone through again. It is this duplication that the Bill seeks to avoid. It is my submission to the Committee that it will do this successfully, without in any way depriving the people of their rights, and it will have the effect of decreasing the cost of land to the public.

The last matter that the Bill seeks to deal with was the subject of the complaint referred to by the honourable member who preceded me in this debate. He spoke of a couple of neighbours who wanted to re-draw their boundaries, one selling perhaps 2 or 3 ft. of his land to the other. It seems absurd that people who want to do that sort of thing should have to go through the very expensive procedure of advertising.

There are other anomalies, too. For example, if part of a corner is truncated, it has been suggested that that truncation amounts to a new road and so, under the Act as it stands, requires advertising. If a new road is created, even if only a truncation, it requires advertising. These things, too, have been sorted out in the Bill.

One problem was to decide where to draw the line. Obviously a subdivision of any great size has to run the full gamut of advertising procedures. Equally obviously it should not be required in the case of a small subdivision. So where should the line be drawn? The advice received was that five blocks—a subdivision into four blocks, with the fifth block as the balance area—was a convenient place to draw the line relieving people of advertising.

But it is only the simplest and most straightforward subdivisions that will be able to obtain an exemption, because the Bill will provide that if a new road is to be created by the subdivision, it has to be

advertised. It is really only in situations where neighbours are adjusting their boundaries, or where a few allotments are being carved off along an existing road, that those who wish to create new blocks will be able to do so without being required to advertise.

To prevent anyone trying to take advantage of the situation by perhaps taking four allotments out of his block of land this month and another four next month, thus creating a large subdivision by bits and pieces, it has been provided that if a person obtains an exemption under this clause, he has to wait two years before he can get another.

A great deal of thought has gone into the Bill. It is my submission to the Committee that it protects the rights of the public very well, and at the same time introduces a few new procedures that will have the effect of streamlining the way in which allotments are created, and bringing down the price of land.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (10.19 p.m.), in reply: I wish to thank the Leader of the Opposition and the honourable member for Ashgrove for their contributions. It seems that all members are in complete agreement on the Bill. We believe that the Government is doing something for the betterment of the city of Brisbane, and safeguarding the rights of people living in that local authority area.

The Leader of the Opposition expressed some concern about taking away the rights of the people. That is not the intention of the Bill. The Government states quite emphatically that every other local authority in Queensland, and indeed throughout Australia, is working under similar rules for subdivisional approvals. He also referred to the signs to be placed on the land. It will certainly be provided that the signs must be able to be seen. They will not be small signs placed at the back of allotments, or anything like that.

The honourable gentleman mentioned the extension of the area for notification, and he referred also to the fact that 80 per cent of the subdivisions taking place within the local authority area at present were of blocks of under five lots.

I gained the impression that the Leader of the Opposition has a very good general knowledge of the proposed amendments, and I was pleased to have his concurrence. He went as far as saying that part of his own policy speech contained something along the lines of the proposed amendments.

The honourable member for Ashgrove made an extremely valuable contribution to the debate. Having sat on the committee and given members of it the benefit of his knowledge, he has now made a number of very valuable comments on the proposed Bill.

I do not wish to take up the time of the Committee any further. I conclude by saying that I am quite convinced that the introduction of the amendments proposed to the City of Brisbane Town Planning Act is in the interests of the people of the city of Brisbane. The amendments will reduce costs, and they will certainly save some time. They will not take away any rights that people in other parts of Queensland or other Australian States enjoy.

I again commend the motion to the Committee.

Motion (Mr. Hinze) agreed to.

Resolution reported.

FIRST READING

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

MARGARINE ACT AMENDMENT BILL

INITIATION IN COMMITTEE

(Mr. Row, Hinchinbrook, in the chair)

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (10.24 p.m.): I move—

"That a Bill be introduced to amend the Margarine Act 1958-1974 in certain particulars."

The Bill consists of two main parts, one of which relates to this State's margarine quota and the other to packaging, labelling and promotion.

It was agreed at a recent meeting of the Australian Agricultural Council that all States would increase their margarine quota by 50 per cent this year. However, because of likely moves in other States, it is desirable to retain flexibility in the determination of the State's quota for the future. For this reason, the Bill provides for the determination of the quota to be made by the Governor in Council by Order in Council. I will propose that the first Order in Council relating to the State's margarine quota will set it at 8,000 tonnes.

Members will appreciate that there has been a general movement in all States towards a phasing out of quotas, over a period of time, and this increase of quota by 50 per cent is in accord with this trend. There is an increasing utilisation of Australian-grown vegetable oils in the preparation of table margarine, so this increased quota will provide a market for those oils.

The second feature of the Bill provides for as much uniformity in labelling as possible as between all States. Discussions have been held with responsible people in Victoria and New South Wales, and the amendments to the labelling of the various types of margarine in the Bill have been agreed upon as a standard procedure for each State. This will allow margarine manufacturers to promote a healthy interchange of product between all three States.

Queensland-based manufacturers of margarine have a substantial southern market, and we wish to ensure that they can maintain this market. Along with all other manufacturers, they are faced with rising costs. Uniformity in labelling and packaging assists them to contain these costs and so keep the price of their product at a reasonable level for the consumer.

One aspect that has caused me considerable concern has been the fact that southern-manufactured margarine has been sold on the Queensland market with marks which would not be allowed in Queensland. The Bill provides for the registration of marks on all margarine sold in Queensland so that these undesirable marks may be eliminated, and it also prohibits the use of marks similar to Queensland marks.

The packaging and labelling requirements are being implemented to conform to the latest recommendations of the National Health and Medical Research Council. As far as possible, the requirements of the manufacturers have been met in relation to the size of letters and the wording allowed on packages.

The Bill also strengthens the control of the sale of cooking margarine used for industrial purposes so that it may be sold only for the purposes for which it was intended—in other words, that it should be used only by people who are engaged in the business of pastry, cake, biscuit, bread or confectionery manufacture. In the past there have been instances of abuse in the sale and use of this margarine, and I hope that by this strengthening of the legislation we will ensure that it is used only for the purpose for which it is intended.

I do not propose to go into detail on the labelling requirements. Members will be able to see for themselves that the labelling does conform to the principles that I have outlined.

I am sure that members will support the need for bringing these measures into effect. I think they bring our policy in relation to table margarine and the general use of margarines into line with present-day thinking.

I commend the Bill to the Committee.

Mr. HANSON (Port Curtis) (10.29 p.m.): Had the present Bill come before the Committee a few years ago it would have created considerable controversy.

Mr. Ahern: Hear, hear!

Mr. HANSON: I firmly believe that the honourable member for Landsborough would be cast in the same role as he played five years ago when he was hiding in the shadows and not making any move when the margarine workers marched on Parliament House. I well recall that the honourable member and others on that side of the Chamber who had noted that certain legislation was listed on the Business Paper breathed a big sigh of relief when the Premier decided not to proceed with it. At the time it was all a matter of politics and trouble within the Government ranks. We saw the inadequacy of a Government that was unable to pursue courses and policies laid down by it.

Mr. Lindsay: A Labor Government.

Mr. HANSON: The honourable member, who represents the rural interests of Everton, is no doubt hoping to persuade his constituents to support him at the next election. He will be sadly disappointed indeed. As a matter of fact, I had occasion to pursue certain remarks of his, and I will be replying to them at the appropriate time.

Mr. Lindsay: Do it now.

Mr. HANSON: The honourable member for Everton would have very scant knowledge of this measure, so he would be well advised to listen to the submissions emanating from the Opposition benches. Of course, he tries to persuade the Committee that he has a vast store of knowledge.

Over the years considerable changes have occurred in the eating habits of the people. In September 1970 the Commonwealth-State Marginal Dairy Farm Reconstruction Scheme was introduced to assist dairy farmers who wished to leave the industry and also, by amalgamation and debt reconstruction, those who wished to remain in it. It cannot be denied that all this led to a decline in the number of dairy farms.

I am reminded of the remarks of the former honourable member for Belyando, who said that those people engaged in the margarine industry could, to a degree, live side by side with those engaged in the dairying industry. It would be to the benefit of those engaged in this industry to forget past recriminations and to pursue sound policies.

The Bill makes provision for a radical departure from present policies, and also contains other matters that warrant our attention. The first is the increase from 5,250 tonnes to 8,000 tonnes in the margarine quota. No doubt this increase will give rise to controversy throughout the industry. On this aspect I would very much like to hear the thoughts of the honourable members for Landsborough and Everton, who have claimed that they are concerned for the welfare of the dairying industry.

I am cognisant of the fact that decisions are arrived at by the Australian Agricultural Council, consisting of Commonwealth and State Ministers, after lengthy research. Many such decisions have been of tremendous benefit to the dairying industry, notwithstanding the fact that certain fears have been expressed by that industry and the margarine industry as to the operations of the council.

I am happy to pay tribute to a former Labor Government, which played an important role in the promotion of the dairying

industry. This might come as a surprise to people who have scant knowledge of the industry. I would inform them that the Labor Party was the first political party to grant subsidies to the dairying industry of Australia. One of the Ministers of the Government to which I refer was a primary producer. A variety of arguments were put forward about the Patterson plan and Empire preference. It was the Government of which Mr. Chifley was a member that gave the first subsidy to the industry. As former Country Party members recognise, that move led to the equalisation measures by which the dairying industry was placed on a very sound footing.

It may be surprising to the honourable member for Landsborough, who obviously does not peruse speeches made by Opposition members, to learn that in 1952, the last year of the five-year agreement brought down by the Chifley Labor administration in 1947, a subsidy of $35,000,000 was paid to the dairying industry. Government members should examine their consciences because many years later, while their political counterparts were in office in Canberra, despite inflationary trends the subsidy decreased to $26,000,000 or $28,000,000. That was the amount paid when I first came into Parliament 11 or 12 years ago, and it remained stationary for quite some years.

I point out to the strong supporters of the dairying industry that only a few years ago, when Mr. McMahon was in charge of the Commonwealth Government, by way of interjection I asked the great producer of Friesian milk on the Gold Coast (the Minister for Local Government and Main Roads) and others connected with the industry at the time if they were in favour of the announced interim equalisation price of 32·75c a lb. What answer did I receive? A wall of silence from the honourable member for Landsborough and the honourable member for Windsor, who has a few cows and displays some interest. If the honourable member for Everton had been in the Chamber I know quite well what stand he would have taken. Only one member, that is, the honourable member for Somerset——

Mr. LINDSAY: I rise to a point of order. The honourable member has indicated a decision that I would have taken had I been in the Chamber at the time. I bring to the honourable member's attention the fact that at that time I was involved in the defence of this country in Malaya, Singapore, Borneo and Vietnam. It is unfair to indicate that I would have held any opinion if I had been in the Chamber then.

The TEMPORARY CHAIRMAN (Mr. Row): Order! I do not think there is any point of order unless the honourable member for Everton asks the honourable member for Port Curtis to withdraw his remark.

Mr. HANSON: There is no point of order, Mr. Row. We hear a great deal about the honourable member for Everton and his defence of this country, but a lot of people in this Assembly (both past and present) were engaged in the defence of this country.

The TEMPORARY CHAIRMAN: Order! I ask the honourable member to deal with the Bill.

Mr. HANSON: The honourable member for Somerset was the only member of the then Country Party who said, "Certainly I am," when I asked the direct question, "Are you in favour of the industry's demand for 40c a lb. as the equalisation price?" Yet the McMahon Government offered an interim equalisation price of 32·75c a lb., which was increased to 34c or 35c because certain pressures were brought to bear on the administration by the industry.

When the circumstances surrounding the creation of the Queensland Dairymen's Organisation are investigated, the history books and legislation of the State will reveal who supplied the necessary finance and legislation. It is seen that the Labor Party played a signal part in creating the farmers' Parliament as it was then known.

What has happened since this Government came to office? In every single year it has been in office the number of farms has decreased. The number of suppliers to factories and co-operatives throughout the State has declined over the years. That fact has been brought to the attention of the Committee over a long period.

The Minister's remarks about labelling will exercise our minds a great deal. With regard to the fears expressed by the Minister about markings on interstate margarine being sold on the Queensland market, I recall the historic event some years ago when a margarine packet was retailed in the United Kingdom with a picture of a cow on it. Of course, that caused a considerable amount of controversy. I did not believe it was the correct thing to do. These, too, are matters that will exercise our minds when we peruse the Bill.

On this subject naturally the question in the mind of the consuming public is, "How much is it going to cost?", just as it would be on the subjects of the other Bills that we debated earlier—the Hen Quotas Act Amendment Bill and the Bill relating to land acquisition by the Gladstone Area Water Board. I do not want to see the stage reached where, because of monopolistic intrusions, the dairying industry in this State is annihilated. It may be a little seed nurtured in the breast of many a Liberal parliamentarian, but it is my wish that it never eventuates. I hope that the two industries are able to live in complete harmony and pursue their respective courses.

I believe that, if there is an annihilation of the dairying industry, we will witness a tremendous escalation in the cost of margarine in Queensland. Let us make no error about that. An increase of 50 per cent will be nothing. There will be a 100 per cent increase overnight—a benefit that will be reaped by those engaged in that industry.

It is an indictment of the present Government that over the years, because of its abolition of price-fixing policies, to a great degree butter has been taken from the table of many Queenslanders. Because of the cost of butter, people are being forced to use what I consider to be the imitative product of margarine. As the Minister quite rightly said, people have been using cooking margarine indiscriminately. I note that there are certain uses that will be allowed to persons engaged in the industry of pastry-cooking, biscuit-making or bread manufacture.

Another factor to be considered is hygiene. If local vegetable oils are to be used in our products, so much the better. The greatest criticism in years gone by has been that many of these oils were imported from countries in which the labour cost was very low indeed—countries with a very poor standard of living.

On behalf of the Opposition, I state that we will allow the Bill to pass the introductory stage. Nevertheless, very important principles have been enunciated by the Minister and we will be considering them at the appropriate time.

Mr. AHERN (Landsborough) (10.45 p.m.): I have spoken to every Bill that has been introduced to amend the Margarine Act, so it is quite wrong for anyone to say that I have lurked in the shadows on this issue. I have always been prepared to nail my colours to the mast and to make my attitude clear and I intend to do so briefly again on this occasion.

Mr. Burns: The Bill was recalled. Where were you then?

Mr. AHERN: I made my position very clear on that occasion. I supported that legislation very strongly. I am disappointed that it was not introduced then. The honourable member knows I made public comment on it at that time.

I have always felt philosophically that this was the first imitation food that had a real impact on our primary industries. Quite recently I said in this place that every type of food, and the primary industry behind it, are in question today in much the same way as the dairying industry has been directly attacked in the past by imitations in the form of margarine. All that that product deliberately set out to be was imitation butter. It was advertised that way deliberately and forcefully in an effort to do real harm to the dairying industry and to replace it in this country.

Like all other members of my party, I was prepared to stand up and be counted on the question. We said that we represented these people and that this type of imitation product ought not to be allowed to come in and ruin an industry that pioneered Queensland. We have been prepared to amend the Act to suit the circumstances and to go out on a limb about it, too.

I well remember the last occasion when I decided to talk about the position of the Labor Party in this respect. I remember the honourable member for Port Curtis and the former member for Isis rising offended and affronted about what I said on the Labor Party's attitude to the dairying industry in particular and primary industry in general.

What has happened now that the Labor Party is in Government in Canberra? Along with other primary industries, it has laid the dairying industry low. It would take me longer than the 20 minutes I am allowed in this debate to talk about what has been taken from the dairying industry.

The honourable member for Port Curtis mentioned a subsidy that was introduced by the Chifley Government. But it was the Whitlam Government that took all those concessions away. Every possible concession enjoyed by the dairying industry in this country was taken away by the Whitlam Government in the first couple of months of its administration. That is the bona fides of the Labor Party. It shows where the modern-day sympathies of the Labor Party lie. It might have been different in the days of the Chifley Government, but we have a different Labor Party running this country today. It consists of a vastly different breed of people, who have shown quite clearly where their sympathies lie—and where they don't lie, too.

This represents an initiative by the Federal Labor Government. It made decisions at its Federal caucus meeting that the margarine quotas had to go. Labor Party Premiers, said, "If it is to continue we will sabotage it. The whole thing is to be broken down." The margarine quota legislation, which was built to protect the dairying industry in this country, is being phased out because of sabotage by the Labor Party.

That party has taken away every concession that ever existed. Of course the honourable member for Port Curtis was affronted. But the situation is that the people in primary industry know; they do not have to be told. The honourable member for Port Curtis will not fool them. Not one rural electorate is represented by Labor in this Assembly. Nor should it be—because the people have been affronted, and still the Labor Party grovels before the margarine companies in this country.

In the last session I said that a five-figure contribution was made by Marrickville Margarine Pty. Ltd. to Labor campaign funds

prior to the last election. That was not denied. There is no doubt about that at all. The Leader of the Opposition went to Peking and his air fare was paid by the Marrickville Margarine Company. No-one can deny that, either.

The position of the Labor Party is well known and I am wasting the time of the Parliament and of the primary producers in this country in outlining these facts because they know who their friends are just as they know who their real deadly enemies are.

I have only a couple more points to make. On the question of consumer choice, it is often said to me that people should be allowed to decide for themselves if they want to eat this or that product. Everyone knows where I stand on this issue. With vast sums of moneys being spent on advertising in this country today, there is considerable confusion about the bona fides of consumer choice. In fact, people are buying what they are being told to buy in the large advertisements of the margarine companies. They are being told that such-and-such a product is good for them. Consumer choice is not the issue. People are being conditioned in this way, and consumer choice is being engineered by clever and expensive advertising programmes.

I take this opportunity to express my abhorrence of the incredible innuendoes in the television advertising of margarine, particularly by Unilever. What are in fact cooking margarines are being advertised by innuendoes as "better than the usual product." They are advertised as "creamy fresh" so-and-so, which is claimed to be better than the product that we usually spread on our bread. I doubt that we will ever be able to legislate against this clever use of innuendo. But, thank heavens, by this Bill we are endeavouring to tighten the rules so that things will be advertised for what they are. The Government is making a further and genuine effort to tighten consumer protection in this area also.

The only other point that I wish to make is that the dairying industry in this country has been subjected to considerable attack on the basis of cholesterol in animal fats generally. Medical opinion is divided on the damage alleged to be caused by cholesterol that exists naturally in animal fats. Yet margarine manufactured in this country is full of all sorts of additives, emulsifiers, and so on, that could very easily be greater dangers to public health than cholesterol. This Parliament has to look at the vast number of additives used in processed goods generally. Margarine is one product in which there are considerable additives that could be dangerous to public health. Of course, they are not mentioned by those in the margarine industry.

I regret that the Labor Party has, through its initiatives federally and in the States, set out to do real harm to the dairying industry and to phase out margarine quotas. I feel that such quotas have been of assistance to the dairying industry. Until now, the Labor Party had expressed faint support in the Parliament for this type of protection. But we now clearly see their Achilles heel; they no longer have any members representing rural areas, so the situation should be quite clear to all of them, including the honourable member for Port Curtis.

Mr. GUNN (Somerset) (10.54 p.m.): Whilst I support the Bill, I do so with great sadness. I am not putting all the blame for the failure of the dairying industry in Queensland on the margarine industry. The dairying industry played a very important part in the early days of settlement throughout Queensland, and it is very sad to see it dying. We could not deny that it is dying. While there has been a substantial change to milk production in Queensland and this has been of great advantage to those who have been able to make the change, very little butter is now being produced in this State. As a matter of fact, I should say that during the winter months quite a substantial amount of butter is sent to Queensland from Victoria. There are many reasons for the decline in the industry, but I do not wish to go into them now. I agree with the honourable member for Port Curtis that the proposed Bill would have caused quite a storm some years ago. Of course, conditions have changed.

The only proposal that I challenge is the increase in the quota from 5,000 tonnes to 8,000 tonnes. I have never considered that there was a shortage of margarine in Queensland. People were able to get all the margarine they wanted.

However, one matter that did concern me over the years was the tendency for margarine manufacturers to deceive the public. I well remember going to Field's meatworks at Dinmore and seeing a tanker labelled "Vegetable Oils" filling up at the tallow works.

I accept that animal fats do a certain amount of damage and that cholesterol is damaging to the heart. There is ample evidence of that, and I do not dispute it. However, the fact is—and I can remember this matter being mentioned during the last session of Parliament—that some of the so-called margarines contain a very low percentage of vegetable oils (I think as low as 20 per cent) and the remainder is animal fat. So the person who pays for a particular brand of margarine instead of butter is caught by false advertising. Therefore, I am pleased to see that the proposed packaging and labelling will at least tell people what they are getting for their money. I hope that it will show the percentage of vegetable oils and the percentage of animal fat in some of the products that are marketed under trade names. In some instances they now contain a high percentage of very cheap animal fat.

Once again I agree with the honourable member for Port Curtis, who said that the price of margarine has been increasing. The manufacturers have taken advantage of the fact that very little butter is being produced in Queensland, and I suggest that they would have been paying as little as 1c a lb. for the animal fat they put into their product. I do not know the actual price of tallow per lb., but it is very low. People are paying 35c or 38c a lb. for cooking margarine, and I suggest that it would be almost all animal fat of a very low quality.

The Minister is correct in saying that the oil-seed industry is increasing very rapidly in size. He would be familiar, of course, with what is happening on the Darling Downs, where large quantities of oil seed are grown. However, in my electorate growers have been putting up silos, and I understand that recently about $250,000 has been spent on the construction of silos in Forest Hill, my home town. They are being built in other areas also.

The Bill will assist the oil-seed industry, and I believe that is why the proposals are receiving quite a lot of support in districts in which people were formerly engaged in dairying but are now growing seed crops for oil production. In the South Burnett, in particular, quite a number of farmers are growing up to 500 acres of oil seeds.

The proposal has a great deal of merit, and I support it wholeheartedly because it will assist a local industry. Lack of support in the past was caused by the importation of oil from cheap-labour countries. Most of those countries had dark labour and consequently paid very little in wages. The product was brought over in competition with butter.

I feel certain that the Bill is a move in the right direction.

Mr. ELLIOTT (Cunningham) (11 p.m.): First of all I point out an anomaly that was evident in the speech by the honourable member for Port Curtis. Once again he has misled honourable members. On this occasion I would point out to him Labor's role in the dairy industry. He said that it was our Government that reduced the payment to the dairy industry. That is totally untrue. During the 1972 Federal election campaign the honourable member's namesake, Brendan Hansen, was running around Wide Bay promising what the Federal A.L.P. would do for the dairy industry if it became the Government. He said that it promised to pay 40c a lb. for butter fat. What did the A.L.P. do when it became the Government? As soon as it got into office, it reduced the subsidy and said that it would phase it out altogether. If that is the sort of help from the Federal Government we can be assured of, I do not want any of it.

As one who has both dairy and oil-seed production in his electorate, I support the Bill to amend the Margarine Act 1958-1974, and the extension of the quota from 5,200 to 8,000 tonnes.

As the honourable member for Somerset said, we must be sure that the advertising of margarine is honest. We have definitely seen misrepresentation in advertising. As the honourable member for Port Curtis said, that is undesirable, and we must have honest advertising. He raised a good point about the possibility of a monopoly developing and leading to exorbitant increases in the price of margarine. That is a definite possibility. We must watch what happens in that area because we are running into problems with dairy production. I support the Bill.

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (11.3 p.m.), in reply: The honourable member for Port Curtis has indicated that the Opposition will allow the Bill to be printed. No doubt it reserves the right to examine the Bill. I thank honourable members for their contribution. Had the honourable member for Port Curtis left it at that, I would have had no argument with him. But the honourable member takes every opportunity he can in this Chamber to castigate the Government of which I am proud to be a member. I am going to make a suggestion to him, but, of course, he can please himself whether he takes any notice of me. The Opposition has only a cricket team on that side because of the savage rural policies inflicted right across Australia by the Labor Government in Canberra. Never once have I heard the honourable member for Port Curtis, the former shadow Minister for Primary Industries who is no longer here (Mr. Blake) or the great saviour of the West, Mr. John Aiken, stand up and be critical of the Labor Government in Canberra for the savage policies it has inflicted on the rural industries of the nation. If some former Opposition members had done that, they might still be in the Chamber. I suggest to the honourable member for Port Curtis that there are plenty of opportunities for him to tell his colleagues in Canberra just what effect their Government's policies are having on rural industry. I believe in giving credit where credit is due. I have admitted from the stump when campaigning that there have been good Labor Governments in both the Federal and State spheres. But, by God, because of some of the things that the Labor Government is doing to the rural sector, the A.L.P. will be lucky if it has a cricket team in this Chamber after the next State election!

Mr. Hanson: You made a statement at the Australian Agricultural Council meeting. You agreed to the proposal to increase the margarine quota for the purposes of this legislation.

Mr. SULLIVAN: Let me tell the honourable member something. A fortnight prior to the meeting of the Australian Agricultural Council, which had this item on the agenda for discussion, Senator Wriedt, on behalf of the Australian Government, announced that by July 1976 margarine quotas would be abandoned. I have the greatest respect for the people engaged in the margarine industry in Queensland, and they do not want quotas abandoned in 1976, because they believe the results could be harmful to their industry. All the benefits will flow to the Marrickville company, which bought the ticket to China for the Leader of the Opposition.

Mr. Burns: That's a lie.

Mr. SULLIVAN: The honourable gentleman has never denied it, really.

The margarine industry in Queensland wants to phase out quotas over a period of five or six years, and I think this is a sensible approach. But as I was saying, on the day of the meeting the Labor representative from South Australia simply refused to discuss the item on the agenda. He said, "I am going to do away with quotas as from 1 February 1975." It was at a subsequent meeting that we agreed to do what we did. So don't try to pull my leg about what the Federal Labor Government is doing for the people of Australia.

That is all I want to say. Honourable members opposite have their party in power in Canberra, so for God's sake let them be man enough to stand up and get stuck into it occasionally, telling it where it is going wrong.

Mr. Hanson: You did not say too much to Anthony and company when they were ruining the dairymen.

Mr. SULLIVAN: I would like to have had the honourable member listening outside the door when I attended meetings with them. Finally, I say to the honourable member for Port Curtis, "Be fair dinkum. Every time you stand up here, you tear this Government to shreds."

Mr. Hanson: What do you expect me to do—race over and give you a kiss?

Mr. SULLIVAN: Of course not. We will cop criticism if it is justified. But the honourable member should have a go at his fellows in Canberra. They have brought the rural sector to its knees.

Motion (Mr. Sullivan) agreed to.

Resolution reported.

FIRST READING

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

AUCTIONEERS AND AGENTS ACT AMENDMENT BILL

INITIATION IN COMMITTEE

(The Chairman of Committees, Mr. W. D. Hewitt, Chatsworth, in the chair)

Hon. W. E. KNOX (Nundah—Minister for Justice) (11.9 p.m.) I move—

"That a Bill be introduced to amend the Auctioneers and Agents Act 1971-1974 in certain particulars."

Ever since the Auctioneers and Agents Bill was introduced into the House during 1971 there has been considerable controversy as to the advantages and disadvantages of its provisions relating to sole agency and multiple listing. These provisions are contained in section 43 and provide that a real estate agent may accept or undertake an appointment or engagement in writing to act as agent for the sale of any property upon the terms that he is to be paid commission if the property is sold by him or by any other person (including his principal) during a period not exceeding 60 days from the date of the appointment or engagement where, to facilitate the sale of the property, he is authorised and obliged forthwith to give particulars thereof to other real estate agents. It is further provided that, where that property is sold by any person, no person other than that real estate agent shall be entitled to charge or receive any fees, commission or other payment.

During the preparation of that legislation multiple listing as practised in other States was examined. Other States, however, have not considered it necessary to legislate for the practice. Nevertheless it was included in the Act on the basis that, coupled with a limited sole agency, it offered a vendor the best chance of a reasonable sale of his property. The system is entirely voluntary dependent upon the desires of the vendor.

Other grounds in support of multiple listing include the fact that the vendor deals with only one agent but has the benefit of all the members of the multiple listing bureau. Only one commission is payable and the selected agent accepts responsibility to properly service the listing.

Prior to 1971 no similar legislative provision existed in Queensland although some form of multiple listing was practised.

Despite all these apparent advantages the system of multiple listing has attracted intense opposition from certain sections of the real estate industry. It is proposed to repeal section 43 and section 70, subsection (3), the sections which relate to these matters.

Another controversial provision of the Bill would prohibit the sale of what is commonly known as "designed land". The present practice in land development is to sell blocks of land from a plan of subdivision which has not been registered in the Titles Office. There has been criticism of this practice and an amendment is proposed.

No provision exists in the State for process servers to be licensed. As it is desirable that all processes should be served by persons who can be made to answer for their actions, provision is being made to include "process servers" in the definition of "commercial agent".

The Auctioneers and Agents Committee, which replaced the licensing courts for the purposes of issuing licences to auctioneers, real estate agents, commercial agents and motor dealers, has proved an outstanding success and to enable it to function even more efficiently it is proposed to increase the number of its members from six to seven.

At the present time, although the committee has the power to cancel a licence or certificate of registration after show-cause proceedings, it has no power to suspend them even if it is aware that trust moneys have or may have been stolen or some other like event has occurred. Show-cause proceedings can be prolonged and consequently a speedy means of dealing with a dishonest licensee, employee or salesman is necessary. The Bill accordingly provides for suspension of licences and certificates on a number of grounds.

An appeal lies from any decision of the committee to a Magistrates Court with subsequent appeal to a District Court and the Supreme Court. It is proposed that in future all appeals be direct to a District Court with appeal to the Supreme Court as at present.

The Act now provides that where a licensee is convicted of any indictable offence his licence is deemed to be automatically cancelled. If he is placed on probation, such a conviction is not a conviction for the purposes of this Act and the licence is not cancelled. It is proposed to remedy this situation but provide that the only indictable offences to which the Act shall apply shall be those relating to stealing, dishonesty, sex offences and violence.

Other important provisions of the Bill tighten the restrictions placed on agents who, either themselves or by any means in which they have a beneficial interest, purchase property which is in their hands for sale.

Restrictions are also proposed to be enforced on people other than agents who sell lists of properties for sale or letting. It is considered that this is agency work and that the interests of the public are not being best served by non-licensees providing these services.

Likewise the display of photographs of houses for sale and the supply of particulars thereof except in a newspaper or similar publication will also be prohibited except by the agent with whom a particular property is listed for sale on commission.

The remaining provisions relate to unlawful retention of deposits by agents, inspection of trust accounts and examination of licensees and others, the likelihood of overdrawing trust accounts, the Fidelity Fund and its investment and use, and a number of machinery amendments.

While the majority of the proposals contained in the Bill will meet with the approval of all, I believe, because of the controversial aspects of at least two of the proposals, that time should be allowed for the Bill to be thoroughly examined by the interested parties. In commending the Bill to the Committee, I would inform honourable members that I propose to leave it on the table for that purpose and to invite any further comment to enable me to introduce the Bill again early in the forthcoming session.

Mr. WRIGHT (Rockhampton) (11.16 p.m.): In considering the amendments the Minister has outlined, one might say that the measure before the Committee tonight could be looked upon as a somewhat significant victory, first of all, for the Q.L.R.E.A. and, secondly, for the secretary of that association, Mrs. Luxton. We are not fully aware what the Minister intends to do. He said he would make sure there was ample time for members to consider the legislation he is introducing tonight so that it may be reintroduced in the next session.

When I heard that rumoured in the Chamber I thought, "This is just another win for Mr. Postle." However, I will accept the Minister's reasons for his action. I think they are valid. We will all need time to consider the measure. A lot of concern has been expressed about the Auctioneers and Agents Act. I believe that members from both sides of the Chamber have said, "Let us overhaul it." If it is time to throw a few bouquets around the place, we are throwing them to the Minister, because I think at long last he has met the desires of many people within the industry and outside it to do something about the Auctioneers and Agents Act.

There has been a tremendous amount of concern about multiple listings. I might say, too, that I am very pleased to see that the Minister has changed his view. I am not sure whether it is his own personal view that has been changed or whether Cabinet has changed it for him. I recall that on 16 October 1973 I questioned the Minister on the matter of multiple listing in the real estate industry. I asked him about the advantages of multiple listing and why the Government had legislated for the benefit of such a small section of the real estate industry. His reply was—

> "The principle of multiple listing was introduced to assist vendors in the marketing of their property. A property multiple listed combined with a sole agency must be notified to other agents who must agree to endeavour to sell it. This procedure is considered to be advantageous to the vendor."

I am not sure whether the Minister still holds this view, but I think at long last he has been convinced——

Mr. Knox: I think the honourable member should understand that the repeal foreshadowed will not mean that multiple listing is abolished. Multiple listing is still acceptable.

Mr. WRIGHT: I am pleased to hear the Minister say that because——

Mr. Knox: I think that should be understood by members of the Committee.

Mr. Burns: What about sole agency?

Mr. Knox: Sole agency can be done by private treaty.

Mr. WRIGHT: I might say, in development of the Minister's interjection, that most members would agree that there should be multiple listing. We see many advantages for the vending public and the purchasing public as well to have multiple listing of properties. I know that when I was purchasing a house in Brisbane some two or three years ago it was of some advantage to me to see the houses in certain price ranges just by going through a booklet. The point raised by the Leader of the Opposition is that sole agency has been the main problem. If we can take the Government Whip's indication—and he nodded his head —that we will still have multiple listings but that the detrimental provisions of sole agency will be removed, I think the measure should have the full support of members of this Assembly.

I think we all agree that vendors have benefited from having their properties listed within the multiple listing agency as I myself have stated. I certainly gained from it. However, it will also be found that hundreds and hundreds of people who have listed their properties have never effected a sale. I saw the statistics for one year. Something like 5,500 houses were listed but only 2,400, or 42 per cent, were in fact sold. That was well below the proportion in other States. Some of them were 80 per cent and others 70 per cent. Certainly the position in Queensland has not been such that a person sells his property quickly. But there have been benefits.

I suggest alternatively that many people have suffered as a result of the 60-day requirement, because there has been no attempt to sell the house and because, instead of having selling as the gain for the real-estate agent, we have had listing. It amazes me that a document like this is used, especially when old people are involved. Consideration should be given to this matter. When we start using forms that will bind people to contracts that can be fought out in any court of law, as these have been, let us make them clear. Let us make the provisions simple.

I do not intend to read this document to the Committee; no doubt all honourable members have received a copy. It is a laborious task to read through it and understand it. Old people sign these forms and do not understand what they are signing. I suggest that many honourable members would not understand it. One would need almost a couple of years' study in law to appreciate what he is letting himself in for.

Mr. Burns: And a magnifying glass.

Mr. WRIGHT: As the Leader of the Opposition says, and a magnifying glass.

Let us get down to protecting the people. If there are certain provisions, let us make sure that they are stated clearly. If it is multiple listing, let it be printed in big letters and let it be defined. If it is some aspect of sole agency, let it be in big print and defined. Let us do away with this sort of nonsense. Honourable members who consider what was sent to them by the R.E.I.Q. and the Q.L.R.E.A. would have to agree that the time has come to protect the consumer not only technically but also practically.

We should also come back to the problems that multiple listing and sole agency have caused. One of the detrimental aspects has been the conflict and confrontation in the industry. It is wrong that people in such an important industry should be at each other's throats as they have been. They certainly cannot be blamed, particularly the free agents who belong to the Q.L.R.E.A., some of whom have been almost ruined.

Not so long ago the Leader of the Opposition showed me some correspondence which outlined that one fellow took a property on in the morning; that afternoon the owner had it listed with a multiple listing agency and that night the property was sold. The sale actually took place after the listing with the multiple agency. Irrespective of the fact that the purchaser was found in the morning, the agent could get no commission. We know the problems here because the Act provides in section 43 for the one commission and in this case the commission goes to the person associated with the bureau.

We also know of the rackets that must be involved here. I have had fellows in the R.E.I.Q. complain about the special listing fee, the promotion fee and the membership fee involved. One wonders who actually made the cop out of the multiple listing bureau set up here.

It has been wrong to have such large organisations in the city go out into the suburbs and list homes simply for the sake of listing. University people have told us they worked during their holidays simply listing homes and getting a couple of dollars for every home they listed. Many agencies actually sold a home or property and received no commission. They lost many hundreds

of dollars. It is obvious that this has led to some pretty snide tactics. The whole system has been open to this type of thing.

Mr. Jones: And still is.

Mr. WRIGHT: As the honourable member for Cairns said, it still is.

I am pleased to see something is being done about this. The Minister indicated—and I intended to make the point—that the Opposition supports the idea of multiple listing without the sole agency requirement. The Minister has generally acknowledged the problems in section 43. But it is interesting to notice that it has taken so long.

I have here a letter signed by the Treasurer dated 2 May 1972, it reads—

> "I regret the slight delay in answering your letter of 25 April.
>
> "I am aware of the problems associated with the recent amendments to legislation involving sole agency and multiple listing. At the moment I doubt if anything can be done to iron out the differences which exist—particularly as the Real Estate Institute favours sole agency whereas the Association of Queensland Licensed Real Estate Agents are bitterly opposed. I am of the opinion we acted somewhat hastily on the advice of the former, but even if we agreed to any change we cannot now make any amendments until Parliament meets in July.
>
> "Still I shall try to see Mrs. Luxton or if I cannot make it, I shall have one of my Ministerial colleagues do so. Thank you again for writing to me.
>
> Yours faithfully,
>
> Gordon Chalk,
>
> Treasurer."

In 1972 a very important person in the Government—in fact the 2-i/c—was quite aware of the problem. In fact, I think he had made a decision on the value of sole agency and multiple listing. But that was three years ago.

Difficulties have been mounting over the years, and why has something not been done? Where has the pressure come from? There is a feeling among Opposition members that the matter has been political. The name Postle rears its head every time the matter is mentioned. Time and time again we have seen his advertisements, and we know the part that he has played. I certainly hope that the pressure that he has applied to certain members in this Chamber will cease when the measure is brought forward in the new session. We do not want to see this happen. We believe that there is a need for change, and this is the beginning of it.

In looking at section 43, let us accept that there are a number of principles that should be adopted. The purpose of any such provision is, in the first place, to protect the vending public. Its second purpose is to protect the potential purchaser, and its third purpose is to protect the real estate industry. I think there is also the underlying aspect that no law should give a special advantage to any section of the industry. I think the whole problem has been that one section of the industry, in most cases those associated with the R.E.I.Q., has had an advantage over the free agent, and it has used it to the greatest possible extent. Any sectional law is bad law, and I shall be interested, with all other members, to see how this problem is overcome.

There are other areas of concern, and the Minister related some of them to us. It may be recalled that on 12 March, I think it was, I spoke in the Matters of Public Interest debate and presented a case, in some respects for both sides, in which I put forward most of the issues raised by the Q.L.R.E.A. I do not intend to repeat all that I said then, but there are some points that should be repeated. I should like to see the standard of real estate agents improved. This is a point that has been raised by both the R.E.I.Q. and the Q.L.R.E.A. I do not know what the Minister intends to do about it. But when both groups come forward with such a proposal it is obvious that some cognisance should be given to it.

I consider that we should also give due consideration to the desirability of making the Auctioneers and Agents Committee representative of all sections of the industry. We could argue all night about the number of members of the Q.L.R.E.A. and the R.E.I.Q., but if we are to set up a body with great powers, we should surely make sure that everything is looked upon as being above-board. And it will be a body with great powers, as it is now to be given the right to suspend licences, which it did not have before.

There are people in the industry who claim that there should be no such committee. I do not agree with that contention. I do not want to see these matters placed in the hands of a magistrate. I do not think that a magistrate would be competent to decide who should have licences. I do, however, agree with the Q.L.R.E.A. that the Criminal Investigation Branch should check the credentials of some who apply for licences. I think there is merit in that suggestion. I think that the committee should be retained, but let us make sure that it is representative of the whole industry.

Whilst looking at other areas, I have asked many times, and have yet to receive an answer, why motor-car dealers are covered by this Act. Surely it should be possible to distinguish between these two areas. I should like to see eventually a special Act covering motor-car dealers. Perhaps the Minister will give special consideration to this suggestion and bring down such legislation in the next session. To my mind, there is no reason for including motor-car

dealers in the provisions of the Act. If others are to be brought within its ambit, let it cover land developers.

The Minister says that he sees problems where land is developed and sold without title. Surely this indicates that developers should come within the Act. The Minister indicated that we should also be covering those who are listing rentals of flats and houses. Certainly let us include them. But I do not see any real need for including motor-car dealers in this legislation.

When we are talking about selling land without title, surely we can do something about the Peter Kurts group in this State. There are a few others, such as Queen Street Realty, who sell land from "A" to "D" to "E" to "F" to "Z". These are not sales of the old type from "A" to "B". Too often these are sales to groups associated with themselves. It is an old trick. I think the idea is to get an ordinary contract of sale, but to include on it "To his nominee or nominees". It is almost impossible to find out the number of times that transfers take place unless the conveyancer or solicitor is prepared to divulge that information. It certainly cannot be obtained from a Government department. So these practices continue.

A case in Yeppoon was brought to my notice. The honourable member for Callide may also have heard about it. A fellow was prevailed upon to sign a form. When I took the firm on, they said, "But just a minute. This fellow knew he was selling to us." I said, "How did he know?" They said, "Because we wrote it clearly in the contract and on this form." Then it was pointed out to me by a relative of the person concerned that he could not read. That was the whole situation. We pleaded incapacity and won, and the Peter Kurts group did the right thing and let this person out of the sale.

Things of that type have been going on for years, and I think it is time something was done about them. They are no good to the industry. They give real estate agents a bad image, and I think they also have an inflationary effect. As you are aware, Mr. Hewitt, Peter Kurts and his group move in. They buy a house for $8,000, throw a bit of paint around the doorsteps, and ask $10,000 for it. Everybody else in the district suddenly wants $10,000 for a similar property, even though the real value is only $8,000. That is happening, and prices are increasing. Probably that difficulty does not arise with the present situation in the housing industry, but it will arise again.

I think that direct sales from the vending public to the real estate agent should be outlawed. Whether or not the vendors are told, I cannot see any reason why that practice should be allowed to continue. The agents are supposed to be selling properties, not buying for themselves, regardless of the fact they can get the person concerned to say that he knew it was to be sold to them or to one of their nominees. There is always a danger that the agent will not offer a fair price, and I am sure that honourable members are aware of instances in which that has occurred. Let us ask ourselves this question: if a person is going to make a quick quid, will he offer the vendor the maximum price if he is buying it himself? He is the agent, and I do not think he would. I do not think it is good enough for the agent to say, "The vendor knew what he was doing."

I should also like to see the provisions that the Minister has spoken about for controlling businesses involved in houses and rentals, because I think it is agreed that there is a need for such control.

The Opposition is keen to see the details of the Bill. As it is late already, we do not intend to delay the Committee. We have always said that over all the Act is necessary. We have been concerned about statements that the proposal now before the Committee would never hit the deck. I hope that the Minister will display an on-going attitude. He has taken the initiative and introduced this proposal. Let us make sure, Mr. Hewitt, that he is not stopped. I am told that there are a few members in this Chamber who would like to see him stopped. I am told that there are those here who back Postle and the R.E.I.Q. I certainly hope that in this instance we have the numbers, because if any legislation in this State needs upgrading, it certainly is the Auctioneers and Agents Act.

Mr. GREENWOOD (Ashgrove) (11.32 p.m.): If there is one thing that is absolutely clear about the Act, it is that there have been a great number of complaints. That is not necessarily decisive of the issue, because some problems are not susceptible of a perfect solution, and whatever solution is finally adopted there will be imperfections and complaints, and after the complaints there will be pressures. What honourable members will have to decide is whether or not the new solution that this Assembly adopts will lead to a greater number of unhappy and dissatisfied members of the public than the old solution did.

If there is a situation which is generating complaints and which is demonstrably imperfect, there are a number of things that one can do. One can do as the honourable member for Rockhampton suggested, when he said that the small print was too small and that people who are entering into a multiple-listing sole-agency agreement are entitled to know what they are doing and that it is easy to legislate to overcome that by ensuring that the print is much bigger. That is one approach, and that approach looks at the problem and tries to overcome the complaints one by one, in so far as that is possible.

There is another approach altogether, and that approach is exemplified in the proposed Bill. It is a radical approach. It is an approach that eradicates the present system —root and branch—and those who do not agree with it suggest that it amounts to throwing out the baby with the bath water.

What each one of us has to do in the next few months is decide which approach we wish to adopt. I do not think we will advance far along that path if we allow too much emotion to be generated. I ask honourable members to pardon me when I make that comment, sounding as it does something like an implied rebuke. Certainly a great deal of emotion has been generated by these proposals so far.

What will the proposed Bill mean? What will its results be? In my submission it will result in two things which honourable members may not wish to see happen. The first result will be that, for all practical purposes, multiple listings will no longer be in operation. The second result will be far fewer auctions in the community than we have at present. If honourable members regard auction sales as a useful and desirable method of selling, they should look very carefully at the Bill before they approve of it.

Let me take the first result. The Bill will effectively abolish multiple listings because, as the Minister said, it repeals section 43 and the third subsection of section 70. The result of all that is that the agent who finally manages to sign somebody up is the person who will get the whole commission. If that is the law and an honourable member happened to be an agent contemplating multiple listing, would he go ahead with it? Would it not be silly for an agent who had a property entrusted to him to spread the word that the property was on the market? The more people who found out about it the more likelihood there would be that some other agent would be able to effect its sale. If he did, he would get the whole commission and the first agent would get nothing. In those circumstances would a person feel disposed to multiple list, or would he feel disposed to keep the property to himself and not let anyone else know about it? That is the result of a rule which means that the fellow who signs up the buyer gets the whole commission. That is why I say that the practical result of the Bill will be to make multiple listings a thing of the past. So it is nothing to the point to say that the Bill does not make multiple listings illegal. It is nothing to the point to say that the Bill does not abolish multiple listings. It doesn't have to, because it brings in a method of payment of commission, by the deletion of section 70(3), which effectively does the same job.

I think that multiple listing provides a very real service to the community. Perhaps I should deal with that point now. It might not need stating; it is so obvious. But when a member of the community wishes to sell his house and realise his capital, he wants to do it as quickly as possible. Multiple listing is the method that enables it to be done much more quickly than if the single agent were the only one who made the effort to sell the property.

The whole community has an interest in an efficient system of multiple listing. If there are faults, I submit the proper way to go about remedying them is to take the complaints one by one and sit down to see what can be done about them. That is one thing.

I would also like to mention very briefly this matter of auctions, because much the same argument applies. Say we have a typical situation, in which an auctioneer decides to try to sell a property at auction and goes to a lot of expense and trouble in doing so. Say he holds the auction and the property is passed in because it doesn't reach the reserve price. What happens then? All the shyster shark agents are at the scene, and they see who the high bidder is. They move onto him, get his signature on a contract and, having got the signature, then approach the vendor. What happens? The shyster agent gets the total commission and the auctioneer—the man who has gone to all the trouble and expense—gets nothing.

I do not say that auctions are going to be a thing of the past, but for all practical purposes we will not have the efficient system of auctions that operates at present. These are two aspects of the proposed Bill that I ask honourable members to consider carefully between now and the time when it comes before the House in the next session.

The next matter is the sale of designed land. This has also been the subject of a certain amount of criticism. The Act already contains a very elaborate section 67, which provides for this. In the sale of designed land somebody puts up a deposit on the basis of the plan and enters into a contract. He does not have to pay the balance of his purchase money until such time as the title issues, so it is not a question of having to pay out the balance of his purchase money. The complaint is that, the intending purchaser having put up the deposit, delays occur because of a dilatory subdivider and, as a consequence, the buyer does not have the use of his money.

Section 67 already contains quite elaborate provisions enabling such a person to rescind the contract and get his money back. The problem is that people do not understand their legal rights and many who complain to their members about this sort of thing could have their problems solved by a simple reference to their existing rights under the Act.

If there are improvements that ought to be made, they can be made by making section 67, which, as I say, is already elaborate, even more elaborate.

That is the approach that I would suggest we adopt. We certainly should not adopt the approach exemplified by the Bill, because once again it attempts to solve the problem by abolishing the system altogether. And this is a system that is of great benefit to the public in that it cuts down the cost of subdivisional land. It means that a subdivider can begin his selling operation when he has his design approved and as a result can usually subtract about six months from the over-all selling time.

If things go through with reasonable expedition, it takes about six months from approval of the design to the issue of the title. By being able to sell from the design plan, he is able to do everything six months earlier than he otherwise could. For practical purposes it means that he is not out of his money for six months and that he avoids the interest that he would have to pay on the total cost of his subdivision for an extra six months. That may not seem to be a great deal, but it amounts to a significant sum per block which the consumer has the benefit of.

For these reasons I submit to the Committee that there are a lot of arguments that deserve a second careful examination by each of us between now and the next session of this Parliament.

Mr. HALES (Ipswich West) (11.46 p.m.): This Assembly is very fortunate in having a practising barrister, a shadow Minister for Justice who is very well versed and a few practising real estate agents in the Chamber to discourse on this Bill.

Mr. Moore: And some common-sense back-benchers.

Mr. HALES: That may be so.

A few weeks ago the honourable member for Rockhampton, in a public debate, as he told us a few moments ago, referred to the lobbying by the R.E.I.Q. and the Q.L.R.E.A. I hope that the honourable member will forgive me if I heard him incorrectly, but I think he said, finally, that he wished the Minister for Justice would get the two bodies together to iron out their difficulties.

Mr. Wright: That is right.

Mr. HALES: As a practical real estate agent and a member of the R.E.I.Q.—I also make it clear that I am a free-thinking man who says exactly what he thinks in this place or elsewhere—like the honourable member for Rockhampton, I am sick and tired of the lobbying one way and another. As a member of the industry, I wish that the two bodies would get together to iron out their differences.

I have always believed that multiple listing, if used ethically and effectively, provides a good service for the selling public. Unfortunately, in my opinion, in a number of instances it has not been used ethically. Although Brisbane has multiple listing agents, the majority of agencies in Ipswich decided by democratic process that they did not want multiple listing. That was fair enough. Other agents and I decided that we would not go into multiple listings. However, some unfortunate happenings took place, of which I shall cite a few. A multiple listing agent from Redcliffe multiple listed a house at Churchill, a suburb of Ipswich, which would put 40 miles between the agent and the house. There is no way in the wide world that he could service that property. Two similar instances took place, one concerning Slacks Creek and Bundamba, involving a distance of 25 miles, and the other involving Toowong and Churchill, which involved a distance of about 20 miles. There was no way in the world that the agents could service those properties. I make no bones about describing those agents as being on the lunatic fringe. They are on the lunatic fringe, looking for a quick buck—hoping that someone far away will make them some money. I totally abhor that attitude. That is one of the main reasons why agents who are not in the multiple listing bureau have complained bitterly. I have said a few times—not in this Chamber, but outside it—that the problem could be overcome by having multiple listings regionalised; or if at least 80 per cent of the agents in an area agree to multiple listing, I would support that. I am definitely in favour of sole agency and auction authority.

The Minister in his introductory remarks mentioned that commission would be payable to the agent through whom the vendor signed the contract. Speaking as a practical agent, I would not like to see that introduced in the near future. As I said in the party room, I would prefer to see as the criterion something like effective cause of sale or perhaps first inspection of the vendor's property with the purchaser.

Let me illustrate effective cause of sale. I believe the honourable member for Ashgrove gave one example, but I will give another. It involves a disputed commission in Ipswich. A real estate agent went to a house one Sunday afternoon with prospective purchasers. The owner of the house was away in Sandgate and was expected to return late that night by train. The purchaser said to a younger member of the family, "We'll buy this house through this agent." During the course of the afternoon another agent came to the property with prospective purchasers but was told that someone else intended to buy the house. He immediately dashed round to the intending purchaser and, on confirming that she did intend to purchase, he said, "Never mind the other fellow. I will fix you up. I am quicker and better than him", and so on. That agent then walked up and down the platform when the train from Sandgate arrived, calling for the owner of the house to see him. As a result, he signed her up that night. It is that style of thing that has happened: it is that style

of thing that I do not want to see repeated. I ask the Minister to give consideration to effective cause of sale or first inspection of the property.

I have been in real estate for a number of years. To my mind, in the main agents maintain a high standard of ethics. It is probably only because of recent boom periods that our industry has been invaded by people who have not been quite so ethical. I could even cite the instance of a friend of mine on whom a stand-over attempt was made by a gunman over a deal involving a fair amount of money and a gigantic profit. There are no profits about today, so there is no likelihood of a "fringe" group.

I turn to the Minister's statement about bank managers having to advise of cheques being presented that would overdraw a trust account. I could give two or three instances of incorrect bank records having been kept. Recently I changed banks. The bank manager rang me up in a flap and said, "This cheque will overdraw your account." I said, "No way in the world. There is $6,000 there." However, because of faulty bank records, my account would have been listed as overdrawn. I can name another agent to whom that happened. Therefore, I would like to see that provision modified to some degree.

I know that the matter of trust accounts was not raised by the Minister. Every quarter, real estate agents have to deposit with the authority two-thirds of the lowest amount over $3,000. I should like to see the amount increased somewhat so that we have a bit more leeway in our account.

The sale and purchase of unregistered land can be of advantage to both parties. The honourable member for Ashgrove mentioned this and I should like to add a few words from my practical experience. If a buyer contracts to buy unregistered land he pays today's price, and not tomorrow's, which is of advantage to him. The developer does not have to budget for risk capital provided he knows certain sections of the subdivision are sold, so he also is advantaged. I should like that to be taken into consideration.

Both in this place and outside, there has been a lot of discourse concerning two clauses in a contract of sale. Clause 23 reads—

> "Time shall in all cases and in every respect be deemed to be of the essence of this contract."

The honourable member for Ashgrove pointed that out. If a person signs a contract for 30, 60 or 90 days, or even six months, he is legally entitled to get out of that contract whenever the period expires.

Clause 24 reads—

> "The sale is subject to the confirmation of the vendor."

An Opposition Member: What are you reading?

Mr. HALES: A contract of sale. It is copyrighted by the R.E.I.Q. but it is used by solicitors and real estate agents throughout Queensland.

In all cases, no matter what happens, the vendor and no-one else is in control of his property. That is all I should like to say at this time. I will speak on specific clauses at the second-reading stage.

Mr. YEWDALE (Rockhampton North) (11.57 p.m.): A matter that is of interest to the community in general is that real estate agents and developers in Queensland are able, in many cases, to advertise through the Press and other media, allotments of land that are available for sale. In many cases the land is bought sight unseen. For instance, a person residing in Brisbane might buy an allotment in the northern part of the State that has been advertised and depicted as being available as a building site. There is a definite need to do something about this matter. Recently there has been publicity in the Press that people are buying allotments of land that are entirely unsuitable for construction purposes.

Mr. Melloy: In some cases the land is under water.

Mr. YEWDALE: Yes, in some cases it is under water. That is a valid point.

It is difficult for the authorities to do a great deal about this. Where land is available in a shire or a provincial city and a developer is allowed to move in and develop the land for sale to the public, it should be categorised by a body, preferably the local authority or shire council, as industrial, residential, or otherwise. Then when prospective buyers saw advertisements in the Press or other media, at least they would know the type of land and the use to which it could be put. That would certainly be preferable to buying land on false advertising and finding out later that it was not suitable for the purpose for which it was bought. This has happened on many occasions in Queensland in recent times.

I might digress briefly to give an example of what can happen in the development of land for residential purposes. The Rockhampton City Council defined an area as residential, and accordingly building allotments in that area were made available for sale to the public. People purchased these allotments for the express purpose of constructing homes on them for their own use. However, after they had held them for some time, the council passed a new by-law under which land that was subject to floodwaters up to 2 ft. in depth over a period of many years could not be used for building construction. I raised this matter with the previous Minister for Local Government, and I intend to raise it again with the present Minister. In this case, the real estate agents who listed and sold these allotments did so in all good faith. But, as a result of the by-law to which I have

referred, those who bought the land are not now allowed to build homes on it. The city council will not resume the allotments, nor will it substitute any other land for them; but it still insists that the owners pay local authority rates.

To my mind, this is a distinct injustice. I am not blaming the real estate agents or the developer, but I am arguing that there is a case to be presented for the people who hold the allotments. For ever and a day they will have to pay rates on those allotments, and the local authority will do nothing about resuming them or providing alternative land. I have asked the Minister for Local Government what can be done about the matter and the answer is the stereotyped reply that one receives many times from the Consumer Affairs Bureau—"All we can advise you to do is to seek legal advice." To my mind, this is not good enough.

Reverting to my first point, I believe that the Government, in collaboration with the local authority concerned, should make some provision under which land that is subdivided and ultimately sold should have the approval of those authorities, and be categorised in such a way that persons buying it at least know what the land is like and what it can be used for.

[Wednesday, 23 April, 1975]

Mr. AHERN (Landsborough) (12.4 a.m.): I wish to make a few points. My primary purpose in rising is to express my strong reservations about the removal of the sole agency provisions from the Act. The Minister foreshadowed this in the amendments to sections 43 and 70 of the Act. I support wholeheartedly the comments of my distinguished and erudite colleague from Ashgrove, who outlined the situation very well.

Mr. Miller: That's your opinion.

Mr. AHERN: It is.

Mr. Miller: It is certainly not mine.

Mr. AHERN: I ask honourable members to view the situation unemotionally and completely without regard to personalities. That is something we certainly must do, because we have been subjected to haranguing by some persons. Even in the Chamber tonight various names have been mentioned, and it has been suggested that this is something that Gordon Postle has told the National Party to maintain in the Act. Nothing could be further from the truth. All honourable members must consider this matter unemotionally and away from the pressures that have been exerted. It has been suggested to me that I have been the object of some pressure from the R.E.I.Q. I can tell the Committee that I have consulted the R.E.I.Q. about the matter, because I thought I should do that. However, I have not spoken to Gordon Postle for six months or more, although it has been suggested that I may have.

Viewing the situation completely dispassionately, I think that voluntary sole agency should be available under the Auctioneers and Agents Act, as it is available in New South Wales and Victoria. I use that term generally—not sole agency to the multiple listing bureau, but sole agency—and it seems to me that that is a tool which should be available in real estate practice for those vendors who wish to use it. I think it would be one way of really upgrading the standard of real estate practice generally in Queensland, and I ask honourable members to consider that very seriously. Surely that is the cleanest way of operating real estate practice—where a vendor has a property to sell and he enters into a contract with an agent to sell it.

Mr. Moore: They can do that now.

Mr. AHERN: Well, under the auspices of the Act, the situation will be that a clear sole-agency contract can be entered into. The agent then says, "If you give me sole agency, I will list this property with agents in, say, Sydney and Melbourne, or with a multiple listing bureau", depending on the character of the particular property involved. The vendor knows where he is going—he is dealing with only one agent—and the agent knows that he is entitled to a commission on that sale and will take certain action on behalf of the vendor which he might not otherwise be able to afford to take. There must be only one commission available on the sale.

I stress, as the honourable member for Ashgrove stated clearly, that it is not treating the situation completely truthfully to say that we are not going to interfere with the multiple listing bureau. We certainly are. Amendments to section 70 of the Act that have been foreshadowed by the Minister will mean that many agents will not list properties with the multiple listing bureau when the relevant sections are removed, and a very strong incentive to do this will thereby be removed.

On its record, the multiple listing bureau has given an excellent service to the vending public, and we, as legislators, should be looking at the matter from the point of view of the vendors. The bureau has been very useful. It was set up under an Act of Parliament in this State. The Government did not introduce a general sole-agency provision. It said, "A multiple listing bureau requires a sole agency," and it initiated the ability for any organisation to set up a multiple listing bureau. The Government set it up. To now tip it down the drain would be fairly harsh action.

Those honourable members who are saying, "You can still do it by private treaty," have to study the situation very closely and

see the pressures, of which, perhaps, they are not completely aware, that will be brought to bear on the multiple listing bureau.

There might be some problems associated with its operation. The honourable member for Rockhampton has waved a sheet of paper around and said, "Old ladies signing this would not understand." There is no doubt that we can tidy up that situation. We can prescribe it by regulation.

Mr. Wright: That is what I said.

Mr. AHERN: That is what the honourable member suggested. He then went on to say, "We want to get rid of sole agency altogether from the Act."

If we find that there are some problems with little old ladies who are signing a form they do not understand, let us redraft the form. Let us make the lettering large enough so that they know what it is all about. Let us tighten up the practice by regulation to make sure that it cannot be abused, but do not let us kick the whole thing out. It is providing a very valuable service here, as it has in other States and, indeed, throughout the world. That type of selling is a very good thing from the vendor's point of view. I do not really see why, having created an amenity, we should give it a hard kick in the pants so soon. Those are my own personal views after having studied the situation very closely. I think the matter is worthy of a lot more detailed consideration by all Government members before it is lightly cast aside.

Mr. MILLER (Ithaca) (12.11 a.m.): The honourable member for Ashgrove suggested that the Chamber should consider the legislation before it without emotion. The honourable member for Landsborough has suggested that we should consider it dispassionately.

I say to those two honourable members, and to all honourable members in the Chamber, that I cannot consider legislation that assists a small group of people at the expense of a large number of people unemotionally or dispassionately. We are here to look after the majority of people in the community. We are certainly not here to set up a monopoly for 130-odd people in the State. I am not prepared to consider the Bill dispassionately or unemotionally. I am here to put the facts before the Chamber. I want honourable members to understand exactly what I am talking about, because I am not very happy about what is going on. While I am happy with what the Minister is doing in introducing the Bill, I am not stupid; nor are other members on this side, and nor are Opposition members. We all realise that if the Bill lies on the table until the end of the session, it lapses. It may be introduced next session if the Minister or Cabinet decides that it should be introduced—not if the joint parties decide, but if the Minister or Cabinet decides. I am not going to tolerate it. I give notice now that I will be moving an amendment in the hope that the matter will be discussed tonight.

I do not care how the Bill is discussed. I do not care whether it is discussed emotionally or not. I want this legislation removed because never have I seen anywhere in Australia legislation like we have here in Queensland in relation to multiple listing.

It has been suggested that this is a tidy way of handling the real estate industry in Queensland. If we do away with the sole agency, multiple listing cannot exist. Every other State in Australia has a multiple listing bureau, without the privilege that we have given it in Queensland.

Mr. Ahern: That is not true.

Mr. MILLER: It is true. Multiple listing in every other State in Australia has to exist on its own merits. If multiple listing is as good as Mr. Postle or anybody else in the multiple listing bureau says it is, let it stand on its own two feet and show the community how good it is. If we introduce the Bill tonight, all we are saying is that multiple listing will continue, and sole agency will continue if the individual wants it. But it will be an individual contract between the vendor and the agent or the multiple listing bureau. It is up to the agent and to the multiple listing bureau to convince a person that sole agency should be given.

The Minister referred to a period of 60 days. What he did not refer to was the small print which says that, unless the vendor withdraws the property, the multiple listing bureau has a further 60 days. Many people do not read the small print. We have set up in Queensland a monopoly that I never thought any National-Liberal Government would approve of.

What other industry or profession in this State (forget about Western Australia; let us consider only Queensland) has this privilege given to it? Not one. Yet we say, "Let us not withdraw this right that we have given to the multiple listing bureau."

Mr. Postle and a few other members of the multiple listing bureau have claimed that it is a wonderful organisation. If it is, I challenge him to let it stand on its own two feet. I believe it can. If in Victoria, New South Wales and other States the bureaus can stand on their own feet without the privileges we have given to the bureau in Queensland, it can do so in this State; but it must convince the people of Queensland that it is in their best interests to list their houses with it.

What does this measure do? I do not think half the people of Queensland realise what we have done. We have said, in effect, that of the 3,000 estate agents in Queensland 130 will have the right to list

these houses and, if fortunate enough to list them, will receive the commission from the sales of them.

Mr. Burns: Irrespective of whether someone else sells them.

Mr. MILLER: No matter who sells them. The commission is to be paid to the person who lists the house, not necessarily to the person who sells it.

When Mr. Postle saw me in my office I said to him, "If I were head of the multiple listing bureau and had that organisation under my control, I would have an army of people going through Brisbane, from house to house listing each one. Then I would sit back and wait for all the other estate agents to sell those houses." On no house listed under multiple listing is there a sign saying, "This house is multiple listed." No warning of multiple listing is given to the remaining 2,800-odd estate agents. If any one of them is able to convince an intending buyer that he should purchase one of these homes, he has to hand over the commission from the sale to the multiple listing bureau, not because the bureau was able to convince the intending purchaser that he should buy the home but because it was clever enough in the first instance to get this Government to agree to give it sole agency. Furhermore, it was smart enough to list the house after it was given this privilege.

The present legislation favours a small group of real estate agents, and therefore I cannot tolerate it. Before I rose to my feet I had friends among the members of the multiple listing bureau. I dare say I will not have them as friends after I have concluded my speech. Nevertheless because that legislation is wrong I will not support it. As long as I have breath in my body I will speak up for what I think is right and I certainly will not support deferment of this proposal.

The Minister has suggested that since 1971 controversy has reigned. Of course it has reigned. What real estate agent would sit back and cop what we are handing out? What does it mean? It means that every real estate agent in Queensland can be forced out of business.

The honourable member for Ipswich has informed the Committee that even members of the R.E.I.Q. in his city would not tolerate multiple listing. But multiple listing has spread to Ipswich as well as to the Gold Coast, Bribie Island and Caloundra. And it will spread farther afield if we allow it to do so. It is like an octopus working its way through Queensland.

The honourable members for Ashgrove and Landsborough say that we should leave this. On the one hand the honourable member for Ashgrove claims it is a compromise; on the other, the honourable member for Landsborough states it is a tidy way of handling the real estate industry. I contend that prior to 1971 we had no problems at all, so what needs tidying up? Neither honourable member told us what had to be tidied up. Each had the opportunity to tell us what problems existed prior to 1971.

Why do we have to delay the passage of the Bill to tidy it up or to work out a compromise? If we remove the sections from the Act the situation will revert to what it was prior to 1971. I have been in the industry long enough to know that there were no problems in 1971. If any honourable member can tell me about the problems that existed in 1971, I want to hear about them. I challenge the honourable members for Ashgrove and Landsborough to cite the problems that existed in 1971. I ask them not to talk about what could happen after we pass this legislation, but to tell us what they believe happened prior to 1971.

It is unfortunate that many newly elected members have had no opportunity to learn more about this measure. Older members know quite a lot about it because this is not the first time that we have considered it. It has been suggested that the Bill should lie on the table so that we may look further into the amendments. We have been considering the Bill for 15 months. What other legislation has been considered for 15 months before passing through this Chamber? I should like the Minister or any other honourable member to indicate any other legislation that has been considered for 15 months and in respect of which we have been told, "We should consider it further."?

Mr. Ahern: The chiropractors legislation.

Mr. MILLER: The chiropractors have never been considered seriously.

In my nine years in Parliament this is the only legislation that has been held back on two occasions. Twice it has been to the Minister's committee and been passed, and twice it has gone to the joint party meeting and been passed. Yet today we are told—the way in which the honourable member for Ashgrove spoke indicates that he knew about this before today—that it is to lie on the table. This is the place to discuss it, and I want it discussed here. Surely if anyone has any doubts about the legislation, this is the place to put questions, not in secret, behind closed doors. This is the open forum of Parliament where everyone should know what is going on and why legislation is not being proceeded with. That is one reason why I cannot possibly support the proposal that the measure should lie on the table for some time.

In the past 18 months every honourable member has been bombarded with literature from the R.E.I.Q. multiple listing bureau and the Q.L.R.E.A. Both sides put forward their story, yet we are now told that we do not know enough about it.

Mr. Doumany: What about the people who came in on 7 December?

Mr. MILLER: The people who came here on 7 December have every right to ask questions. I believe they have had every opportunity to ask questions, but I did not hear any questions being asked in the joint party meeting. The question that newly elected members have to ask themselves is this: do they believe that a small group of real estate agents should benefit from the hard work of 3,000 estate agents? Do they believe in monopolies? If they do, they will vote for the right to have this legislation lie on the table. If they do not believe in monopolies, but believe that everyone in Queensland has the right to earn a living, they will vote to allow this measure to be discussed further in this Chamber.

I am happy with the amendments moved by the Minister but I am not happy with the proposal to hold the measure over until September.

Mr. BURNS (Lytton—Leader of the Opposition) (12.24 a.m.): The cat is well and truly among the pigeons. We want to know, and I am sure this Committee needs to know, whether the Minister intends to stand by the assurance he gave us early in the debate that the Bill will come before us in August, and that we will not have a situation similar to that which developed with other Bills whereby the measure could appear on the Business Paper, remain there until the end of the year and then lapse as the legislation dealing with auctioneers and agents did last year. If there is any danger that it will not be debated at a later stage, we will support the moving of an amendment asking that it be debated. We would rather wait. We would rather have an opportunity to study the Bill. But we have been subjected to so much pressure by the big boys in the R.E.I.Q. and the small boys from the Q.L.R.E.A., whom we support because we believe that they have been right on section 43. At least they have been proved to be right on multiple listing.

I would accept, too, some of the other amendments foreshadowed by the Minister because I feel that the little agent—the little man—has been robbed and plundered by some of the people who have used the R.E.I.Q. for their own political purposes. I talk first of Mr. Postle, because in the days when I was in real estate his company was a hotel broker with very little interest in house sales. Postle had very litle connection with house selling. But all of a sudden we see him as a prime promoter of multiple listing for house sales and a prime promoter of the R.E.I.Q. I say while he is in the gallery and can hear it that he has misused his position. He has done the R.E.I.Q. and the real estate industry major damage with his political circulars, his propaganda and his personal misuse of his position for political purposes. He has done the R.E.I.Q. and its case irreparable damage by his misuse of that position to attack the Labor Government. He has used it for his own political ends. That is the nicest comment I can make about him.

Government Members interjected.

Mr. BURNS: We will see whether he is a candidate for National Party Senate preselection, as I have heard round the ridges.

Let us see what happened under section 43. I remind the Committee that on behalf of the Q.L.R.E.A., which came to us when I was a new member of the Parliament and drew our attention to these problems, we opposed the regulations under section 43. That was approximately two years ago.

I wish to give the Committee one example of how that section could be misused to rob an agent of his commission and to mislead the people. I will read statutory declarations from a couple of people and a real estate agent who wrote to the Minister. Finally, the Minister advised him to go to common law in an attempt to obtain the commission for the work he did. I have a photo copy of the statutory declaration, which says—

> "On Friday 22nd Sept. 1972, I listed my property with Bernie Scott Real Estate for sale at the price of $13,500, later that day I listed the property with Star Realty at the same price. The salesman from Star Realty asked me to sign a paper and he told me that up to 200 other agents would work on the property because it would be in their hands as well. He did not tell me I was signing a sole agency agreement and did not give me time to read the paper before he asked me to sign it. He said that there was not a 'catch' involved and I was quite safe to sign. Had I known I was signing a 'sole agency-multiple listing agreement' I would not have signed. On Saturday 23rd Sept. 1972, Bernie Scott Real Estate sold my property for $13,500.00 and at that stage neither Bernie Scott Real Estate or myself were aware that the property was in sole agency-multiple listed. My husband was present and confirms what happened."

It is signed.

Mr. Kaus: He must have been very young.

Mr. BURNS: I can quote numbers of cases where the same thing has happened.

What happened to Bernie Scott? He received a letter from M. G. Lyons & Co., solicitors, acting for Starr Realty. All Starr Realty did was list the property on the Friday night. It was sold on the Saturday morning by the other agent, who had listed it before them. The letter reads—

> "We act for Starr Realty of 90 Hawthorne Road, Hawthorne and have been instructed that the above property was placed by your firm under a Contract of Sale during the period when it was for sale subject to multi listing, having been so listed by our client.
>
> "We would draw your attention to Section 43 of The Auctioneers and Agents Act of 1971, under which our client is entitled to the commission.

"We are instructed the property was listed with our client for an amount of $13,500.00 and on this basis the commission due would be $462.50.

"Unless the amount of the commission is handed to our client within seven days, our client intends to issue proceedings."

Starr Realty wanted $462.50 for listing the premises on a Friday night when it was sold by somebody else the next morning. Accordingly, Starr Realty instructed its solicitors to take action to obtain $462 from the agent who sold the premises. The salesman from Starr Realty did not explain to the lady concerned, according to her statutory declaration, that the form she was signing was a sole agency multiple listing agreement.

A complaint was sent to the Minister. In his reply he said that it had been carefully studied but—

". . . advised that in its opinion this dispute is of a civil nature and should, therefore, be settled either by the parties themselves with the assistance of their legal advisers or by appropriate court action."

So what we did when we passed this Act was to decide legislatively to make the person who worked hard and sold the property give his commission to somebody else who listed it.

I was involved in the real estate game in the 1950's. I agree with the honourable member for Ithaca. In those days a person employed people to list properties, and 10 per cent was paid to the people who carried out this work—as a kickback on sales. My experience of that system leads me to believe that if the multiple listing system could be organised in this way it would be possible to list property after property and leave them for somebody else to sell. It makes for a cheap and easy way out.

I know of an R.E.I.Q. agent who rang up a couple of local real estate agents in my area and asked them to show him around the area. He went around the properties with them, pretending to be a buyer, and then multiple listed them. By listing these properties under multiple listing he ensured that the original agent could not get any commission out of their sales. What a smart operation under an Act introduced in this Parliament.

The Government has known of this problem for some time. Two or three years ago the Deputy Premier and Treasurer wrote to people stating that he was worried and concerned about the advice he had received. No wonder the honourable member for Ithaca is worried and concerned after all the fights he has put up in this Parliament and the fights put up by the Q.L.R.E.A. and others.

There is some danger that the Auctioneers and Agents Act will be treated as it was last year. It was put on the Business Paper and allowed to lapse at the end of the session. We cannot accept any sort of assurance. If there is any likelihood of that, we would press for the second reading to be brought on during this session. As I said at the outset I would rather do it that way even though it would be difficult.

There are a few other aspects of the Bill that warrant our support. I support the proposals as I understood them on the outline by the Minister. One matter concerns agents who purchase property listed with them for sale. I have written to the Minister on behalf of some people living at Lota. They were approached by an agent who gave them a rough idea of valuation. It was not an honourable member so he does not have to get up and protect himself. The agent gave a valuation and then sent his salesman back to buy it. He then resold it. Obviously something must be done about this situation.

I also want to mention property developers such as Riverboat Properties who were selling one-acre blocks of land fronting the Logan River in an area in which the Beaudesert Shire Council said that nothing under five acres could be sold. At the time I am told it was unregistered and had no title. The company sold many of these lots. I could not give the exact number. But even supposing it sold 50 lots at $1,000 deposit a lot, it would have made $50,000.

Mr. Hartwig: You can't sell a block unless you get permission from the council.

Mr. BURNS: They have been sold.

I have another advertisement from Scotdale Farms, which is operating in the same area. The advertisement reads—

"93 already sold since short time of release! Only 43 left."

I am told that in this case again there was no title at all when this farming land was first sold. The honourable member for Landsborough spoke about the honest advertising of margarine. He had better have a look at the real estate industry. Agents speak of land being a stone's throw from a railway station—a stone's throw all right, but only with a catapult that would put a Sputnik into orbit. There are many discrepancies in the advertising of housing for sale. Returning to the sale of farmland—I could take some of the farming members of this Assembly out to so-called farm blocks and they would be flat out growing anything on them at all. That advertising is misleading.

Remember what happened on the islands in Moreton Bay. Harry Londy and others were flying prospective purchasers up from the South. Others were selling in some cases on the basis that the purchaser pays a deposit but does not get the property until all payments are made. The purchaser does not get title until all the money is paid.

There is a need to look at real estate dealings. Prior to 1971 houses were being sold in this State without much difficulty.

There were as many arguments in court as there would be under section 43. The first advice obtained from the Minister when a case is taken to him is to go to the court. So we will end up with the same situation under the Auctioneers and Agents Act as we did previously under common law. That situation has not been improved much at all. All that we have done is allow some of the shyster agents, and those who want to tie up houses for sixty days, to move in.

I could take members to a house in Kianawah Road, Lindum, that was signed up under an agency scheme, and neither I nor the woman who owns the house can find any evidence that it has ever been advertised. It might have been circulated through the multiple listing bureau, but it has never appeared in the newspaper. Because the house is in an area in which it is difficult to sell, all Q.L.R.E.A. members will not list it. They say, "What's the use of me trying to sell it? If I sell it, I will not get any commission. You have to give it to the fellow who has it multiple listed."

When I was in real estate, an agent did two things. In the first place, he tried to obtain a sole agency and sign up the seller under a common-law agreement between the agent and the person selling. Vendors who were wise tried to list with as many major agents as possible. I was only a salesman, not the head of a firm, and I realise now that one of the reasons for my having a little opposition to the R.E.I.Q. is that that was the organisation that tried to stop the application of award conditions, and, by setting up their own fancy organisation, tried to prevent salesmen from receiving what they deserved.

There is no-one more mistreated than the fellow who works as a real estate salesman on commission. He is made to use his own car, and to work seven days a week. The agencies want to keep their doors open seven days a week. They want agents to operate for nothing, on their own cash. Dozens of salesmen enter the industry, go broke, and leave it, whilst the owner waits around and gets 50 per cent of the commission on any sales that they make.

In relation to selling in those days, the best advice one could give was to list the property with half a dozen good agents. If the house was any good at all, agents went out and worked hard to see if they could sell it, because the one who sold it got the commission and the others missed out. On many occasions in those days one could see a house that he had for sale advertised in six or seven editions of the newspaper. A salesman knew that such a house was possibly a good sale, and for that reason he would put in a lot of work on it.

I know of houses that are not now being pushed in that way under multiple listing. The salesman is happy with multiple listing because it gives him greater opportunities. The other thing about the multiple listing bureau is the kickback of 5 per cent. I wonder how long it will be before we have to argue for an increase in real estate agents' commission because of the money that the R.E.I.Q. wants to take out of multiple listing —or the money that Mr. Postle wants to use for election propaganda. This drawing of more money out of house sales makes it more difficult for agents and salesmen to make a living, and they will have to put an argument to us for an increase in their commissions.

Mr. Ahern: He upset you, didn't he?

Mr. BURNS: Who?

Mr. Ahern: Gordon Postle.

Mr. BURNS: Not really. I just like to think that whilst he is there I can give him a serve. He has hit my party often enough.

Mr. Frawley interjected.

Mr. BURNS: Here is "Flog 'em" Frawley, the man who would take a whip to another. He is an example of the strong defenders of the National Party.

Unless we can get an assurance that this Bill, after all the fights, arguments and demands that have been made, and the long arguments that it has produced both inside and outside Parliament, will be proceeded with, we will have to support the amendment that has been forecast and ask for the second reading to be debated tonight.

Mr. BYRNE (Belmont) (12.39 a.m.): I rise in support of the Bill and also in support of the proposal that it be laid on the table. I do so because there appears to be some divergence between the two points of view that have been expressed, and I do not see at present a very clear resolution of those points of view.

It appears that presently the principle of being paid an effective discharge of service is not attended to specifically for the smaller real estate agent. Let me explain that. The smaller real estate agents who may decide to involve themselves with the multiple listing bureau will find that they have a certain number of cases listed with the bureau, whereas the larger real estate agents will have a larger number. If the smaller agent is involved in this, he finds that the number of cases coming his way is much greater than the number of cases going from him. In the present situation, where the person who originally lists that case is the person who benefits by it, the smaller real estate agent would, on that principle, appear to miss out.

I appreciate that in the situation that is proposed in the second stead—in other words, that the person who sells gets the money—multiple listing bureaus between unequals, that is, between larger and smaller groupings, would effectively disappear. However, that does not mean that multiple listings will therefore effectively cease. They

could quite conceivably, and would indeed, continue amongst equals in the real estate game. However, it would enable the smaller real estate agent to continue under his sole-agency principle, which is virtually the situation in which he finds himself at the present moment that is most beneficial to him.

The honourable member for Ashgrove has raised the point that the persons who will be most disadvantaged by the proposed new provisions will be the public. It is my feeling that, because of the proposition I have put forward in relation to equals, it is possible for agents, between themselves, to still allow for multiple listings, and the public would, therefore, not be so disadvantaged as the honourable member for Ashgrove would have honourable members believe.

However, the situation presents itself to us in this guise, Mr. Hewitt, as I see it, and that is why more clarification is needed. On the one hand, as the situation stands at present the smaller real estate agents appear to be disadvantaged; on the other hand, under the proposed legislation it appears that the result will be a disadvantaged public. In both instances, I think it is our duty as a Government to ensure that neither smaller businesses nor the public are disadvantaged.

Because that is the conflict that we see before us in the proposed legislation, I will support the Bill with the proviso that it be tabled so that, at a later date, we may be able to discuss it and receive further representations about it. In that way a fair, clear and far more equitable situation can be created—one that is suitable not only to the public of Queensland but also to the smaller real estate agents.

Mr. LAMOND (Wynnum) (12.43 a.m.): I believe that the Minister should be commended for his proposal to lay the Bill on the table for a period. What I have heard in the Chamber tonight indicates to me that it is definitely necessary for honourable members to have time to familiarise themselves with all the provisions of the Bill, particularly those which may be detrimental to both the public and the industry if either included or removed from the Bill without sufficient consideration and knowledge by honourable members of their implication.

I make it very clear at the outset that I was an active real estate agent—and a member of the R.E.I.Q.—for 25 years before entering Parliament. I am alarmed that members of this Assembly should have seen fit to mention so frequently in this debate the suggested influence that the R.E.I.Q. and the Q.L.R.E.A. have on the Parliament of Queensland. I believe that we, as legislators, are not influenced by these organisations. I am quite free in my thinking on legislation, and I believe that any industry, whether it be the real estate industry or any other industry, is entitled to certain protection.

Some time ago the Government brought down certain legislation in this sphere, and section 43 has been bandied about the Chamber as being frightening to many people. Members of the Opposition indicated quite clearly that they believe an agent is entitled to obtain an enforceable authority under which he can operate, a contract of appointment between agent and principal. They did not deny this right. I suggest to those honourable members that they familiarise themselves with the absence of this provision from the Bill.

I do not think for one moment that deletion or inclusion of section 43 of the Act is the be-all and end-all of this proposed Bill. I suggest that, by deleting section 43 and imposing certain other provisions, we take away not only the right of multiple listing but also another accepted method of selling. I refer to auction. For many centuries auction has been accepted as a method of selling. It is accepted today by most courts of law. Courts issue instructions that an estate shall be auctioned to determine a fair price. Let nobody try to tell me that auction is not an accepted method of sale. I have heard honourable members comment, "What did the agent do? The vendor paid the advertising." An auctioneer spends time in erecting signs and doing the thousand and one things that are necessary, including the taking of an inventory of the furniture in the house that is to be auctioned. If at the very moment the auctioneer finishes auctioning a property which has not reached the reserve and declares the reserve, an unethical person could walk straight past him to the vendor and complete a sale, that is, if this legislation is permitted, surely that is not fair and reasonable trade.

We have heard suggestions by certain honourable members about people who have been adversely affected by the Act.

Mr. Miller. Do you deny that?

Mr. LAMOND: I deny it to the extent of saying that section 43 of the Act, which certainly could have been cleaned up in certain respects, served a very definite purpose by creating an authority under which agents could enter into contracts with their principals. Many millions of dollars of real estate have been sold in this State in recent years, and to the best of my knowledge only two cases have come before the courts.

Mr. Miller: How many problems are there?

Mr. LAMOND: Many hypothetical situations have been put before the Chamber tonight. Affidavits and statements of people who have been injured have been referred to. I could cite hundreds of cases of people who have been most happy with the implementation of the section.

I look upon the real estate industry as a vast industry in this State. It employs many people and involves a great turnover of

capital. I think most honourable members are conscious of the size of the industry. Many of the comments which have been made by honourable members would not have been made had they familiarised themselves with the implications associated with the Bill. I commend the Minister for his desire to let us take time to study the Bill carefully. Some honourable members have said that they have been thinking about this for a while. The Bill was brought before various groups. It has now been brought before a brand new Parliament. I do not propose to go into the structure of the new Parliament but we are virtually a new group of people. Former honourable members of the Assembly may have had the opportunity to consider all of the principles involved in the Auctioneers and Agents Act, but from speaking to many present members I would say that they are not familiar with the Act. The Minister is doing the right thing by allowing the Bill to lie on the table so that honourable members may familiarise themselves with it.

I was alarmed to hear the Leader of the Opposition use his privilege in this Chamber to attack people outside. In defence of Mr. Postle or any other person outside the Chamber, I say that I am appalled that an honourable member should use his privilege to make such an attack. It was not called for.

I believe that the pressures that it is claimed have been exerted by organisations should have had no influence on this Parliament. We are an Assembly of legislation. As appears from the comments made earlier, this matter is one with legal connotations requiring a great deal of thought and consideration. It cannot be decided tonight.

To pass on to other provisions in the Bill —I refer to refunded deposits in the event of a sale and the non-entitlement of an agent to retain a deposit. I do not think any agent has the right to retain a deposit where a sale has broken down as a result of no fault of the parties to the contract, nor do I think any respectable agent would suggest otherwise. Most of the provisions in the Bill are fair and reasonable both to the agent and to the public. However, I would like to comment on the increase in the auctioneers and commission agents' group from six to seven without any representation being afforded to people in the industry. I do not refer to any specific organisation; I emphasise the phrase "people in the industry". Any industry that is controlled by a board should have representation on it. I respectfully suggest to the Minister that the proposed board should have on it a representative from the industry.

If I might revert to section 43—we have held certain discussions on it. Some honourable members have referred to a poll that was held. If polls are to be conducted to determine how we will legislate, we are sadly lacking in our ability as legislators. We are elected by the people to legislate. I indicate that I will be speaking on the clauses at the Committee stage. Meanwhile, I commend the Minister on his proposal to allow the Bill to lie on the table until such time as honourable members have had the opportunity to familiarise themselves on the details and implications of it.

Mr. GYGAR (Stafford) (12.52 a.m.): I rise to speak briefly to the principles behind the amendments outlined by the Minister. As to multiple listing, I agree to his proposal to remove from our legislation any reference to it. I am not going to say whether multiple listing is good or bad, because from the arguments advanced tonight it is apparent that in some instances it is good and in others it is bad. Therefore I suggest that the wisest course for us to follow is to let multiple listing stand on its own in the market-place. If it is good enough to survive, let it; if not, let it die. It is not the role of this Parliament, or of any other Parliament, to enshrine in legislation a system that is so bad, so unfair or so unacceptable as to be unable to stand on its own in the market-place. Therefore, let it be. If it can survive, let it; if it cannot, it will not be mourned by many people.

As to sole agency, my attitude is similar. The present contract law contains ample provisions under which sole-agency agreements may be signed between parties who wish to bind themselves to such a contract. Why then need we write sole agency into our legislation? Our common law provides that certain signs and marks must be made on sole-agency contracts and that fair warning has to be given. Our common law covers most of the problems that arise. In fact it is quite clear on this. We have reams of ticket cases and dry-cleaners cases that show it is becoming harder and harder for the trader to fool people under our common law. The sole agency can also stand or fall in the market-place. If it is so good, it will survive. If it is not, I, for one, will not mourn its passing.

I think the one-commission principle would be agreed to by every honourable member. There should be only one commission and we should legislate on this point. Unfortunately our common law has not been able to come to grips with this situation. In certain circumstances the common law will grant more than one commission. That is not good. I think it should be legislated against. Obviously the Minister proposes to do that. I support him wholeheartedly. However, I foresee one danger, namely, that the Minister may wish to provide that there shall be one commission and that that commission shall be payable to the agent who signs up the contract. On the surface that may seem quite unexceptionable but on looking into it we see that it opens up a Pandora's box of injustice.

If we provide that one commission will be paid to the person who signs the client on the dotted line, we are in fact institutionalising sharks. There will be a great temptation for real estate agents lacking in principle to try to get in under the other fellow's nose. They will know this Legislature has said that if they get the signature on the line they get the commission. If that is to be the case, I am totally opposed to any such provision. We cannot allow ourselves to bring down a law supporting shysters and thieves. To me, this is a case where the common law should be allowed to prevail.

Any real estate agent who feels that he has been an effective cause of the sale of any property should have access to the courts to prove his case. I do not believe that the current situation, as I understand it, in which two commissions can possibly be payable should be allowed. Therefore let us most certainly legislate for one commission. If necessary, let us legislate that that one commission shall be paid to a certain person. That would be a good way of bringing about certainty. It would get an innocent vendor off the hook by letting him know to whom he has to pay without having to go through litigation because of confusion. If we do not say initially to whom the commission should be paid, we leave the vendor open to litigation on the point that he has not paid it to the correct party. By all means let us legislate that it shall go to the trust account of a certain person. If this Parliament proposes to introduce legislation that that will be the end of it, that that person shall be paid and shall hold the commission in total, I must oppose it. Justice screams from the roof-tops that we have to let the courts in to look at the situation and judge it on its merits. No honest real estate agent could object to that. Surely if real estate agents have nothing to hide, they will not mind the scrutiny of the courts.

I must say that I would oppose not only in this Bill but in any other Bill, any measure that would cut off citizens arbitrarily from access to our courts of law, and access to justice in them. If the Minister intends to legislate that this commission be paid to a certain person I urge him not to consider for a moment introducing provisions that would prevent other persons who have been effective causes of sale of a property from access to the courts to plead their cases and to gain justice. Any such measure would be a smear on this Parliament and something which we would surely have to change in the future.

It has been said that there is very little litigation on this. To me, that is irrelevant. If one person suffers an injustice through any legislation we bring down, that legislation is bad. It is bad if we can change it; it is bad if we can prevent it, and in my opinion this is certainly one case in which we cannot allow ourselves to be left open, by virtue of a pure expedient, to inflicting injustice on any honest real estate agent.

Mr. MELLOY (Nudgee) (1 a.m.): I intend speaking briefly on the measure introduced by the Minister, mainly for the benefit of the newer members of Parliament. I do not intend canvassing the merits or demerits of section 43. However, for the benefit of those who support its provisions, I say that it is in their interests that this measure be continued into the second reading.

I said that this would be for the benefit of the newer members. I warn them that, if the Bill is not proceeded with this morning, there is no guarantee that it will ever see the light of day again. Time and time again legislation has been introduced and has subsequently disappeared from the Business Paper, never to be re-introduced. The Bill relating to margarine was one instance. I suggest to honourable members who are concerned about section 43 that they support any amendment moved to enable debate on the Bill to proceed into the second reading.

The procedures of this Assembly are new to many honourable members. Suffice it to say that at times it is politically expedient not to proceed with legislation about which the Government or the Cabinet is subjected to external pressures that persuade it to change its mind. I repeat that we have had instances of that. Therefore, I urge new members to think deeply if they have an opportunity of ensuring that the legislation is proceeded with.

The Leader of the Opposition has asked the Minister for an assurance that the measure will be proceeded with in August or September. I do not think the Minister can give that assurance. He has the opportunity now to proceed with it. We are quite capable of debating the pros and cons of the legislation. If we do not do it tonight, some outside sources will influence the Minister. The Minister shakes his head. I do not know what that means. I do not know whether he is indicating that I am wrong in what I am saying———

Mr. Knox: Yes.

Mr. MELLOY: . . . or whether he is saying that he will not drop the Bill at a later stage. However, that is something on which he cannot give any guarantee.

It is in the interests of all honourable members that this legislation proceed to the second reading. I urge the newer members to remember what I have said about Bills that have been dropped from the Business Paper following the adjournment of debate on them.

Mr. GIBBS (Albert) (1.3 a.m.): I rise to support the proposal to have the Bill lie on the table for a period. At this time of the morning I will be very brief in my remarks.

I am not in a position to vote on the measure with a clear understanding and allow it to pass to its second reading. I may say that I have spoken to a lot of reliable real estate agents—and I emphasise the word "reliable". Although many of them do not themselves accept multiple listings, they support the principle. Some become involved in it and others do not, but they have all said to me that there is benefit in it and they would support its continuation.

I believe that the principle of multiple listings has been adopted in Victoria for some 20 years, where it has worked well. Perhaps they have a different legal framework for it; I do not know. It has worked well, too, in New South Wales for 15 years, without many problems. It has been on Queensland's Statute Book for only a short while. Probably we have prejudged it or bound it by too much law. We might have given it too much responsibility. Maybe it is a matter of altering the law slightly to suit the situation and make it work as it has worked in the South.

Those are the points I want to make. It has worked in Victoria and New South Wales. Reliable agents tell me it works here. There is good and bad in everything. Some people are only too ready to brand real estate agents as being no good. Many real estate agents are friends of mine and will be for a long time.

The Leader of the Opposition made a cowardly attack on Mr. Postle. I do not think I have ever met him. I have made inquiries and have been told that he is a fine gentleman. For someone in this Assembly to make such a cowardly attack, using the protection of privilege, is almost unforgivable.

Hon. W. E. KNOX (Nundah—Minister for Justice) (1.6 a.m.), in reply: I think honourable members will realise now that there is a basic difference of opinion on some principles of this legislation. I suggested that it lie on the table for the benefit of honourable members and nobody else. This Legislature has a responsibility to the people of this State. If pieces of legislation, with a great deal of feeling involved in them, are worthy of thorough examination, it is the responsibility of this Legislature to give them adequate time. I think this should be stated clearly.

My only consideration is the public interest. I am disappointed that a number of honourable members saw fit to drag in personalities and other vested interests in the real estate world who may well have worthy motives in what they are doing. That is not the business of this Parliament. Our business is to provide legislation that will work for the people of this State, without prejudice to minorities. I again plead with the Committee to think carefully about my request not to proceed with the legislation but to let it lie on the table. It is a public document available for all to see.

Mr. Melloy: Can you guarantee it will be proceeded with?

Mr. KNOX: I will come to that in a moment. I have been asked to give a guarantee and then the honourable member says I am not capable of giving a guarantee.

An Opposition Member: Don't be dirty.

Mr. KNOX: Well, that is what was put to me.

I am not especially concerned with the R.E.I.Q. or the Q.L.R.E.A. in presenting legislation of this type. Over the past 18 months in common with a number of other members, I have spent many hours listening to suggestions, reading and attending committee and party meetings dealing with this subject. We have been lobbied by various interests. The more I hear, the more I am concerned about making sure that this legislation works for the people of this State.

Whilst I am not especially concerned with the R.E.I.Q., the Q.L.R.E.A. or any other group of real estate agents, I am interested in the individual welfare of real estate agents who are licensed under this Act. Most of them are not dedicated members of either of those organisations, although they may be token members of one or the other.

It is regrettable that the Leader of the Opposition particularly saw fit to attack worthy citizens of this State who have devoted their energies and time to giving leadership in this industry. They have worked hard in providing not only leadership but information on their industry for members of this Assembly from time to time. At no time is a member of Parliament under an obligation to anybody outside the Assembly in these matters. But he is under an obligation to listen and to learn. When there are leaders of the industry who are prepared to give their time and energy in providing information, I see no reason why they should be condemned for making known their point of view. The aims and objects of people who are leaders in this industry are worthy and to be commended rather than condemned.

The Leader of the Opposition rather revealed his hand, and all of the 2,200 real estate operators in this State should read what he thinks about them. To him, they are all tarred with the one brush. To him, they are all a bunch of crooks. They should understand that when a socialist gets up in this Chamber and condemns private enterprise, he is condemning every one of them.

This piece of legislation is worthy of serious examination, and time should be devoted to it. There is obviously division of opinion within the industry. We have all been subjected to pressure from it. It is obvious from the debate tonight that there is division of opinion in the Government ranks. That is nothing to be ashamed of, because a number of views can be taken on the subject. I point out to the Committee that the matters that are controversial in the legislation are not matters that involve Government administration. They are matters that involve commercial relationships

in the community, and we ultimately have to decide the best way of handling them legislatively.

Government policy is not to fall on the side of section 43 or to be against it. It is to ensure that the best arrangement is made for all. It is best that the legislation be published so that it can be argued in public and so that people know what is in it. That is better than supposition and rumour and all the other things that have gone on for the past 18 months.

In spite of the warnings and forebodings of the honourable member for Nudgee, I say to new members that they will learn that it is best to make haste slowly in legislation which has very deep and permanent social and commercial consequences. That is infinitely better than rushing legislation through the Parliament simply because the Government has the weight of numbers. My advice to new members is that maturity of consideration will be of advantage in the long run.

Now let us see what we will do. The Leader of the Opposition and the honourable member for Nudgee challenged me to make some promises. They know perfectly well that I am not in a position to make promises about what will be presented to this Assembly at any future time. Nevertheless, I will give an assurance to the Committee that if I have anything to do with the Auctioneers and Agents Act, as I expect to have for some time, a Bill will be presented in the next session.

Mr. Melloy: The same Bill?

Mr. KNOX: I cannot give that guarantee. Does the honourable member want the same Bill?

Mr. Melloy: No.

Mr. KNOX: Of course he does not.

Mr. Melloy: That is the point.

Mr. KNOX: How could anyone give a guarantee that it would be the same Bill?

Mr. Melloy: Why not proceed with it tonight? You spent 18 months preparing it. Why not proceed with it and be done with it?

Mr. KNOX: I see. The honourable member for Nudgee who, each time the Government has tried to put a Bill through all stages in one day, has protested and walked out of the Chamber—every single time——

Mr. Melloy: No.

Mr. KNOX: Yes, the honourable member has. The records show that. That is the way he has behaved every time the Government has asked that a Bill be passed through all stages in one day.

Mr. Melloy: Don't try to deceive the Committee.

Mr. KNOX: I am not deceiving the Committee. The records will show that. The honourable member for Nudgee knows full well that what I am saying is the truth.

Mr. Melloy: No, it is not.

Mr. KNOX: I am in a position to say that there will be a Bill amending the Auctioneers and Agents Act in the next session of Parliament. Surely the reason for seeing that the Bill that is presently before the Committee is exposed is to ensure that the Government discovers the best solution to the problem. As far as I am concerned, the view of the Government parties on this subject at the moment is that the solution to the problem is contained in the Bill now being presented to the Committee.

Mr. Melloy: That is exactly what I said. I told honourable members that it will not be this Bill. You won't guarantee that.

Mr. KNOX: I cannot guarantee that, you stupid fellow. You know I cannot guarantee that. Stop engaging in this double-talk.

Mr. Melloy: Why don't you proceed with the Bill?

Mr. KNOX: For the very reasons that I outlined at the beginning. Doesn't the honourable member for Nudgee wish to find out what is in it? He has not even seen the Bill. He does not know what is in it, yet he wants to go ahead blindly and put it through all stages in one day. He is becoming a stupid old man.

Mr. Melloy: I have much more sense than you have.

Mr. KNOX: If the honourable member has, he has not displayed it in the Chamber tonight.

Mr. Melloy: Yes, I have—to your discomfort.

Mr. KNOX: Yes, I am in terror! Without having seen the Bill, which is quite substantial, contains a number of clauses, and also contains a number of matters (apart from those which have been debated tonight) that are of some consequence to the industry, the honourable member wishes to rush it through blindly in one night. That will let the public know what sort of a legislator he is.

Mr. Melloy: Why did you introduce it on the last day of the session if you intended leaving it for another three months?

Mr. KNOX: To give people an opportunity of seeing it and examining it and giving you the benefit of their advice. Doesn't the honourable member want to hear about it?

Mr. Melloy: No.

Mr. KNOX: No, of course he doesn't.

No doubt there will be differences of opinion on the Bill, and advice will be given to honourable members on both sides of the Chamber. But I will guarantee that when

the Bill comes before the Parliament on the next occasion, all honourable members will have made up their minds about what is best for the industry and for the public.

Mr. Melloy: What is the good of making up our minds on this Bill in the next three months if you are going to bring in a different Bill?

Mr. KNOX: It is early in the morning.

The CHAIRMAN: Yes; I think that point has been laboured enough.

Mr. KNOX: I think that the honourable member for Nudgee had better return to his rural pursuits on the other side of the aerodrome. In fact, if he consulted an expert in his own family, he would know much more about the Bill than he knows at the moment.

Mr. Hinze: There is a Melloy in the R.E.I.Q. Is it the same bloke?

Mr. KNOX: No. He is much more highly respected in the community than the honourable member for Nudgee.

That is the only assurance I can give honourable members—that there will be a Bill. In the meantime, I hope to provide the opportunity for further discussion in public of some of the matters in the Bill, and I believe that by the time September comes around and the Bill is re-presented, there will be a unanimous view from the industry as to the best method of handling some of these vexatious problems.

Motion (Mr. Knox) agreed to.

Resolution reported.

FIRST READING

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

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

"That the second reading of the Bill be made an order of the day for tomorrow."

Mr. MILLER (Ithaca) (1.21 a.m.): I move the following amendment to the motion before the House—

"That all words after the word 'that' be omitted with a view to inserting the words—

'so much of the Standing Orders be suspended as would otherwise prevent the Bill being now read a second time'."

I move that amendment because I believe it is of the utmost importance that the Bill go through the second and third-reading stages during this session of Parliament.

I want Parliament to consider what has taken place tonight to change the decision that was made by the Minister's committee and the joint parties. Nothing has been said in the Chamber to change what has already been a decision of the joint parties. A decision having been made by the joint parties, I am amazed that Cabinet should decide to defer the passage of this measure. Never in the nine years I have been in Parliament have I witnessed such an event as we have witnessed tonight. Never have I seen such delays on the part of a Minister, and I do not think for one moment they are his own delays. I think he honestly wants to see the Bill introduced. This is the only legislation in respect of which on two occasions I have witnessed pressure being applied to have it withheld from Parliament. I wonder why!

The honourable member for Wynnum said that section 43 is not the be-all and end-all of the Act. I would suggest that the multiple listing bureau does believe it is the be-all and end-all. The letter sent to all members of the multiple listing bureau states, "Your agency practice is in danger." The only section that is mentioned is section 43. Although the honourable member for Wynnum, who happens to be a member of the R.E.I.Q., may not think that section 43 is the be-all and end-all, the multiple listing bureau does believe it is.

What is going to happen if we defer the Bill for another six months? It has already been deferred for 15 months. Firstly, more money earned by real estate agents outside the multiple listing bureau will be paid to the multiple listing bureau if the houses concerned are listed with the bureau. Are we going to allow that sort of thing to continue? I ask every honourable member to consider whether we want even one real estate agent paying over to the multiple listing bureau the commission that he has duly earned by selling a property. I certainly do not.

I also believe that we will see more people being dragged before the courts. The honourable member for Wynnum said that he knew of only two cases that had gone before the courts. That is quite so, because agents outside the multiple listing bureau have had the matter tested in two cases, and because of those cases heard in the courts they know that they have to hand over their money. The fact that they legitimately earned those commissions made no difference. The two cases were trial cases.

The honourable member for Wynnum should be telling the Assembly how many times the multiple listing bureau has demanded the commissions earned by real estate agents outside the bureau. That is what I want to know, not the number of times a person has appeared before the court. Anyone who appeared before it for the third time is a fool, particularly if he knew that on the two earlier occasions the court decided in favour of the bureau. Two cases have come before the court, and now the real estate agents are paying over their money.

What we are considering tonight, however, is not whether section 43 should or should not be passed. What I want every honourable member to consider is whether or not

a decision of the joint parties is binding on the Government. If it is not, I am wasting my time in attending joint-party meetings. I would add that all other Government members are wasting their time in attending such meetings.

If my amendment is not carried we will not know in the future when the decisions arrived at by the joint parties are going to be altered by Cabinet. I cannot see any sense in my attending joint-party meetings if the decisions arrived at there are not adhered to by Cabinet.

I do not deny to any member who opposes a certain matter in the joint-party meeting the right again to oppose it in this Chamber. I do object, however, to a member who, having lost the argument in the joint-party meeting, asks a Minister that the matter be deferred. That is a very underhand way of doing things.

This Chamber is the place in which legislation of this type should be discussed. It has been suggested that the Bill should be allowed to lie on the table for further consideration. No further consideration will change what we have already decided. We have the information at our fingertips. Heavens above! What further information do we need? It is ludicrous to suggest that further information will come forward. If we delay the implementation of this measure, all we will do is allow more people to lose more money.

The Minister has said that we should consider the people in the community. Real estate agents are members of the community and they are entitled, as is anyone else, to earn their living. So let us consider now whether the amendment should be passed and whether we should move to the second-reading stage tonight.

There are enough members of the multiple listing bureau in the gallery and there are sufficient members of the Real Estate Institute in the Chamber to be able to supply members with answers to any questions that are asked. I am quite sure that the Minister will be able to answer any questions that are put to him.

I am appalled at the fact that a decision arrived at by the joint parties should be brushed aside in this manner. Unless some assurance is given that future decisions arrived at by the joint parties will be adhered to, I can see no point in members attending those meetings.

Mr. PORTER (Toowong) (1.28 a.m.): I can do no less than second the motion moved by my colleague the honourable member for Ithaca. I think many of us are deeply disturbed, distressed and somewhat puzzled at this turn of events. Certainly those of us who believed the matter had been settled in the joint-party meeting last Wednesday will find it difficult to accept that the decision that was properly arrived at then can be brushed aside summarily and almost, it might seem, with contempt by Cabinet. I want all honourable members, particularly those on the Government side, to realise what is at stake here.

Those who lost the argument last Wednesday may be very happy to have a second bite at this cherry. But I make it quite clear that I believe the fabric of parliamentary democracy has been very seriously damaged by what is happening.

What we are concerned with now is not what is in the Bill, not whether we like particular amendments or dislike them, not whether they are supported by one side of the House or the other; we are totally concerned with the role of the Executive in the conduct of the business of this Parliament. The question the House now faces is: who controls the essential business of Parliament—the Government of the day, through the consensus of all its members, or the Executive—Cabinet—which contains only 26 per cent of those members? I am not speaking with any sense of satisfaction. I would be delighted to have gone home some time ago and avoided all this trauma. As one who has always passionately believed in and fought for the Westminster style of parliamentary democracy, I cannot let pass what seems to me—and must seem to others—to be an act of vandalism directed by Cabinet against Government members and also against Parliament as a whole.

The simple fact is that the joint Government parties decided last week, by a two-to-one majority, to make certain changes in the Auctioneers and Estate Agents Act. This was not a decision by a slight majority, or one arrived at suddenly. It was made after 18 months' consideration by the relevant Government committees and individual members. Most certainly it was not arrived at by Government members on a snap vote in a fit of absence of mind, or something done in such a cursory way that it must now be put off for another six months while we find out something more about it. It was done after considerably spirited and weighty debate.

I am not canvassing the amending Bill. I have not spoken on it either here or in another place. I am speaking totally on the relationship of the Executive to the Government parties and, through the Government parties, the relationship of the Executive to Parliament. And that is a damned serious matter for all of us.

I said earlier in this Parliament's history, when speaking in the Address-in-Reply debate, that this Parliament has a gross imbalance. We have 69 Government members while the Opposition has 11. It is therefore vital that the Government should treat Parliament with enormous consideration. It is absolutely essential that, with such gross imbalance, the Executive should never act in such a way as to appear that it is contemptuous of the part that Parliament must properly play.

My colleague the honourable member for Ithaca is quite right. If we come to a decision, if we have done that in the proper way in the joint-party room, and if we have arrived at a consensus, that cannot be set aside lightly. Otherwise there is no purpose in back-bench members attending Government party meetings.

In this House we are all equal. Every honourable member is as important as any Cabinet Minister. Back-bench members who do not recognise this do themselves and the Parliament of which they are a part a grave disservice, unless they recognise their role and are true to the trust that the electors place in all of us. It is completely improper for Cabinet, without any reference to the Government parties, without any consideration and without any discussion, to make a decision that aborts the properly arrived-at determination of the Government parties.

I find the proposition in the Minister's motion, which my colleague has sought to amend, to be distressing and infinitely dangerous. It is not good enough to resort to technical tricks, to suggest that we are not acting against the joint-party decision because the Bill will be allowed to stand at its second-reading stage and that it will come back when the second session of this Parliament commences. Nobody knows what will happen when the second session of this Parliament commences. Nobody can guarantee anything. But a decision was made to do a particular thing. Not doing it is a flat rejection of the Government parties' decision. It should be remembered that our decision on Wednesday was to amend this Bill this week.

Even if we deal with the Bill in the second session of Parliament, the mere fact that it will not be dealt with for six months means that for six months the law will remain as it is on the Statute Book. That is totally the reverse of what the joint Government parties decided last Wednesday. I find that a very unhappy situation to talk about and I regret that it is necessary to do so.

I believe that Cabinet is in gross error in bowing to anybody. If Cabinet has been persuaded that it should try to ignore the consensus decision of parliamentary members on the Government side, which alone provides the safety for any Parliament, particularly one so unbalanced as this, that is bad policy and bad Government, which leads to a bad Parliament. We are all so deeply involved in this amendment——

Mr. Hartwig: Do you say it is on the nose?

Mr. PORTER: I do not think it does us any good.

All of us are involved in the amendment. It does not matter a toss what we think about the Bill—whether we think it is good, bad or indifferent. The whole matter now to be considered is what is best for Parliament. I believe without doubt that the amendment moved by my colleague is in the best interests of Parliament.

Mr. BYRNE (Belmont) (1.36 a.m.): I am both surprised at and ashamed of the comments of the honourable member for Toowong. He has on so many previous occasions spoken of the Majesty and importance of Parliament and of its precedence; yet on this occasion he presents to us the concept that the Parliament should be subordinate to the decision of the joint parties. He says that Cabinet should not bow to Parliament. Indeed, the Cabinet should bow to Parliament, as also should the joint parties. It falls within the confines of this Chamber—in no other place—for decisions on legislation for this State to be effected.

I reiterate that I am ashamed and disgusted at the statements that I have heard. I agree that on so many occasions—and this specific instance highlights the fact—insufficient time is given, especially for newer members, to view the ramifications of legislation in joint-party meetings prior to debating it in the House. However, if there is not sufficient investigation at that level, it is in the Parliament itself that we must ensure that sufficient time for investigation is made available.

Indeed, the joint-party decision was that the Bill be introduced to the House. That Bill has been introduced. The introduction of it represents the fulfilment of the joint-party decision. If the Parliament decides tonight—and it falls for decision in this Parliament and not in the joint-party room—to lay the Bill upon the table (as I think it should be and as I think many of the newer members think it should be, because there has been insufficient time in this Bill, as in many others, to view its ramifications), I think that stands not in contempt of the joint-party meeting but rather in praise of Parliament's pre-eminence.

I would hope that on this occasion Parliament not merely rejects the amendment but rather seeks to give its own expression on it. This Parliament shall, on the decision of this amendment, itself decide whether it desires to have the matter debated on such short notice this morning or whether it desires to ensure that there is further capacity for individual members, especially newer members, to review the greater ramifications of a most controversial issue.

Mr. McKECHNIE (Carnarvon) (1.38 a.m.): I rise to speak against the amendment. Although I am in sympathy with the cause of those who support the amendment, I will not vote with them. Too often do matters come before a joint-party meeting for debate without all members appreciating their full ramifications; this Bill is typical. I believe that many members who voted in favour of it in the joint-party room had insufficient time to realise what they were voting on. I would like to say

to all Ministers that it would be a great idea if Bills, after they were introduced to a joint-party meeting, were allowed to lie for a week before a vote was taken on them. Perhaps then Ministers would not be faced with this embarrassing situation of Government back-benchers moving amendments to Government motions.

I totally reject the amendment, but I am in sympathy with it. I could not bear to vote with the A.L.P., as it will surely try to make political capital out of it. I support the idea but cannot vote for it.

Dr. SCOTT-YOUNG (Townsville) (1.40 a.m.): I am in agreement with the previous speaker. I cannot support A.L.P. members at any time. I cannot wear them at all. But I do support the amendment because I consider that allowing the Bill to lie on the table is nothing but a trick. I consider it will not be further debated.

There has been talk of Parliament being supreme. Then one honourable member tried to prove that Parliament was not supreme. Parliament is supreme if it accepts the amendment and debates this Bill tonight. It is not being supreme if it postpones it for three or six months. I cannot do anything but support the amendment.

Mr. LAMONT (South Brisbane) (1.41 a.m.): It has been said that Parliament must not be a rubber-stamp for the Executive. I think that tonight, in carrying or rejecting this amendment, we are being asked to accept executive government or government by Parliament. When we were children we were told that Parliament makes the laws. I do not know whether we are prepared to tell people that the Public Service or the executive of the Public Service and not Parliament makes the laws.

I believe the joint parties the other day made the right decision. It is a difficult thing that we considered. As has been demonstrated in this debate, there are many intricacies involved. I believe we made the right decision and I am prepared to stand by it. I can accept that those who voted against that decision in the joint party room have in their own conscience every right to vote against the decision made then.

Those of us who made the decision last Wednesday afternoon that this was the right thing and those of us who stood by the Minister on that occasion and have not since been argued out of it by anyone else's logic must stand by that decision and by the Minister's considered decision on that day. We must stand by it now if we believe in parliamentary democracy and the sort of representative Government that I outlined in my Address-in-Reply speech.

Certainly, as the honourable member for Belmont said, we are not bound by the joint party decision. If our consciences are at odds with the Government decision, I hope that none of us are bound by a joint party decision. I hope that the representatives of the Opposition do not feel bound by a decision made by their leader or any six of them which is a majority in that party. I hope we can all vote for what we believe to be right, because that is what parliamentary democracy is all about.

The honourable member for Belmont said that the joint parties only agreed to introduce this Bill. That is a total misrepresentation. We agreed not only that it would be introduced in the way that it has been but that it would be debated and passed during this session. As the conversation in the Opposition indicates, we believed that what the Minister attempted to do in introducing this Bill is right. We believe it will stop sharks, that it will be in the best interests of vendors and purchasers and that therefore it is the right thing.

We have not procrastinated. I do not believe that we should. I have my suspicions that if we do allow this legislation to wait six months it may not be raised again with anything like the strength it has at this moment. I can understand that the honourable member for Belmont does at this moment feel the frustration he indicated. It is probably the sort of frustration that the Opposition feels regularly. We are not bound by a joint party decision, but we are bound by our consciences—and damn the political capital that Opposition members may make of it. I am certain that they will not vote in accordance with their consciences. If there is any Opposition member who has been heavily lobbied by people in his electorate, and who thinks that the contrary view is right, I am certain he will not cross the floor. Opposition members are not allowed to do that. If they did, their party would sack them and take their seats from them. When I was a young lad choosing my political party, I chose the Liberal Party because I believed in the right of the individual to make his own decisions. Opposition members cannot do that; they are controlled by an outside executive while they are supposedly the representatives of the people. But we can; we can work in accordance with our consciences and our representation of the people.

Mr. Houston: Rubbish!

Mr. LAMONT: The honourable member for Bulimba once called me a boy in politics. He is a boy in philosophy; he has never understood why he is there. He is controlled by the puppetry of the man sitting next to him, who was once the Federal President of his party. Because he has never been an executive member, he has never had any control. He is a parliamentarian without a voice, with only a script and a role to play. And it is a pathetic role.

Mr. Houston: We never changed our names, anyway.

Mr. LAMONT: Personal denigration and smears influence me not a whit. We are members of parties that believe in the rights

of the individual, and his intelligence and integrity. Opposition members believe in the integrity of the controlling group only.

Mr. BYRNE: I rise to a point of order. The matters referred to by the honourable member for South Brisbane appear to be irrelevant.

Mr. SPEAKER: Order! There is no valid point of order. The honourable member for South Brisbane will address the Chair.

Mr. LAMONT: I accept that I have a weakness for speaking about the control of the Opposition rabble by their executive. I must also admit that I am occasionally distracted by Opposition interjections.

Mr. SPEAKER: Order! I draw the honourable member's attention to the fact that he must address the Chair.

Mr. LAMONT: Thank you, Mr. Speaker, I apologise again for indulging my weaknesses, and for becoming distracted by Opposition interjections.

I believe that we have a right to make our own judgments, and, as I said in my Address-in-Reply speech, with our majority in this Assembly we are in danger of believing that we are therefore right. I think I said on that occasion that the majority does not sanctify an Act; it merely gives it legitimacy. In this matter, I believe that we have to judge with our consciences, and I call on all Government members who voted in favour of this issue in the joint party room because they believed it to be right to support what we are doing now.

We are saying that the Bill must not be read a first time only, but must come up again before Parliament rises so that it will not lapse. This is the only thing that we can and must do if we wish to support the Minister who has introduced it. He believes it to be right, and we believe it to be right. He carried the day, and those of us who were in the majority then would be doing anything but supporting parliamentary democracy if we were to vote otherwise now —regardless of what Opposition members do according to their instructions.

Mr. WRIGHT (Rockhampton) (1.49 a.m.): One can often judge the value of one's contribution by the attention paid to it. I suggest to the honourable member for South Brisbane that he must have realised, from the conversation that was taking place whilst he was speaking, that not many members were very interested in what he was saying.

I think it is a pity that we have lost the seriousness of the amendment moved by the honourable member for Ithaca. When I rose to speak at the introductory stage, I was in favour of delaying the Bill. I am still of that opinion. I see much value in delay. I see great value in sitting back and considering the proposals embodied in the legislation. But one thing that has concerned me is that members have stood up in this Chamber and said that a promise, or an undertaking, was given in the joint party room that this matter would be proceeded with. Whilst I am prepared to accept the Minister's undertaking to honourable members that the matter will be brought forward, I now begin to wonder.

As honourable members commented, I was endeavouring to convince members of the Opposition that possibly it is better to have delay in this instance, because I think that the Minister's advice is good advice—that we hasten slowly on legislation of this type. However, I am now of two minds. I cannot honestly believe that the Bill will be again brought before the House. Although I disagree with the honourable member for Toowong—and I have done so for six years —when he gets up in the Chamber and speaks as he did tonight, virtually throwing doubt, one might say, on the honesty and sincerity of the Cabinet, I think we should all take notice.

Mr. Moore: Crocodile tears!

Mr. WRIGHT: That is typical of the honourable member. We have heard him say that before, Mr. Speaker.

Mr. K. J. Hooper interjected.

Mr. SPEAKER: Order! I have warned the honourable member for Archerfield earlier. I will not tolerate any more behaviour of that type from him.

Mr. WRIGHT: I should like to consider both sides of the question. As I have pointed out, there is value in delay in the sense that honourable members would have a chance to see what the legislation is about. However, in the few moments I have had to look at the Bill, I have realised that the most important aspect of it is that it repeals section 43, and one does not need three months to read in detail a clause that has only eight words in it. It states clearly that section 43 is to be repealed, and I think that is what interests most honourable members.

One notices very quickly, also, that the Bill removes the control of the R.E.I.Q. over the committee. One does not need three months to consider that point, either. The same is true of the suspension of licences and the prohibition on the sale of land to which title is not assured. They are not points that one needs to consider for many months.

I suggest now that there is more value in the suggestion of the honourable member for Ithaca than I thought there was. We know that the Bill, if passed, will give certainty to these matters. We know that section 43 will be repealed, that sales of land without a title will be prohibited and that there will be representation on the committee of other sections of the industry. If

there are mistakes—and that is quite possible in view of the type of legislation with which the House is dealing—surely experience over the next few months will show whether or not in the next session further amendments should be brought down.

I should like to see further amendments not only on the matters dealt with in the Bill but on other matters that have been raised by members of this Assembly relative to aspects of the Auctioneers and Agents Act that are not being considered in the Bill.

It seems that, in the short time I have had to peruse the Bill, I have changed my stand on it. I think it is the best of two bad courses that we should now go ahead with the Bill. As I said, it does give certainty in the repeal of section 43, and surely that is what all honourable members are concerned about—removing the bad aspects of the Act. We would certainly do that if we dealt with the Bill tonight.

Hon. A. M. HODGES (Gympie—Leader of the House): I move—

"That the question be now put."

Motion agreed to.

Question—That the words proposed to be omitted (Mr. Miller's amendment) stand part of the question—put; and the House divided—

AYES, 36

Akers	Knox
Byrne	Lamond
Camm	Lee
Doumany	Lester
Elliott	McKechnie
Frawley	Muller
Gibbs	Neal
Goleby	Newbery
Greenwood	Row
Gunn	Simpson
Hales	Small
Hartwig	Sullivan
Hewitt, W. D.	Tomkins
Hinze	Warner
Hodges	Wharton
Hooper, K. W.	
Katter	*Tellers:*
Kaus	Ahern
Kippin	Hooper, M. D.

NOES, 23

Alison	Moore
Burns	Murray
Glasson	Porter
Gygar	Scott-Young
Houston	Turner
Jones	Wright
Kyburz	Yewdale
Lamont	Young
Lindsay	
Lockwood	
Lowes	*Tellers:*
Melloy	Hooper, K. J.
Miller	Hanson

PAIRS:

Chinchen	Marginson
Lickiss	Dean
Bertoni	Jensen

Resolved in the affirmative.

Motion (Mr. Knox) agreed to.

The House adjourned at 2.2 a.m. (Wednesday).