Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 23 APRIL 1975

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

PAPERS

The following papers were laid on the table:—

Proclamation under the Education Act 1964–1974.

Regulation under the Main Roads Act 1920–1972.

By-laws under the Education Act 1964–1974.

PETITION

PROPOSED NEW LOCAL AUTHORITY OF HERVEY BAY

Mr. POWELL (Isis) presented a petition from 2,655 residents of Hervey Bay and Fraser Island praying that the Parliament of Queensland will include within the boundaries of the proposed new local authority of Hervey Bay the islands of the Great Sandy Straits, including Fraser Island.

Petition read and received.

QUESTIONS UPON NOTICE

GLADSTONE POWER STATION

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

(1) Will the first stage of Gladstone power-station generation be commissioned in time to assist in meeting the 1975 winter-load demand for South-east Queensland and, if not, what is the anticipated commissioning date?

(2) What is the anticipated peak electricity demand for South-east Queensland for the 1975 winter?

(3) If the first stage will not be commissioned in time, what generating units of what capacities will have to be used to meet the load?

(4) What would be the financial cost to the community for each month of deferment of the commissioning of the power station beyond the original planned date?

Answers:—

(1) "No. The first set is programmed for commissioning in September, 1975."

(2) "1,347 megawatts."

(3) "The total capacity of available generating units for the winter of 1975 will be 1,598 megawatts."

(4) "This is an academic question as the plant is being constructed as quickly as possible and its completion is not being deferred."

Housing and Hospital for new Port, Brisbane

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

(1) In view of the proposed increased development in the Wynnum area owing to the construction of the new port complex at Fisherman Island, what steps are being taken for the construction of Housing Commission houses for the many additional workers who will wish to obtain rental accommodation in the Wynnum area?

(2) As the new port complex could also create situations where hospital treatment will be urgently needed, has a decision been made in relation to the provision of a hospital in the Wynnum area to serve the growing number of residents in this area, as well as to provide hospital facilities for the port?

Answers:—

(1) "There are approximately 2,000 workers associated with the general cargo port facilities in Brisbane whose homes are situated throughout the city and suburbs generally. Whilst the Honourable Member can be assured that my Government will do everything necessary to ensure adequate accommodation exists for all the citizens of Brisbane, it could be erroneously presumptive to reach any conclusion at this stage as to where port workers will wish to reside."

(2) "First aid facilities will be provided within the port complex."

Milk-pasteurisation Plant, Beaudesert

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

(1) Did the Logan and Albert Co-operative Dairy Association Ltd. apply for a licence to install and operate a milk-pasteurisation plant at Beaudesert?

(2) Was the application approved as economical by departmental officers and was a recommendation made to him to grant the licence?

(3) Did the Q.D.O. object on the grounds that no more pasteurisation plants were needed and was the licence then not granted?

(4) Was another application lodged, under the Milk Act, in the name of Beaudesert Milk Pty. Ltd.?

(5) Did this application result from a conference in which he backed a joint move by Logan and Albert Co-operative and Gold Coast Milk or South Coast Pauls for a licence to pasteurise milk and a franchise for most of Beaudesert Shire?

(6) Did the Q.D.O. object to this proposal and, if not, why did the Q.D.O. object to a co-operative and not to an application involving the Pauls monopoly?

(7) If a licence to pasteurise milk could not be granted to Logan and Albert Co-operative in its own right, how was it possible when the monopoly group was involved?

(8) Who is the supreme authority on dairy matters, the Minister or the Q.D.O.?

(9) Where does he stand in relation to the growing monopoly in the milk industry and does he favour monopoly or co-operatism?

Answers:—

(1) "Yes."

(2) "The report by departmental officers indicated that the proposed plant would comply with the provisions of the Dairy Produce Acts but the application was not approved as economical by them. A recommendation was made to the Minister not to grant the licence."

(3) "The policy of the Q.D.O. was to oppose the establishment of a milk pasteurisation plant at Beaudesert on the grounds that the area was already being well serviced and the market was insufficient to be economical."

(4) "Yes."

(5) "Yes."

(6) "The Q.D.O. did not support the proposal."

(7) "Arrangements were made for Beaudesert Milk Pty. Ltd. to share certain of the market being supplied by Gold Coast Milk Ltd. thus improving the economic feasibility of the proposal."

(8) "It is my policy to consult properly constituted industry organisations on matters concerning their members. The question of supremacy does not arise."

(9) "The Minister decides every case on its merits without fear or favour."

Private Banks Access to State Schools

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

Are private banks allowed access to State schools in the same manner as the Commonwealth Bank and, if not, what are the reasons?

Answer:—

"No. *The Commonwealth Savings Bank Agreement Act of* 1966 states that—'The State undertakes and agrees with the Savings Bank during the currency of the Agreement that . . . the State will in

every possible way aid, assist and further the interests of the Savings Bank in the conduct of its banking business in the State of Queensland.' The guarantee of sole access to State schools is implicit in this provision and is one of the considerations for benefits flowing to the State under the Act which is administered by my colleague the Honourable the Treasurer."

TEMPORARY CLASSROOMS, BURPENGARY AND ELIMBAH STATE SCHOOLS

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

(1) Will he give urgent consideration to a request for temporary classroom accommodation at Burpengary and Elimbah State Schools?

(2) As accommodation is severely taxed at the schools, are any plans in hand to provide more teaching areas?

Answer:—

(1 and 2) "These matters are under consideration by my departmental officers in conjunction with officers of the Education Department. Planning cannot commence until a determination has been made in relation to accommodation requirements and funds available."

DECEPTION BAY–ROTHWELL STRATEGY PLAN

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

(1) Is he aware that the Redcliffe City Council has received a report known as the Deception Bay–Rothwell Strategy Plan, which was commissioned in September, 1974 at a cost of $6,000 and which, if accepted, will prevent the Housing Commission from building on a large proportion of the land held in the Rothwell area?

(2) What land has been purchased by the commission between Nathan Road, Redcliffe and the borders of the Caboolture and Pine River Shires, listing (a) the names of all vendors, (b) the amount of land, (c) the total purchase price paid to each vendor and (d) the date of each purchase?

(3) Did the commission have any prior knowledge of the Deception Bay–Rothwell Strategy Plan before the land was purchased?

(4) Has he ascertained if the Redcliffe City Council advised his department of the proposed plan before any land was purchased by the commission?

(5) Does he intend to request the Redcliffe City Council to purchase any land on which the commission is prevented from erecting houses by a council decision and will the price asked be the same as that paid?

Answers:—

(1) "I have seen the Press report and anticipate that the council will officially advise the Queensland Housing Commission of the details of the plan in the near future."

(2)—

" Owners	Area			Price	Date of Purchase Offer
	acres	roods	perches	$	
V. W. and M. Frost	11	3	20	71,250	9–8–73
A. R. and M. D. Lawrence	12	2	0·9	75,034	9–8–73
J. P. and M. M. Croghan	16	2	18·8	99,750	9–8–73
M. J. McKillop	23	1	17·0	163,450	18–10–73
W. C. and R. J. and B. H. and D. V. Gynther	47	1	39	380,000	9–8–73
E. C. and E. M. Kerr	33	0	10·4	264,000	9–8–73
C. E. and L. M. Kroll	77	0	33·2	592,000	8–2–74
G. E. and E. E. Kroll	10	0	0	100,000	8–2–74
C. H. and N. B. Birch	3	0	0	36,000	15–5–74"

(3) "Not prior to October 11, 1973. At that time the negotiations for the land owned by C. E. and L. M. N. Kroll and by G. E. and E. E. Kroll and by C. H. and N. B. Birth were not finalised. The commission referred the matter of utilisation of such land to the council and was advised that no reason was seen why it should not be used for housing."

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

(5) "This is a matter to be considered when the details of the strategy plan are known and have been discussed with council. The Redcliffe Council and the Housing Commission have always been able to co-operate very satisfactorily and I would expect to receive the full co-operation of the council in the matter which has arisen."

DRUG DIODOQUIN

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

(1) Is he aware that the drug diodoquin has recently been removed from the free list and as a result is likely to go out of production?

(2) Is he aware that the drug is the only cure for a rare fat disease of which there are only approximately 20 known cases in the world, with seven in Australia and one in Queensland?

(3) As a 14-year-old boy has taken diodoquin successfully for the past twelve years and his two older brothers died of the disease before specialists diagnosed it and prescribed diodoquin, will he investigate the matter with a view either to returning the drug to the free list or giving an assurance to the boy and his long-suffering parents that the drug will continue to be manufactured and sold by Queensland chemists?

Answer:—

(1 to 3) "As the Honourable Member is no doubt aware the responsibility for allocation of drugs on the Pharmaceutical Benefits List is a matter for the Commonwealth Government. The particular drug concerned was removed from the list after continual reports of adverse reactions which included the production of serious eye defects. The Director-General of Health and Medical Services will take up the matter with the Commonwealth Department of Health and the relevant drug firm. Should the patient's medical practitioner or his parents wish to discuss the matter further, the Director-General will be only too pleased to make an appointment."

CAPRICORN INSURANCE LTD.

(a) **Mr. Lindsay,** pursuant to notice, asked The Treasurer,—

(1) Was Capricorn Insurance Ltd. licensed under the provisions of *"The Insurance Acts,* 1960 *to* 1968" as at February 23?

(2) Did the company furnish to the Insurance Commissioner a profit and loss account relating to its business in Queensland for 1973-74, was the account certified as required by section 20 (2) of the Acts and was a statutory declaration lodged pursuant to section 20 (3)? If so, will he table the account, the certification and the declaration?

(3) Did the commissioner or any officer appointed under the Act make any examination and inquiry to ascertain the manner in which the business of the company was being carried on prior to February 23?

(4) What action is necessary to protect the rights of holders of policies whose vehicles have been damaged and have not been repaired at the expense of the company?

(5) What action does he intend to take to ensure that holders of policies are indemnified in respect of claims made against them, which arise from accidents?

Answers:—

(1) "Yes."

(2) "No return has been furnished. The return pursuant to Section 20 is required in respect of the insurer's financial year. Capricorn's financial year ended on December 31, 1974 and the date for lodgement of the return was not due until after the Insurance Commissioner had given notice of his intention to cancel the company's licence."

(3) "Enquiries were made in relation to complaints from policyholders but the Insurance Commissioner had no reason to make any examination as to the manner in which the business of Capricorn was being carried on."

(4 and 5) "Unfortunately, no action can be taken. The liquidators of the company will attend to its winding-up and any unpaid claims should be brought to their attention."

(b) **Mr. Lindsay,** pursuant to notice, asked The Treasurer,—

(1) With regard to the case of Anthony Lawrence Creighton, the owner of a Valiant station wagon insured with Capricorn Insurance Ltd. as at February 23 and whose wife is a paraplegic, what action will he take to ensure that Mr. Creighton's vehicle is repaired promptly and without any cost to him?

(2) What action will he take to ensure that Mr. Creighton will be indemnified by Capricorn Insurance Ltd. or by some other body in respect of the claim made against him by B.P. Aust. Ltd., arising from the accident in which his vehicle was involved on February 23?

(3) Will he give serious consideration to enacting special legislation to provide for indemnity by The Nominal Defendant or the S.G.I.O. to holders of policies of insurance with Capricorn Insurance Ltd.?

(4) In an endeavour to avoid the considerable distress to holders of comprehensive insurance policies in similar circumstances, will he amend the Motor Vehicles Insurance Act to provide compulsory comprehensive insurance of all motor vehicles registered in Queensland?

Answers:—

(1 and 2) "I have no specific knowledge of the case of Mr. Creighton. However, I understand that Mr. A. L. Creighton will be liable for repairs to his vehicle and, as Capricorn Insurance Limited has proceeded into liquidation, he will also be responsible for his liability at law by way of damages as a result of the accident on February 23, 1975. Of course, after payment of any amounts, Mr. Creighton should lodge claims with the liquidators for recovery if and when dividends may be declared."

(3) "The Nominal Defendant (Queensland) has carried out rescue operations following previous failures, but only in respect of claims for damages as a result of accidental bodily injury and not for property damage claims. Consideration will be given to similar action in respect of accidental bodily injury should circumstances warrant this as a result of the liquidation of Capricorn Insurance Limited."

(4) "It does not appear feasible to introduce legislation to compel all motor vehicle owners to effect comprehensive motor vehicle insurance."

MORETON REGION GROWTH STRATEGY STUDY

(a) **Mr. Lane,** pursuant to notice, asked The Minister for Survey,—

(1) With reference to the Moreton Region Growth Strategy investigations and specifically to Task No. 4 under that programme, to what extent will the major hospitals in this State be analysed?

(2) Is the detailed examination of the internal workings of individual hospitals involved or will this represent a duplication of the planning and programming already well advanced by the Department of Health?

Answer:—

"Would the Honourable Member repeat his Question for tomorrow."

(b) **Mr. Lane,** pursuant to notice, asked The Minister for Survey,—

(1) With reference to the Moreton Region Growth Strategy investigations, when all the study is completed, how will it be used in a practical way by the governments and local authorities in the Moreton Region?

(2) Will the findings of the committee be binding on any of these levels of government?

(3) Does the study in any way cut across or duplicate the activities of existing Local Government or Main Roads Departments or shire or city councils?

Answer:—

"Would the Honourable Member repeat his Question for tomorrow."

COMMONWEALTH–STATE FINANCIAL AGREEMENTS

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

(1) How many financial agreements have been signed between his Government and the Commonwealth Government this financial year?

(2) Who signed each agreement on behalf of the Commonwealth Government and the State Government, what was the value of each agreement and what progress of works or other expenditure does each agreement cover?

Answer:—

(1 and 2) "The collation of the information in the manner sought by the Honourable Member would involve a considerable amount of detailed work in several Government departments. All financial agreements have been the subject of responsible and detailed consideration during the course of their negotiation and prior to approval and I do not propose to expend the time and energy of a number of officers in preparing the schedule of details sought."

REPAINTING, MORNINGSIDE STATE SCHOOL

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

When is it intended to start (a) the internal and (b) the external repainting of the Morningside State School?

Answer:—

"No indication can be given at this stage having regard to the present financial climate."

LIQUOR TRADING HOURS, LICENSED CLUBS

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

(1) Further to his Answer to a Question by the Honourable Member for Landsborough on April 16, is he aware that the Licensing Commission, in enforcing its new policy on shorter club trading hours, is amending current permits as well as restricting new permits?

(2) Has his attention been drawn to this unjust action which has created hardship for clubs which were budgeting on having the usual full rights of a permit?

(3) Will he investigate the restriction of permits Nos. 13859, 13861 and 13873 issued to the Brisbane Speedway Club

with a view to allowing this club to give service to its members, most of whom are racing on Saturday nights until 11 p.m., which is the new restricted finishing time?

(4) Will he institute proceedings to amend the Liquor Act so that all clubs are treated equally and golf and bowling clubs are not given preference?

Answers:—

(1) "Yes."

(2) "Yes—but the practice is not considered unjust."

(3) "Yes. The Brisbane Speedway Club has appealed to the Full Commission against the decision of the Licensing Commission delegatee/member to reduce the hours to 11 p.m."

(4) "No amendment to the Liquor Act is contemplated at this moment."

CHILDREN INJURED BY MOTOR-CYCLES, TRAIL BIKES AND MINI-BIKES

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

How many children have been admitted to hospitals this year as a result of being hit by motor-bikes, trail bikes and mini-bikes and what types of injuries were received?

Answer:—

"The information requested by the Honourable Member is not readily available in the department nor in the Australian Bureau of Statistics. I am advised by the Medical Superintendent of the Royal Children's Hospital that there are not many admissions due to this cause and when such patients are admitted the injuries are generally limb fractures."

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

(1) As a six-year-old boy was hit by a young child riding a trail-bike on a public footpath last week-end and is now in hospital suffering from several serious injuries, what action is being taken to curb this prevalent and extremely dangerous practice of children being in control of motor-bikes?

(2) As police officers state that they have no power to act, what action is being taken to give them the necessary power?

Answer:—

(1 and 2) "These Questions should be directed to other Ministers."

STRENGTH, AUSTRALIA POLICE FORCE

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

Is he aware that a reliable estimate places the number of Commonwealth Police in Queensland at in excess of 5,000 officers? If this figure is correct, will he ascertain the purpose of this large force?

Answer:—

"The present strength of the newly-formed Australia Police Force at the moment is believed to be about 2,000. However, judging by the recent expansion of senior positions in the force by 250 per cent., it is reasonable to assume that there will be a corresponding expansion of lower ranks to bring their total strength to somewhere around the figure of 5,000. The real motive and purpose behind this sudden decision to create a Commonwealth Police Force of this magnitude is a matter of deep concern to me. It is not known for what purpose this large increase has occurred and it has not been stated whether or not the members of this force will be in uniform. It is also not known what share of this 5,000 will be deployed in the State of Queensland."

SAFETY FACTOR IN LIGHT COLOUR OF MOTOR VEHICLES

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

In view of the serious road toll in Queensland, has any research been carried out into the colours of motor vehicles, as light-coloured vehicles are much more conspicuous against a dark bitumen background than are vehicles of a darker colour?

Answer:—

"Yes. There has been a variety of research into colours of motor vehicles. The Renault Motor Company announced that as a result of some research carried out by that company the most desirable colours for motor vehicles from the safety point of view were white, yellow, orange and red. A survey undertaken by the Goodyear Motor Company indicated that the safest colour was bright orange. Previously Merril Allen of the University of Indiana in his work 'Vision and Highway Safety' quoted that yellow, cream and white vehicles were more identifiable. Mr. Robert A. Nathan of the American National Safety Council's Motor Transportation Department indicated that white, cream, ivory and light pink vehicles were easily identifiable. A Mr. Brian Leyland in an address to the Australian Optometrical Association Conference indicated that lemon-yellow is the safest colour followed by white then red. I would hesitate to name colours in order of preference. However, there is no doubt that

the lighter colours are better from a visibility point of view than the darker ones such as greens, blues, etc."

COIN-OPERATED BREATHALYSERS IN HOTELS AND CLUBS

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

(1) As last year I suggested to him that clubs and hotels should be encouraged to install coin-operated breathalyser machines, are these machines in operation overseas?

(2) Is it considered that this method, if made readily available to drinkers, would assist in making our road toll lighter?

Answers:—

(1) "Yes—in Canada."

(2) "No."

LOWLANDS COASTAL STUDY, MARYBOROUGH AREA

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

What are the details of progress of the Lowlands Coastal Study being carried out in the coastal lands near Maryborough and when will the study be completed?

Answer:—

"All field activities associated with the Coastal Lowlands Study have been completed. Editing of the draft report and printing of maps are in progress, and the committee expects that a report on the Study will be ready for publication in July."

MEDIBANK HEALTH SCHEME

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

(1) As there is no doubt that the Commonwealth Government intends to nationalise the medical and hospital services through its Medibank scheme, will this mean that in due course all doctors will be on salaries paid by the Government and that all private hospitals will be taken over by the Commonwealth Government?

(2) Will this mean a serious deterioration in the standard of medical and hospital services to all people, as has happened in every country overseas which has had the misfortune to have its medical and hospital services nationalised completely?

(3) Could not those people who are not presently covered by the existing medical and hospital benefits scheme be brought under the existing scheme very simply by an extension of benefits paid by the Commonwealth Government?

(4) If the present scheme was extended to cover all people instead of setting up the Medibank scheme, would not the millions of dollars for publicity, computers and administrative costs, and billions of dollars in the future on top-heavy bureaucratic control of Medibank, be saved?

Answer:—

(1 to 4) "I would advise the Honourable Member that the Commonwealth Health Insurance Act has received Royal Assent and the Medibank Programme will come into operation on July 1, 1975. I would also inform the Honourable Member that my instructions from the Government are to continue negotiations with the Commonwealth on the hospital component of the Medibank proposals to preserve the present arrangements of the free public hospital system in Queensland, within the framework of the Commonwealth legislation. Negotiations are currently proceeding towards this end. The Honourable Member can be assured that the Government of Queensland will do all within its power to preserve the free public hospital system in Queensland, as the people of Queensland know it, and whatever and wherever possible, to improve upon it. It is not possible to predict just what effect legislation of this type will have on medical and health services generally, but I assure the Honourable Member that the high standard of health care within our hospitals will be jealously guarded."

LOCAL AUTHORITY FINANCES

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

(1) In view of the worsening financial situation of local authorities, especially shire councils in beef-producing areas, what special assistance is being given to councils by the State Government during this critical period?

(2) What was the total debt of local authorities for 1973-74 and what was the total amount owed to local authorities during that period?

(3) What were (a) the total grants and (b) the total loans made to local authorities by the State Government during each of the last five years and what are the present interest rates on the loans?

Answers:—

(1) "Due regard was had to the financial position of local authorities in the beef producing areas in the distribution of $5 million special revenue assistance grants to local authorities in the current financial year."

(2) "These statistics are not presently maintained by my Department, and it would seem that the relevant statistics from the Bureau of Census for the period are not yet available."

(3) "This would be a matter for my colleague, the Honourable the Deputy Premier and Treasurer."

BLOCK-RELEASE TRAINING PROGRAMME

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

(1) What trades are now catered for by the block-release training programme being conducted in Rockhampton?

(2) What major trades have not yet been included in the programme and what are the reasons?

(3) How many apprentices are now involved in block-release training in (a) the central district and (b) Queensland?

(4) Will he clarify the assistance available to apprentices in terms of accommodation, living and travelling allowances and out-of-pocket expenses, etc., under the scheme?

(5) Is he aware of apprentices being disadvantaged through their involvement in the scheme and what avenues are open to them if this is the case?

Answers:—

(1) "Apprentices in the following callings attend block release classes at the Rockhampton Technical College—boilermaking, carpentry and/or joinery, electrical fitting and/or mechanics, and fitting and/or turning."

(2) "Block release training does not yet apply to all apprenticeship callings. Of the major callings to which it does apply, most are catered for at the Rockhampton Technical College. Exceptions to this are some callings in the printing industry. Because of the very large costs of establishing a Graphic Arts Technical College, it is not feasible to provide more than one such college in Queensland and therefore all apprentices in that industry have to attend the Brisbane College. The vast majority of other callings covered by block release training are small in numbers of apprentices and these numbers do not warrant providing courses at more than one centre. Cabinet-making and bricklaying could be referred to as being medium-size callings in terms of numbers and these at present are not provided for in Rockhampton. If numbers of apprentices in these callings increase, I am certain that my Colleague, the Honourable the Minister for Education and Cultural Activities, will investigate the feasibility of providing training for these apprentices in more than one centre."

(3) "(a) Approximately 550 apprentices. A larger number than this attends the classes conducted at the Rockhampton Technical College due to the fact that some apprentices from areas outside the central district are required to attend classes in Rockhampton because they cannot be accommodated in technical colleges in their own areas. (b) Approximately 7,200 apprentices will receive block release training in Queensland during 1975."

(4) "By way of assistance to apprentices attending block Technical College classes, Cabinet has approved:—(a) That the subsidies payable to apprentices required to reside away from their normal place of residence in order to attend technical college classes, be as follows:—1st year, $15.00 per week; 2nd year, $12.00 per week; and 3rd year, $10.00 per week. (b) That the costs incurred for travelling be subsidised on a pro rata basis to all apprentices, who, while travelling to college and returning home from college, are in transit for one day or more. (c) That in cases where apprentices, who, because of other financial commitments, experience extreme financial difficulties while attending college, some flexibility be allowed to permit these cases to receive special consideration. (d) That when apprentices who live in country areas and are required to travel in excess of two days to attend training consideration be given to provide them with economy class air tickets. (e) That when convenient rail travel is unavailable to apprentices who are required to attend technical colleges, they be provided with alternative means of public transport."

(5) "I am not aware of any apprentices having been disadvantaged through their involvement in this scheme. On the contrary, the scheme possesses many advantages. Protection regarding the conditions of employment of apprentices attending these classes is afforded under the provisions of the *Apprenticeship Act* 1964–1974."

TEACHER AIDES

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

(1) How many teacher-aides are presently employed at (a) pre-school, (b) primary and (c) secondary levels?

(2) What qualifications are required for such employment?

(3) Are there any differences in qualification requirements for aides working at the secondary level and, if so, what are the differences?

(4) Is preference given to ex-school teachers when teacher-aide appointments are made?

Answers:—

(1) "As teacher aides are employed on a casual basis in the Education Regions, the information sought is not readily available. However, figures are being compiled, and I will forward the information to the Honourable Member when it is available."

(2) "Teacher aides must be aged between 15 and 65 years. Beyond this, my Department does not stipulate qualifications, leaving it to principals to select suitable aides after interview. Each principal would have different preferences, but generally, teacher

aides should be of good appearance and personality and, preferably, should have experience in dealing with children."

(3) "No."

(4) "As pointed out in part (2) of the answer, principals select their own aides. They then recommend to their regional directors the employment of such aides. Appointments are made entirely on the merits of each applicant. I am unable to say whether principals have given preference to ex-teachers."

ATHERTON AND DISTRICT EDUCATION CENTRE

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

(1) Is he aware of a Schools' Commission grant of approximately $44,000 being made available to the Atherton and District Education Centre?

(2) As the centre has submitted a constitution and articles of incorporation under the Charitable and Religious Organizations Act, which have been accepted by the Schools' Commission, why is there a delay in forwarding the grant to the centre?

Answers:—

(1) "Yes."

(2) "The Canberra Office of the Schools Commission has advised that a letter was forwarded to the Atherton and District Education Centre on April 18, 1975, in which it was stated that the Commonwealth could not recommend to the State that the grant to the Atherton and District Centre be made until the Atherton and District Centre complied with Section 43 of the *States Grants (Schools) Act* 1973. This section refers to the necessity for a centre to become a corporate body. I am aware that problems have occurred in the incorporation of some education centres, including the one at Atherton. However, as a result of recent decisions, I hope that these problems can now be overcome."

LIQUOR PRICES, MAREEBA

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

Is he aware that persons in the township and district of Mareeba are paying hotels 69 cents each for large bottles of beer, whilst the price in Brisbane hotels is 52 cents, and that the price of a large bottle of Black Label whisky from hotels in Mareeba is $11.40, whilst the price in Brisbane is $9.30? If so, what are the extra costs involved?

Answer:—

"No. The Licensing Commission is examining the matter."

LIQUIDATION OF K. D. MORRIS QUEENSLAND COMPANIES

Dr. Crawford, pursuant to notice, asked The Minister for Justice,—

(1) Has his attention been drawn to an article in the *Queensland Master Builder* concerning the *Subcontractors' Charges Act* 1974?

(2) As it would appear that it may be factual that the K. D. Morris collapse was associated with the implementation of the provisions of this Act at a time of tight liquidity, will he ascertain whether this Act's provisions were related to the necessity to appoint a liquidator to the Morris Queensland companies when the companies have managed to continue trading in other States?

Answers:—

(1) "Yes."

(2) "About the time the Subcontractors' Charges Act came into operation, the economy entered the worst downturn in living memory with rampant inflation, plummetting land prices, and negative confidence. The Act was therefore exposed to the stark reality of a collapsing industry. However I can assure the Honourable Member that the Subcontractors' Charges Act was not the cause of the collapse of the companies he mentions."

OFFENCES OF BEING IN CHARGE OF MOTOR VEHICLE

(a) **Dr. Crawford,** pursuant to notice, asked The Minister for Police,—

(1) As Members of this Assembly are receiving representations from constituents with regard to the conviction of Bruce McDonald, as reported in *Sunday Sun* of April 20, when he obviously had no intention of driving his car, in spite of having consumed considerable quantities of alcohol, as his wife had the keys 16 miles away, how is the Transport Act interpreted by the Police Department to prevent a citizen from sleeping in his own car if he wishes to do so?

(2) How many similar cases are known to his department where an arrest has occurred when the citizen resting or sleeping in the family car did not have possession of car keys and what has been the outcome of the cases?

Answers:—

(1) "The correctness of police interpretation of any section is assessed by the courts but the best source of legal advice from the Government emanates from the Department of the Attorney-General and Justice. I suggest that the Honourable Member redirect his Question to the Honourable the Minister for Justice and Attorney-General."

(2) "There is no statistical record maintained of this type of traffic breach and without a great deal of research it is not possible to produce the number of cases of this type known to police. However, senior police officers are able to state from personal recollection that there have been other cases of this nature and the defendants have been found guilty."

(b) **Dr. Crawford,** pursuant to notice, asked The Minister for Transport,—

As the Transport Act is currently being reviewed, as evidenced by statements made by him in public recently, will he consider recasting that section of the Act which assumes that a person who has car keys in his pocket will automatically be driving his car in the near future, or where, as in the case of Bruce McDonald, an interpretation can be placed on the wording of the Act which allows an arrest when he is in the car but does not have the keys in his possession?

Answer:—

"I assume the Honourable Member is referring to the Traffic Act. There is no provision in that Act to provide for the assumption that a person who has his car keys in his pocket will automatically be driving his car in the near future. Whether the possession of the keys of a car has any bearing on whether a person is in charge of that car is a question of fact to be determined by the court in conjunction with any other evidence which may be tendered in relation to the particular offence. I am not aware of the circumstances surrounding the case of Bruce McDonald but if he was convicted by a court of competent jurisdiction he would have the right of appeal to a superior court."

Sales Tax on Farm Machinery

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

Is he aware of any proposals by the Commonwealth Government to add a further 15 per cent. sales tax to the purchase price of all new farm machinery and are the proposals based on the opinion by that Government that the farming sector of primary industry is the area most able to bear the additional tax?

Answer:—

"While the Commonwealth Government has left nobody in doubt as to its attitude to Australian primary producers, as evidenced by its actions in relation to three revaluations, the removal of Income Tax concessions and incentives, the removal of subsidies on fuel, country air services and the superphosphate bounty, I am unaware of its particular intentions regarding Sales Tax increases in the next Commonwealth Budget. No doubt, however, it will be greedily grasping at all kinds of financial straws in a vain effort to halt its headlong dash towards the Australian economy's complete downfall and destruction."

Control of Surfboards

Mr. Dean, pursuant to notice, asked The Minister for Community and Welfare Services,—

(1) Is he aware of the recommendations made to the New South Wales State Government from an enquiry into surfing, regarding design standards for surfboards?

(2) Is he considering any proposals for registration with annual inspections of boards and proper design features for surfboards used in Queensland?

Answers:—

(1) "Yes."

(2) "No."

Height Gauge for Semi-trailers, Captain Cook Bridge

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

Will he investigate the erection of a height gauge for semi-trailers on the outward-bound lane on the town side of the Captain Cook Bridge for the safety of the Vulture Street pass-over and the possibility of avoiding traffic accidents on the freeway?

Answer:—

"Height gauges are not normally erected at bridges where the clearances exceed the statutory height limit for vehicles using public roads. It is illegal for any operator to drive a vehicle on any road in excess of the statutory height limit of 4·4196 metres for a double deck omnibus or 4·2672 metres for any other vehicle without a police permit. The Vulture Street Bridge provides at least 0·3 metre clearance above the statutory limits on the outbound carriageway and to date has not been a matter for concern. It is considered that too much publicity cannot be given to the possible serious consequences which may arise from the careless or deliberate flouting of Traffic Regulations. A height gauge would not necessarily eliminate such possible serious consequences resulting from an overheight vehicle."

Motor Vehicle Insurance Premium Categories

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

(1) Is he aware of an article which appeared in the *Telegraph* of April 21 dealing with the inequitable and discriminatory aspects of the category system used by most motor vehicle insurance companies to fix premiums?

(2) In view of the crude, arbitrary and sweeping application of these categories and the consequential heavy penalties imposed on many makes and models of vehicles and their owners without any explicit explanation, will he (a) initiate an immediate review of the system and effect such changes as may be required to ensure its equitable operation throughout the community, (b) include in such a revision specific correction of inequities caused by the absence of realistic allowance for the age and depreciated value of a vehicle and the convenient vagueness of the basis for assessing vehicle values and (c) provide for compulsory publication of the criteria used by the insurance companies to fix categories and premiums?

Answers:—

(1) "Yes."

(2) "Category numbers are a feature of the Safety Record Plan of comprehensive motor vehicle insurance which was formulated by the Fire and Accident Underwriters' Association of Australia and approved by the Insurance Commissioner for use in Queensland as an alternative to the sum insured policy. The Safety Record Plan provides market value cover and has been adopted by most insurers. The category numbers are determined by an Insurers' Committee in Melbourne on the basis of either the actual claims experience of each type of car or, in the case of new models, by reference to their characteristics. The number allotted to each type of car is changed from time to time in the light of the emerging claims experience which is submitted to the Insurance Commissioner for his concurrence to any amendment. In the circumstances, the category number allocation operates in an equitable manner. The Safety Record Plan already takes into consideration older cars by allowing premium discounts of 15 per cent. for vehicles 6, 7, 8 and 9 years old and of 33⅓ per cent. for vehicle 10 years or more old. Market values are determined by reference to Guide Manuals produced by those involved in the motor industry. The statistics obtained by the Insurance Commissioner from individual insurers are confidential."

QUESTIONS WITHOUT NOTICE

Dismissal and Re-employment of Works Department Employees

Mr. BURNS: I ask the Minister for Works and Housing: Is he aware of reports that Works Department employees were dismissed from jobs at the Mansfield State School on Wednesday and that the same men were re-employed on the same job on Monday under the R.E.D. scheme? Why were these men subjected to this unnecessary fear and hardship, and is his department carrying out this type of policy in other areas?

Mr. LEE: I am aware of this situation, and I am astounded that such a question should be asked by the Leader of the Opposition, who knows full well the policies of the central Government. That Government is placing the State Government in such a position that it is necessary to dismiss men. They then walk around the corner to the employment office, and the central Government informs the Department of Works where they can be employed. In fact, the same men return to the same job. It is a disgraceful situation brought about by pure socialism and centralism.

Alleged Defamatory Material Published by Students' Union, James Cook University

Mr. AIKENS: I ask the Minister for Justice: As the material in the placard that I now display in the Chamber is grossly cowardly and defamatory, and, further, as it was printed by the James Cook University of North Queensland printery and published by the Students' Union of that university, will he inform the House if either or both of these bodies can be sued for damages in a court of competent jurisdiction?

Mr. KNOX: I am not familiar with the publication. What is the name of it?

Mr. AIKENS: Well, it is ascribed, in a cowardly way, to "The Townsville Daily Bulletin", but it was printed at the James Cook University printery. That shows how cowardly it is. It was allegedly an exclusive interview—"Juni to wed Jim"—but it was not printed at the premises of "The Townsville Daily Bulletin"; it was printed at the university printery. As I said, that shows how cowardly the people concerned are.

Mr. KNOX: Well, if indeed such a headline appeared and any material that appeared in the newspaper—if in fact there is such a newspaper—was to the detriment of the parties concerned (I am not too sure who "Jim" and "Juni" are but I presume that somebody knows), then, of course, the persons responsible are completely liable for any problems that they create for themselves. They are not exempt from or above the law in that respect.

Mr. SPEAKER: Order! I hope that the Minister for Justice is not referring to me as this "Jim".

RIGHT OF RATEPAYERS TO APPROACH BRISBANE CITY COUNCIL THROUGH MEMBERS OF PARLIAMENT

Mr. LAMONT: I draw the attention of the Minister for Local Government and Main Roads to a letter I have received from the Brisbane Town Clerk (Mr. Thorley) in which he refers to matters I brought up on behalf of ratepayers, and in which he says, amongst other things—

> "I have to advise that it is the policy of the Council to request members of parliament to communicate, in the first instance, with the ward alderman for the area involved on matters concerning local government."

The letter is signed by Mr. Thorley himself.

I now ask the Minister: What right has the city council to refuse ratepayers the right to approach the council either directly or through their member of Parliament if that is their wish? Can the Minister speak to the Lord Mayor about this matter as the council's policy is clearly making ratepayers' problems a political football?

Mr. HINZE: I would feel that the city council is not entitled to refuse to receive an approach from any ratepayer either directly or through his representative in State Parliament. It would, however, be a matter for the council to determine the method by which any such representations are to be handled by the council, its various committees or its various departments. There is also, I feel, no legal provision under which the city council can be compelled to reply to any such representations, and the text of any reply would also be in the discretion of the council.

In these circumstances, if the council feels disposed to say that it will not answer directly representations made by any person, including duly elected representatives of this Assembly, I must say that in my opinion it is quite at liberty to do so. The question of ethics involved in this approach is, however, another matter, and I leave it to all honourable members, and to all citizens of Brisbane, to judge whether the city council should adopt the attitude referred to.

As a practical approach, I would suggest that any honourable member desiring to contact the council on behalf of one of his constituents could well write direct to the Town Clerk, and send a copy to the local ward alderman. If there are, in fact, benefits to be obtained from contacting the local ward alderman, which I hope there would be, he could be made aware of any particular problem in his ward in this way.

EXPLOSIONS OF TYRE-INFLATION AEROSOL CANS

Mr. KATTER: I ask the Minister for Industrial Development, Labour Relations and Consumer Affairs: Does he know that there have been a number of instances of tyre-inflation aerosol cans exploding and causing extensive damage? As the damage caused was such that the explosions would have seriously injured or possibly killed anyone in the cars at the time, and as the explosion in one case blew away most of the dashboard and windscreen and caused extensive under-bonnet damage, can he take immediate action to investigate the sale of this product, and can such a product be removed from the market-place until the investigation is completed?

Mr. CAMPBELL: I have no knowledge of the circumstances. If they are as described by the honourable member, I would regard them as being very serious and warranting immediate investigation. I assure the honourable member that I will initiate inquiries into the matter.

FITTING OF GOVERNORS TO MOTOR VEHICLE ENGINES

Mr. JENSEN: I ask the Minister for Transport: In view of the increasing death toll on our highways, has he seriously considered giving effect to the introduction of governors on motor-cars, motor-bikes and trucks to restrict speeds to 60 miles an hour and so doing something constructive to reduce the death toll?

Mr. K. W. HOOPER: The matter of fitting governors to motor vehicles has been under examination for some considerable time. In this regard I give credit to the honourable member for Windsor, who on many occasions has raised this matter in the Chamber and with members of my committee. The Traffic Advisory Committee, which is set up under the Traffic Act, is studying this and other matters that are raised from time to time. There is no indication that this can be done successfully. On the other hand, we believe that we should look at every aspect that is likely to assist in any way towards the improvement of road safety.

BEEF SALE TO RUSSIA

Mr. HARTWIG: I ask the Minister for Primary Industries: As it has been reliably reported that the Australian Labor Government has made a loan of $3,000,000 to the Australian Meat Board to finance the sale of beef to Communist Russia, could he inform the House what rates of interest are to be charged for the loan and what will be the terms of repayment? Would he assure beef producers of this State that through the Australian Agricultural Council he will endeavour to have that $3,000,000 loan converted to a Federal grant to the Australian meat industry?

Mr. SULLIVAN: There has been a certain amount of secrecy about the sale. I do not think anybody knows the price for the meat sold to Russia. The honourable member is asking for details and, as I would like to give factual information, I ask him to place his question on notice for tomorrow.

Mr. SPEAKER: Order! The time allotted for questions has now expired.

PUBLIC ACCOUNTANTS REGISTRATION ACT AMENDMENT BILL

THIRD READING

Bill, on motion of Mr. Camm, read a third time.

LOCAL GOVERNMENT ACT AMENDMENT BILL

THIRD READING

Bill, on motion of Mr. Hinze, read a third time.

NUNDAH LIBRARY VALIDATION BILL

THIRD READING

Bill, on motion of Mr. Hinze, read a third time.

HEN QUOTAS ACT AMENDMENT BILL

THIRD READING

Bill, on motion of Mr. Sullivan, read a third time.

SWINE COMPENSATION FUND ACT AMENDMENT BILL

THIRD READING

Bill, on motion of Mr. Sullivan, read a third time.

DISCONTINUANCE OF PRINTING QUESTIONS AND ANSWERS IN VOTES AND PROCEEDINGS

Hon. A. M. HODGES (Gympie—Leader of the House): It is not my intention to proceed with notice of motion No. 1 on the Business Paper.

MATTERS OF PUBLIC INTEREST

WITHDRAWAL OF PHOSPHATE BOUNTY BY FEDERAL GOVERNMENT

Mr. DOUMANY (Kurilpa) (12.8 p.m.): I have a matter of national importance to discuss, and I think it appropriate to do so today because this is the last opportunity members will have to deal with such matters in this session. It concerns the withdrawal of the phosphate bounty by the Federal Government on 31 December last, and the consequences and repercussions of that decision.

I think it appropriate to say that, taken at any time, the decision to withdraw the phosphate bounty, at whatever level it might apply, would be irrational and undesirable in the context of Australian agriculture, the Australian economy and Australia's balance-of-payments situation. This is a nation in which nearly all the soils that are farmed are low in phosphates—drastically low in most places—and in which the major part of agricultural development, the livestock industries and much of the wheat industry have been based over the last century on the increasing use of phosphorus. It is absolutely disastrous that at a time when the livestock industries, particularly cattle-raising and, to a lesser degree, wool-growing, were on their knees, and inflation was raging and threatening to increase, the Prime Minister should have taken the hasty decision over a year ago to foreshadow withdrawal of the bounty.

If we cast our minds back to that time, Mr. Speaker, we will recall that that decision was based on advice from some of the myopic anti-rural academics who seem to plague Canberra—they certainly have plagued it since December 1972—and who seem to proliferate in the ivory tower and have so much influence in their dealings with the Prime Minister and senior Ministers of his Cabinet.

The Prime Minister saw fit to give notice that he would withdraw the phosphate bounty at the end of the year. That notice caused great disruption throughout the country because it generated an enormous demand for phosphate fertiliser. Now, after 31 December 1974, an indication has come from Canberra that the Industries Assistance Commission is reconsidering the situation. What is happening now? No-one is using phosphate fertiliser. Certainly one cannot blame cattle and sheep producers for not using it at the moment, with the prices they are receiving for their products. However, it is a national question. It involves not only the cattlemen, the wool-growers or the wheat-growers; it involves all Australians. The average annual expenditure on the phosphate bounty of $60,000,000 over the last few years was generating upwards of $300,000,000 of additional revenue, which, in turn, was generating at least $100,000,000 in tax revenue. It was about the most self-sustaining expenditure from the Government's pocket.

At a time when it is necessary to strengthen, by whatever logical method is available, the hand of livestock producers who are plagued by inflation and drastically high prices, superphosphate is not available at a reasonable price. I remind honourable members opposite, so that they may learn a little more about this subject, that in New Zealand, where a Labor Government is also in power, some 12 months ago a decision was taken not only to reinstate the bounty on phosphorus but also to restore it to a level at which the price of superphosphate to the farmer would be about $27 a tonne. An undertaking was given also that if the cost of manufacture increased, the bounty would be increased.

This is not a time for delay. I should like the House to recognise that we should all press the Federal Government to reinstate the phosphate bounty as soon as possible on a higher level while the I.A.C. is conducting its deliberations. In my opinion, it is a matter of national importance that this

be done, because on such action rests a great deal of the future prosperity and stability of the agricultural economy and, in addition, the national economy.

Disposal of Furniture and Equipment, Parliament House

Mr. FRAWLEY (Murrumba) (12.14 p.m.): The matter on which I intend speaking today will be of interest not only to the public but also to all new members of this Assembly, and certainly to those members who came into the House after 1957.

Recently the honourable member for Rockhampton, by way of a series of questions, attempted to denigrate the——

Opposition Members interjected.

Mr. FRAWLEY: I do not intend to heed interjections this time. What I have to say is pretty good, and no doubt honourable members opposite will want to stop me.

The honourable member for Rockhampton attempted to denigrate the Queensland Agent-General in London (Mr. Rae, the former Minister for Lands—a man whom we all remember very fondly as a gentleman and one who was a credit to the Government) by referring to the purchase of some furniture for use in the Agent-General's Office in London. The fact that the furniture had been used by Mr. Rae in his room at Parliament House for many years no doubt led the honourable member to believe that he had uncovered a plot to sell valuable furniture cheaply; but the truth came out. The secretary of the Miscellaneous Workers' Union or some other union—I forget which union it was—stated that he had spoken to a French-polisher who assured him that the table was absolutely worthless.

Since the State was governed by a National-Liberal Government since 1957 the people have forgotten about some of the disgraceful things that went on here when the Labor Party was in office. I refer particularly to the years 1950 to 1957 when minor racketeering was prevalent at Parliament House.

Members will be familiar with some of the round cedar tables which grace this place. They are probably wondering why there are not very many of them here. Between 1950 and 1957 the ruling price for a Parliament House cedar table was £20 and many were sent from this House to the homes of bookmakers to pay off gambling debts. When I worked here as a maintenance electrician in 1950 and 1951, I actually saw a cedar table being lowered from the veranda outside the dining-room and taken across to the stables, where it was picked up by a truck. Being an inquisitive type I thought to myself, "I had better find out what is going on down here." Therefore I quizzed the truck driver when he came to pick it up on the Friday afternoon. He told me the name of the bookmaker to whose house he was taking it.

The ruling price for chairs down here was £1. The Bellevue Hotel bought plenty of chairs from the then Speaker at £1 each. When the Bellevue Hotel was closed down and the furniture was put up for auction, our coalition Speaker received a telephone call to the effect, "If you want to get back some of your chairs, come over to the auction and bid for them when the Bellevue furniture is being sold." Many chairs from this place had been sold by the A.L.P. Speaker in those days. There were plenty of other rorts and rackets in those days.

Mr. Wright interjected.

Mr. FRAWLEY: Let me get on with this, and we can take an inventory afterwards.

A lot of equipment was booked down here. When I was in the Public Works Department I worked at Parliament House, and I had the opportunity to see some of the things that went on. A great deal of equipment that was booked out to Parliament House was taken to the homes of members. One of the greatest rackets was with petrol. Members used to fill their cars up at the Government Garage, but they never paid 1s. for that petrol. I can remember one member who thieved a starter motor for a Ford V8 car. He even asked me for a loan of my tools. He went down to the Government Garage two days later and staggered back with a torque tube and drive-shaft over his shoulder. I said, "Where did you get that?" He said, "Down at the Government Garage. I am going back again tomorrow to get a generator."

Mr. Jensen: Did you report this?

Mr. FRAWLEY: If I had reported it when the Labor Party was in charge down here, I would have been crucified. How the hell could anyone who was working down here at the time the Labor Party was in power report anything? It was loaded with filthy rackets.

Opposition Members interjected.

Mr. FRAWLEY: I will refer to a few more of them before my time runs out. A.L.P. members are trying to stop me telling about these things.

One day while I was working down here, I went to repair a light in the bathroom on the ground floor. When I went into the bathroom there was a fellow lying in the bath with water up to his neck. I said, "I'm sorry. I came in here to fix the light. I'll come back later." He said, "Don't worry. I'll be out of the bath in a few minutes." So I started to repair the light. In the course of conversation with him I learned that he had just arrived at South Brisbane by train and was going to Townsville that night. On the way over, he said to the taxi-driver, "Where can I get a brush and clean up? I don't want to go to a hotel. I just want to go somewhere for a clean-up in a hurry." He said to me, "The taxi-driver drove me here to this building." He told me

that on the way over, the taxi-driver had said, "It will cost you two bob for the bath with a towel supplied, and 6d. for a shoeshine."

He went on to say, "I thought that was pretty good. I met a fellow in a suit, and he took me down a passageway and brought me here to the bathroom. He said, 'There's the shoeshine over there, and there's the bath, give me your 2s. 6d. When you go would you mind walking out through the tunnel, and don't forget to tell your mates about this.'"

This fellow then asked me, "What is this place? Is it some kind of club?" I replied, "It is the Queensland House of Parliament." He said, "God Almighty! Those cane-cutters up North will never believe that I had a bath down here." He asked, "Whose bath is it?" I replied, "I've got a suspicion you're in the bath of the Leader of the Opposition." I think that at that time the Leader of the Opposition used it.

As a further illustration of what went on—on one occasion when I was on duty in this building as maintenance electrician while Parliament was sitting I felt a bit sick, and the then Chairman of Committees, who was a pretty nice bloke in spite of the fact that he was a member of the Labor Party, said to me, "Go and lie down on my bed upstairs." As I recall, it was in the room next to that occupied presently by the Chief Reporter. I lay on his bed and just as I was going to sleep a Minister—I will not mention his name; that would do no good at this stage—walked in accompanied by another man carrying a port. The Minister asked me, "What are you doing here?" I replied, "I feel a bit sick and the Chairman of Committees gave me permission to lie down on his bed. He's not using it." The Minister then said to me, "Oh, you've got to get out. This is a visiting member of Parliament, and he wants to stay here for the night." I thought, "Fair enough. I don't mind," so I got up and as I was about to walk out the door I recognised this other person under the light as a "cockatoo" from a two-up school that used to operate on the banks of Enoggera Creek.

Mr. Jensen: Did you play two-up then?

Mr. FRAWLEY: No, I didn't.

Mr. Jensen: Well, if you didn't play two-up, how did you know he was a "cockatoo"?

Mr. FRAWLEY: The honourable member wouldn't know anything about it.

I walked outside and hung around for a few minutes till the Minister went away. Then I went back into the room and asked this fellow, "What are you doing here?" He replied, "It's a bit far to go home to Gaythorne" or "Enoggera at this time of night, so I thought I would stay here. My mates told me to come down to Parliament House, where I would get bed and breakfast for ten bob." He added, "This is pretty good. My mates and I have stayed here before." I said, "Wait a minute, you're not a visiting member of Parliament; you're a 'cockatoo' from the two-up school, aren't you?" He answered, "Yes, and it's not bad to stay here."

Subsequently I learned that that particular Minister and the then Speaker of this Parliament used to ascertain which Ministers' rooms would be vacant while the Ministers were absent and then used to let each of those rooms for 10s. a night. They used to take their mates into the dining room for breakfast under the pretence of their being visiting members of southern Parliaments.

I will cite another example of what used to go on. Just after the war when a lot of Italians were still interned in camps in the North, a certain Labor Minister used to ascertain beforehand the date of release of these internees. He would then go to the family of a man who was due for release and say to them, "I can get so-and-so out of the camp in a couple of weeks' time, but it will cost you £500." They would hand over the £500, and of course the internee would be released in due course. The Minister would split the proceeds with his counterpart in the South who gave him the information, and the family of the internee would think, "What a mighty bloke he is. He got so-and-so released from the camp for us, and it only cost us £500. We will vote for him next time." That is another racket that went on.

I feel that I should mention the very serious land rackets that were engaged in by a certain Labor politician. The other night certain Opposition members questioned the motives behind the introduction of the Land Act and Another Act Amendment Bill. Let them listen to this. I will quote briefly certain extracts from the findings of a royal commission appointed to inquire into these land rackets. These findings show that from October 1950 till March 1951 the then Minister for Lands was guilty of delaying the approval of a transfer from one group that had gone into liquidation to another. I am purposely not mentioning names, but they appear here. The company was in liquidation and was stung £6,000, now $12,000, to carry on a property that, in effect, was held by another person. The rate was fixed at £300 a week for 20 weeks, and that sum represented the working expenses of the leasehold and of the stock depasturing thereon.

The commission found that on 16 May 1951 a rort was being worked in the Lands Office, in which certain conditions of a lease were drawn up for the benefit of a lessee. No mention is made of the sum involved there. The commission also found that earlier, on 14 December 1949, the then Lands Minister solicited donations of £1,000, or $2,000, to Labor Party funds in return for favourable consideration to the granting of a lease on a homestead.

From time to time Opposition members have tried to make something out of the small quantity of furniture that was sold

recently to a former Minister. I admit that that was an unfortunate occurrence but the furniture certainly was not worth what it was alleged to be worth.

Mr. Jones interjected.

Mr. FRAWLEY: As I have only half a minute left, I ask the honourable member to shut up and let me finish. When I am finished he can get into me again.

Mr. Jones: That is uncouth.

Mr. FRAWLEY: I have to be uncouth in dealing with some Opposition members or they would not understand me. They have uttered some of the most uncouth things ever said in this Parliament and the honourable member, the former dog-catcher from Cairns, should be the first to acknowledge that.

(Time expired.)

S.G.I.O. Investment in Crest Hotel

Mr. BURNS (Lytton—Leader of the Opposition) (12.26 p.m.): I have waited for some time before referring to the S.G.I.O. investment in the Crest Hotel because I thought that, as a new lease is to be granted or new people are to take over the hotel, the Treasurer would have reported to us on some of the problems there.

Opposition members are deeply concerned and have been for some time about the secrecy surrounding the investment policies of the State Government Insurance Office. If the Treasurer believes, as he says, that by concealing these figures he is protecting the S.G.I.O. against its business competitors, we support him; but, by the same token, we believe that the information should be available on a confidential basis to members of this Parliament. In the light of reports that have appeared in the Press, and material that has been forwarded to me and other honourable members relative to this investment, we cannot accept the need for secrecy.

Information forwarded to me suggests that from the day it was built the multi-million-dollar investment involving the Crest International Hotel in Brisbane has been a continuing parody of mismanagement so far as the Government is concerned. I am told that the hotel is a maintenance man's nightmare. The builder constructed the outside walls of the hotel in such a way that water pours through them. During cyclone "Wanda," 162 rooms were affected and damage to carpets alone amounted to $40,000. Serious damage, which has nothing to do with flooding, has occurred on a number of occasions. Water pours through the walls, tiles peel off the bathroom walls and major breakdowns occur in the air-conditioning, one lasting for 10 days. For three days this international hotel had no hot-water service.

When we think of S.G.I.O. management of this investment, we should first ask who carried out the final inspection of the premises. When building inspectors climbed into the ceiling they discovered 4 in. drainage pipes running into 2 in. pipes. That is one reason why there have always been maintenance problems. The electrical wiring is such that electricity costs many thousands of dollars a month, mainly because one switch controls five or six lights. To save a little money in construction, five or six lights were connected to one switch and, when lights are turned on in a few rooms, the place is as bright as a Christmas tree in a blackout.

In the light of these obvious defects it is amazing that the S.G.I.O. took delivery from the constructors. I believe that the S.G.I.O. will be forced to carry out major repairs and maintenance before a new lessee will take over. Indeed I am told that it has authorised them. It seems that the S.G.I.O. will be committed to further expense even greater than the $800,000 that the Treasurer admitted was owed in rent by the former lessee.

None of the contents of the building are owned by the S.G.I.O. or the original lessee. I am told that everything (including knives forks, bathroom towels, blankets and so on) is leased. I am also informed that the liquidator arrived from Sydney in the last few days and told the S.G.I.O. that far from getting its money back from the liquidation he will want to be paid some money. He even referred to a commitment up to $1,000,000 on the basis that the value of material on lease by the liquidated company should be repaid—or a portion of it. Far from receiving $800,000 owing in rent, the S.G.I.O. may have to pay out more money to repair the building, which was not maintained or repaired by the lessee, and also have to pay additional money to the liquidator.

The original rent on the premises was $9,380 a week. From mid-1972 the rental basis was changed to 5 per cent of food and 27.5 per cent of house takings. A weekly report on hotel turnover was submitted to the S.G.I.O. for checking. Every week that was sent over to the S.G.I.O. to be checked.

Let me give the House some figures to show how the hotel fared. Between July 1973 and June 1974, for example, the lessees bought food worth $250,000 and sold it for $690,000. In that period the liquor purchased totalled $350,000 and was sold for $930,000. Wages for the period totalled $764,000. Expenditure of $1,365,000 against the total revenue of $2,466,000 resulted in a gross operating profit of $1,101,000 for the 12 months. For the following six months the company's gross operating profit was $561,000. Therefore, the total profit was $1,600,000 in the 18 months prior to our taking it back from them on 22 December; yet we are told that they owe us $800,000 in rent! I remind the House that weekly reports were sent across to our investment board at the S.G.I.O.

I speak of the S.G.I.O. possessively, as I am a policyholder and a person who has always supported Government operations of this type. Although reports were being sent across every week, after all that money passed through the hands of the company, we end up owing $800,000 in rent!

On top of that we have the problem that what we believed—or the S.G.I.O. believed—to be a top-class international hotel is subject to a long-term agreement with the brewery that owned the land, and the only beer, wine or spirits that can be purchased at that hotel are the brands carried by that brewery. I have not travelled the world as much as the Ministers who sit on the front benches opposite, but I guarantee that the people who stay at international-class hotels expect to be able to buy almost any brand of wines and spirits. They cannot believe that our international hotel measures up to that standard when they are restricted to drinking the "green death".

The original lease contained very stringent requirements on rental and the basis of assessment. For the benefit of anyone who wants to peruse the lease, I have a copy with me. Under it the S.G.I.O. had wide powers of investigation, including the right to put in an independent auditor nominated by the Institute of Chartered Accountants. What steps were taken by the S.G.I.O. under the lease provisions to protect the people's interests and their money? I am told that, at the TV programme "Close Up", within the hearing of the compere the former hotel manager was told by the S.G.I.O. director of investments to watch what he said if he wanted to keep his job. Is it the policy of the Government and the S.G.I.O. to threaten staff in an attempt to prevent important, disturbing information from becoming public knowledge? I could show honourable members Press cutting after Press cutting setting out the facts on rental, how much is owed and what sort of problems have been experienced with the hotel. It is not my intention to damage the S.G.I.O.—as I said, I insure with the company and I want to see it succeed—but it is frightening if this example that we know of is typical of S.G.I.O. investment. We have ascertained since the new management took over on behalf of the S.G.I.O. that some of the rent cheques that were paid lay in abeyance three months before they were presented for payment. Creditors including the brewery and the laundry are still waiting for payment from the old lessee.

This is not the first investment problem of the S.G.I.O. I am told it has major worries with its high-rise building in Townsville and that returns from some others are so low that the S.G.I.O. could have done better from Commonwealth Savings Bank interest.

We do not intend to persecute the S.G.I.O. or hamper its investment policies, but we believe that in an instance such as this there is a case for laying the relevent information on the table or for the Premier or Deputy Premier to allow us to peruse the documents privately and explain the position to us. Obviously people have made mistakes, but they cannot be simply covered up with blind secrecy. The S.G.I.O. should not be allowed to keep the information quiet—to keep it to itself. There is no reason why members of the Opposition should not have a look at it. If things are as bad as they seem to be from the papers that have been presented to us, we ought to look at the people who are doing these jobs, because if they mismanage the funds so that we do not get from them the return that we should get, we are the losers. The people of Queensland lose; the investors or shareholders or policyholders of the office lose, and that is bad news for each and every one of us.

It is no wonder that today members of the public are disenchanted with the insurance business as a whole. This morning the honourable member for Everton asked a question about Capricorn Insurance Ltd. This Opposition, when challenged by the Treasurer, informed the Insurance Commissioner of the operations of that company and asked for some checks. We got the very answer that the Treasurer gave this morning: he did not see any reason to be concerned about it. But it went broke. Many people lost money, and each day more are becoming increasingly concerned at what they feel is mismanagement in the insurance scene. They suspect that something is wrong with workers' compensation, storm and tempest insurance, flood-damage insurance and so on.

We ought to be moving to allay that suspicion and to check up on these things to make certain that the public are getting a fair deal and are not having misrepresentations made to them. We in this House should not use secrecy to hide deficiencies. No-one expects every public servant to make the correct decision every time. Obviously, people will make mistakes. The main point is that they should learn from those mistakes and so should we. If we cover them up, if we hide them, nobody will learn from them.

Since December last year when we took over this hotel, we have got no closer to knowing exactly what went wrong, why we took over a hotel that is a maintenance man's nightmare or how we could lose $800,000 in rent while the company made $1,600,000 profit. I am told it sent that profit off to Sydney, deposited it straight into its bank, then transferred it into another of its accounts, so we missed out.

It is no wonder that we express concern about the S.G.I.O. and ask the Treasurer to at least table the material in Parliament and give us an opportunity to study it.

FLOODING OF PROPERTY, MILSOM STREET, COORPAROO

Mr. LAMONT (South Brisbane) (12.36 p.m.): It was particularly interesting to me to listen to the concern of the Leader of the Opposition about people getting a fair go, particularly those who have problems with flooding and the elements.

I wish to speak about a man and his wife who bought a property at 153 Milsom Street, Coorparoo. I preface my remarks by reading from some statements made to a south-side newspaper. The statements were made by both the present owners of the property and the Lord Mayor.

The article reads—

"They are leaving Brisbane for good and are deserting their house . . .

"The house stinks.

"They arrived in Brisbane from the United Kingdom in October.

"In November they invested their savings of $5,000 as a deposit on a house in Milsom Street, Coorparoo.

"They were happy and contented . . .

"The future looked good for them and their three children aged from 11 months to 11 years.

"Their solicitor learned from the Brisbane City Council (in writing) that their house was flood-free."

Then on 11 January this year rain fell quite heavily for about 45 minutes to an hour.

The article continues—

"Water 3 feet deep flooded the house in 15 minutes.

"It came up through the toilet, up through the bath, through the floor-boards and swirled its way into all of the family's possessions.

"There wasn't time to save much."

The householder said to "The Observer"—

"I hold Clem Jones and his council responsible . . .

"He warns people to check if property they plan to buy is flood-prone before the purchase.

"We did this, and the council said we would not have any problems.

"Since then Ald. Jones has changed his mind. He now suddenly says our property is flood-prone.

"We bought on the council's direction, content in the belief we were not buying trouble."

These people tried to see the Lord Mayor but—

"He's always unavailable or not in.

"The house now stinks. The wood has rotted and we can't stand the smell; it gets into everything.

"The council also said the property was not a drainage problem area, but neighbours and our own experience prove otherwise."

Neighbours had other interesting stories to tell.

The most interesting story came from the Lord Mayor. He told "The Observer" that—

"Potential buyers should check with the council to learn if their property was flood-prone.

"The information is readily available.

"The council recently spent $56,000 to relieve the flood situation in Milsom Street."

The article continues—

"But he made no illusion that the drainage would completely eliminate flooding in the street.

" 'The property is low-lying and subject to flooding in heavy rain', he said."

That is a very interesting turnabout.

I have done a little research since the first night on which I went to see the owner. On that particular night, according to the Bureau of Meteorology, there would be heavy rain. These people were gathering their belongings and their children and were moving out to stay with friends or relatives. They were in fact fearful of remaining in their house that night. And quite rightly so.

It was interesting, on making a search, to find that this land as recently as 1962 was owned by none other than the Brisbane City Council. In December 1962 the council sold the property to an individual buyer—a Brisbane family. According to neighbours—and this has been borne out by the testimony of several people living in the street—it was insisted that the housing would be low-level housing.

Mr. Lee: They did that at Yeronga, too.

Mr. LAMONT: I don't doubt it. These A.L.P. aldermen are a scandalous bunch of people. They insisted that there be low-level housing. One person in the block managed to get his own way and built his house on stumps, and he is the only one who can laugh today when it rains.

In spite of the fact that the council owned the land and must have known that it was flood-prone, it sold blocks to people for housing purposes and required them to build low-level houses, even though many wanted houses on stumps.

I referred to the Local Government Act, subsections 37(10) and (11), which reads—

"(10) Dwelling houses on low-lying land. It shall not be lawful for any person upon land which is so situated as not, in the opinion of the Local Authority, to be capable of being drained to erect any building to be used wholly or in part as a dwelling, or to adapt any building to be used wholly or in part as a dwelling.

"(11) Storm water to be allowed its natural getaway. It shall not be lawful for a Local Authority to deal with any land under its control, or for any owner or occupier of any land to deal with the same in such manner that the free flow

of storm water along any natural channel through or across such highway or land is so impeded or interfered with as to cause or be likely to cause any collection or pool of stagnant or offensive water or liquid."

I submit that allowing low-level houses to be built in this area is a flagrant violation of those laws. I have been advised by an eminent barrister, who coincidentally sits in this House, that the contracts that were obviously tainted with illegality were performed many years ago, and the way could not be opened for the present owners to proceed under subsection 10. There is a possible right of action against the local authority which appears to have acted in breach of subsection 11.

I return to the history of this matter. In December 1962, the council sold the land to people for housing. It changed hands in December 1965, and again in December 1972. The people who bought it in December 1972 were the last vendors. They sold in January of this year to the present holders. A curious story comes from the last vendor. I spoke to the lady last night, and she said that she had difficulty in selling. She had several people waiting to buy the property throughout the period of time in which it was on the market, but on each occasion prospective purchasers went to the city council to ask if the land was in a flood-prone area and they were told, "Yes." In fact, the Brisbane City Council was telling people that the land had been flooded several times since 1934.

If it had been flooded several times since 1934, the council must have known that it was flood-prone when it sold the property in 1962 to people in Brisbane. The council admitted that the land was flooded prior to December 1962 when it sold the property. The council knew this on both the occasions when it sold the property and allowed low-level houses to be built. Potential buyers were therefore put off by the council's warning.

The lady went to see the person in the council who was giving out this information. She complained to an officer of the council that she was having difficulty selling the land because the council was exaggerating the flood problem in the area. She herself said that it had not flooded during rains in the two years in which she had owned the property.

In September the present owners, through their solicitor, approached the Brisbane City Council to find out whether or not the property that they were buying would be flooded following heavy rains. After the potential vendor had been to the council and complained that she was having difficulty in selling the property, the council apparently changed its mind. Apparently it was not going to tell the next prospective buyer that it was a flood-prone area. I quote from the letter signed by the Brisbane Town Clerk, Mr. Thorley—

"There are no council drainage rights over the land nor has it been declared a drainage problem area."

That was the only statement made by the Town Clerk in response to the question, "Is it in a flood-prone area?"

I suggest that it was plainly dishonest to say that the land had no drainage problem. And this is what the council is doing to people who want to check whether they are buying trouble.

On 11 January, as I said, three feet of water flooded into the house. It is totally reprehensible for the Lord Mayor to stand up during the flood in January 1974 and, with the absolute expansiveness of which he is quite capable, say, "Come to me. You are fools if you buy land without checking with my council to see if it is in a flood-prone area."

Mr. Moore: He said that in the Sunday papers, too.

Mr. LAMONT: He makes all kinds of promises. He says, "Come to me. Suffer the people to come to me and I will look after them. I am their Lord Mayor." When they do so, he gives them in writing one thing and he later tells a newspaper something completely different, namely, that which his Town Clerk told other potential buyers. So he tells people that there is no problem when in fact the Town Clerk has been advising other people that there is a problem. Then, in spite of all that, he refuses the people concerned compensation.

One can imagine, Mr. Deputy Speaker, the heartbreak of individuals who came from another country—not Pommie whingers, not the sort of people one sometimes hears Ocker Australians trying to knock, but decent people who had a deposit and were prepared to make something of their life in this country and make a contribution to Australia—who were sold down the river, or perhaps I should say "down the drain," by the Lord Mayor of this city in a manner typical of the double-dealing that has constantly been experienced recently in matters of this type.

I referred at question time today to a letter in which I was advised by the Mr. Thorley I mentioned a few minutes ago that I ought to turn to the local ward alderman if I wished to bring up problems concerning the Brisbane City Council. There is little chance that I will be doing that in future, because I have absolutely no confidence that I would get justice. Nor have the owners of the property that I have been speaking about any confidence that they would get justice.

(Time expired.)

COMMONWEALTH TRANSPORT POLICIES; COOLANGATTA AIRPORT

Mr. GIBBS (Albert) (12.46 p.m.): In the debate on Matters of Public Interest today, I wish to speak of road, rail and air transport and to bring to the notice of the House the effect that statements by the Federal Minister for Transport (Mr. Charlie Jones) are having on them.

At the outset, I make it clear that the Federal Minister for Transport is not a cousin of the honourable member for Cairns (Mr. Ray Jones). If one compares the statements made by the two gentlemen, it becomes obvious that the honourable member for Cairns is fairly honest.

The last time I listened to the Federal Minister for Transport, I heard him put forward his plan for the road pattern throughout Queensland and for Commonwealth grants to the State. He told those present what a wonderful thing he was doing for Queensland and how much money the Federal Government was making available. That was at the conference of the Local Government Association held in Brisbane this year. A quick calculation was made, and it was found that, taking escalation of costs into account, the amount was $12,000,000 less than that made available for the road-building programme in the preceding year.

Since then, of course, the Main Roads Department has had a great deal of trouble relative to road categories. The Federal Government has put roads into 16 categories instead of eight, and, as a result, the Government of this State has many problems to work out in its road-building programme.

As to rail transport, the present Federal Government, through its Minister for Transport, wants to bring about a merger of rail systems throughout Australia—in other words, to nationalise the railways. If one goes through the newspaper headlines, one sees in 1972 "Labor plan for railway merger", and in 1973 "States seek huge rail, road boost". The article under the latter headline says—

> "Queensland: Wants to spend $75 million over the next five years on its Brisbane transport system. Electrification of existing lines to cost $50 million is the major item."

If the Federal Government was fair dinkum, it would come forward with a straight-out grant for that work and allow the State to look after its own problems.

Again in 1973, under the headline "Government to merge railways", it is stated that the Federal Government is likely to take over the South Australian and Tasmanian Railways. A couple of days later that was denied by those States, so it was on one minute and off the next. It is obvious from the Press releases from time to time that people in South Australia and Tasmania who might have been willing to turn their railways over to the Federal Government have discovered that there are strings attached and conditions that are not acceptable to them.

The latest Press report, which is dated 13 April 1975, is headed "Federal Rail Hope." The article says that it is hoped to bring all railway lines under Federal control.

However, the main matter about which I wish to speak is the Coolangatta Airport. Although it is in the electorate of the honourable member for South Coast, it affects people throughout the Gold Coast area. It affects the three seats on the Gold Coast and in the Albert Shire; it also affects the Tweed Shire Council. In fact, it affects all the people of Australia, because the Gold Coast is the tourist capital of Australia. I do not say that the present situation is completely the fault of the Federal A.L.P. Government, because the take-over of the Coolangatta airport was first proposed during the term of a former Liberal-Country Party Government. However, that Government did not wish to nationalise railways, and it is a whole new ball game now.

It is imperative to focus the attention of the House on the unsatisfactory state of affairs that exists in regard to the Coolangatta Airport. The Federal Minister for Transport has asked the Gold Coast City Council to take over the airport on a basis that would cost the ratepayers many thousands of dollars a year, and perhaps millions of dollars over a period. Mr. Jones insists that his department serves to administer the movement of aircraft only, not the provision of aircraft facilities. At the same time Mr. Jones is making a bid to take over all the railway systems in Australia and run them from Canberra as a national railway. What sort of a contradiction in administration is that? Indeed, what sort of a transport department does Mr. Jones administer? If he nationalises the railways he might just as well ask local authorities to take over and run the stations, saying, "We only handle the movement of trains, not the stations." What is the difference between the relationship of a station to a train and the relationship of an airport to an aeroplane? There is no basic difference, and the sooner that is realised the better.

But there is a more serious side to this. Mr. Jones has forced council-ownership of airports on many areas throughout Australia, particularly in Queensland, much to the detriment of the local authorities concerned. Some of the take-overs have been accomplished with a little political blackmail, such as, "Take-over this or that facility or we will close it down." Recently the honourable member for Warrego said in the Chamber—

> "I cannot condemn too strongly the Federal Government's proposed plan to downgrade facilities at the Charleville Airport,

> and to force local ownership onto the Murweh Shire Council. The Charleville Airport was used as a major inland airfield during the last war. As an inland airport for emergencies or defence it would have no equal. Only three months ago a Hercules bomber was forced to land at Charleville. During the Darwin evacuation that airport was used in an emergency. Had the runaways been shortened, as proposed under the Federal scheme, it would have been impossible to use the field on those occasions."

The Coolangatta Airport affects the tourist industry, which is worth millions of dollars to Queensland and Australia. Of course, that money finishes up in the Federal tax purse. It must not be forgotten that when the Federal Government gives us money it is giving our money back to us. It adopts the attitude that it is doing the States a favour when it gives them a hand-out, say, under the R.E.D. scheme. It is only money that the States should be getting back. Mr. Jones should take a realistic view of the whole spectrum of transport. If he cannot operate air services and build airports, there is no way in the world he can satisfactorily run trains throughout the nation from Canberra. He is a member of the Federal Government that sheds crocodile tears in its so-called anxiety to help local authorities. If that Government is fair dinkum, it should get its thinking into perspective.

A question was asked this morning about the R.E.D. scheme. Men have to be dismissed before they can be re-employed. When men are dismissed from certain projects they are not necessarily re-employed immediately, and as a result we lose their expertise because they go down to the end of the line. When those men lose their jobs, we lose their expertise, so there are two losses. That is the way the Federal Government administers things from day to day. I call on Mr. Jones to take a realistic view of the whole spectrum of airports and transport in general.

The proposed take-over of the Coolangatta Airport by the Gold Coast City Council goes back to 1966 when the previous Federal Government was in power. I draw attention to the various newspaper headlines since then. In 1968 one article was headed "Coolangatta to have $500,000 air complex." Again that was in the days of the previous Federal Government. In 1969 another headline read, "Call for major new airport at the Coast." A 1970 headline read "Airport plan scrapped." That was because the matter could not be worked out with the neighbouring shire. A 1973 newspaper article headed, "11 p.m. curfew at airport disrupts 200" states—

> "The facilities at Coolangatta were indescribable.
>
> "Two hundred people were put on buses—some good, some not so good—for Brisbane.
>
> "We arrived at Brisbane at 4 a.m. and then had difficulty getting a taxi."

Those people claimed that the airport facilities on the Gold Coast—the leading tourist resort in Australia—were shocking.

In 1974, while Labor was in power, a newspaper headline proclaimed, "Canberra backs out on Coast airport". And the Federal Labor Government is still backing out. It is saying to the Gold Coast City Council as well as to the Tweed and Albert Shire Councils, "You build the airport and take it over." This simply cannot be allowed to happen. The Federal Government must face up to its obligation to upgrade the facilities at the Coolangatta Airport so that the vast numbers of tourists who fly to the Gold Coast can enjoy first-class amenities and facilities. Let the Federal Government be fair dinkum in this matter.

RIGHTS OF ILLEGITIMATE CHILDREN UNDER COMMON LAW

Mr. DEAN (Sandgate) (12.56 p.m.): I rise today to mention to the House the need for the Parliament to pass legislation having as its objective the final equation of the legal position of the illegitimate child with that of his legitimate brothers and sisters. There is now no reason why the law should not do whatever lies within its power to see that illegitimate children themselves do not suffer from a situation that certainly is not of their making.

This has not always been the general attitude. The common law approach was a very harsh one. It did not recognise any ascendant or collateral relationships between the illegitimate and any other person. He was described as the child of no-one. He had no rights against either parent and they had no rights or obligations in respect of him.

Today it is hard to see what this old attitude could be expected to achieve. A refusal to do anything about a problem does not cause it to go away. The old law of giving parents no responsibility meant that the parents had no obligations. The law has persisted for a very long time.

I will quote from an early attempt to alleviate the plight of at least one group of illegitimate children, namely, those born to parents who afterwards marry. In Chapter 9 of the Statute of Merton, passed between 1235 and 1236, we find the following:—

> "And all the bishops instanted the lords that they would consent that all such as were born afore matrimony should be legitimate as well as they that be born within matrimony as to the succession of inheritance for so much as the church accepteth such for legitimate. And all the earls and barons with one voice answered that they would not change the laws of the realm which hitherto have been used and approved."

Now, some 700 years later, I ask the Minister for Justice to give thought to changing the law finally to equate the position of the illegitimate child with that of his brothers and sisters.

In the last century attitudes did begin to change, and Queensland has shown it is quicker than most other countries to remedy the defects in this law in accordance with changes in public opinion. Certainly, today, the child whose parents marry after he is born becomes legitimate as from birth or the date of marriage—that is, he is retrospectively legitimate from the date of the marriage of his parents. This change is brought about by provisions in the Commonwealth Marriage Act of 1961. In addition, the illegitimate relationship is recognised under the Common Law Practice Act in Queensland and the Testators Family Maintenance Act of Queensland. But there is one major area in which our law does not, as a general rule, partake —in a bequest in a will which describes the beneficiaries in general terms as the children or issue of the testator. The child can of course benefit under the mother's will, but that is not to the point. The putative father need not, when he makes a will, mention his illegitimate child.

There will be some people who suggest that the solidarity of the family and the concept of a stable family relationship could be undermined by giving the illegitimate child the rights he now lacks. I find it hard to see why giving the right of inheritance from the father should do this if the rights of inheritance from the mother have not already done so. In any event, such an objection seems to rest on a pessimistic view of the institution of marriage, which surely should not have to rely on injustice for its preservation.

I appeal to the Minister for Justice to give urgent consideration to the introduction of legislation that displays a much more Christianlike attitude towards the illegitimate children in our community.

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

NATIONAL PARKS AND WILDLIFE BILL

SECOND READING

Hon. K. B. TOMKINS (Roma—Minister for Lands, Forestry, National Parks and Wildlife Service) (2.16 p.m.): I move—

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

Let me say, first of all, that I am gratified at the favourable response of all members to the objectives of the Bill. In view of the need to properly satisfy the present-day concern of the people towards the conservation and preservation of natural surroundings, the desirability of this Government proposal is self-evident.

The primary objective is the appointment of a director. The National Parks and Wildlife Service has been already created by the Governor in Council under the Public Service Act and the position of director has been validly advertised in pursuance of such Act. I have noted the views of honourable members on the salary classification advertised. There is no doubt that many honourable members consider that the proposed salary may not attract the most suitable type of director. I can say that when the new administration is well in hand and the workload properly assessed, action will be taken to fix a more appropriate salary classification if it is considered necessary to do so.

I agree that the Director will be loaded with heavy responsibilities and his foremost task, after a settling-in period, will be to prepare a completely new legal code covering national parks, environmental parks and wildlife. There will be no change in the law relating to these functions as a result of this Bill.

However, the new code will repeal the present relevant provisions of the Forestry Act in respect of national parks and marine park areas, the relevant provisions of the Land Act relating to environmental parks and the whole of the Fauna Conservation Act and the Native Plants Protection Act.

In due course, therefore, after thorough scrutiny and examination of the old provisions, a composite Act will be submitted to Parliament retaining, amending and improving the best that is in the old and inserting fresh and pertinent provisions in the new statute. Due regard will be given to all sections of the community and environmental issues as they affect land use and wildlife.

Conflict between genuine conservationists and affected industries will always be present and the director appointed will be required to recommend to the Government the appropriate action to be taken in any given case, without fear or favour.

I have been impressed with the various suggestions of honourable members in relation to the operations of the service and will most certainly bring to the attention of the appointed director those suggestions concerning the preservation of ocean frontages, accent on conservation by education, and regional conservation groups.

Certainly the Government will give consideration to the formation of an advisory council comprising community membership so that persons and organisations will be involved in preservation and conservation policies.

I have been impressed with the skilled professional and clerical staff presently operating and being transferred to this new service and I am sure they will direct all of their dedication and energies towards the success of this new venture.

I personally am not taking lightly the addition of this responsibility to my portfolio and I will do my utmost to ensure that the service will fulfil its objective of implementing, in the interests of all Queenslanders, the national park and wildlife policies of the Government.

I commend the Bill to the House.

Mr. BURNS (Lytton—Leader of the Opposition) (2.19 p.m.): I thank the Minister for making available to the Opposition in advance a copy of his second-reading speech. We appreciate that. We also applaud the statement, in the last few words of his speech, that he intends to tackle this addition to his portfolio in a responsible way. This is one of the most important parts of his portfolio. It makes provision for the future of people in this State. It will set aside areas that the kiddies of today and their children will be able to use.

Although the Minister accepts that we should have another look at the work-load and salary of the director, I point out that the deputy director in Victoria will receive more than our director. One of the problems we will probably face is that, because of the lower salary, we will not receive applications from the calibre of people we desire. That is a pity, because I do not think that any person dedicated to this cause should be required to accept a low salary, or even perhaps suffer a reduction in salary, in order to help us to set up a National Parks and Wildlife Service.

I wish to refer to a couple of points in the Bill mentioned by the Minister in his second-reading speech. He said—

> "the new code will repeal the present relevant provisions of the Forestry Act in respect of national parks and marine park areas, the relevant provisions of the Land Act relating to environmental parks and the whole of the Fauna Conservation Act and the Native Plants' Protection Act."

In due course, after a thorough investigation, he will implement a new Act.

In the meantime, for the next four to six months none of those Acts will be in force. What will happen to fauna conservation, particularly in aviculture (in which we have had a number of arguments with people about birds) if all that legislation is repealed and we do not have any law to protect our fauna?

If that legislation is repealed now and nothing is done until after the next session commences in August—it may not be until the last week of November that the Bill is introduced—aren't we going to have a time-lag during which we will not be able to control those people who traffic illegally in birds or misuse our national parks? It is mainly to thwart people like that that the whole national parks and fauna conservation legislation and similar measures have been introduced. If the Minister can assist me on that, I would appreciate an answer on it.

I would like to refer also to a problem that I see creeping in for the Police Force. Every time we read a Bill with provision for the appointment of protection officers and honorary protectors, we read that policemen are required to undertake these additional jobs. I see that as an additional work-load to be carried by police. Finally, the problems of law and order and road safety almost have to take second place because so much of a policeman's time is used on matters for which he is neither trained nor even originally appointed to deal with.

In essence, it is about time we questioned the wisdom of making policemen the wood-and-water Joeys for a number of these Acts important though they are. A similar provision to this was included in the Hen Quotas Act, and many other Acts provide for police to undertake what might properly be called extraneous duties. It is time the Government carefully considered this matter because these extra duties impose an undue burden on policemen, who are needed for other vital duties more in keeping with their training and functioning.

Finally, I refer to the disposal of money held in the Environmental Park Fund. I was here in 1973 when the Government introduced the amendment establishing that fund. The Environmental Park Fund was to be established and maintained by the Treasury under that name—the "Environmental Park Fund". It was to receive moneys paid to the Crown as rent under a lease for land within an environmental park. The provision was long and detailed. In fact, I think that the subsection contained about six paragraphs.

Today we discover that the fund is to be closed and the money transferred into Consolidated Revenue. The park fund shall thereupon be discontinued. It seems passing strange that, within 18 months or two years of setting up the fund, we see fit to close it. I believe that we ought to be setting money aside—specifically the sums drawn out of those areas—for re-use in the parks areas from which the money has come. That is the major complaint that people have in many spheres of activity. Money taken from motorists is not spent on roads, and so on. People who use national parks and are involved with them should contribute to their upkeep. I have always supported the idea of the Environmental Park Fund. It will be a pity if we discontinue it and do not substitute any special fund into which moneys can be set aside for maintenance of parks. I ask the Minister for an explanation of the closure of that fund.

Mr. POWELL (Isis) (2.19 p.m.): The person selected to fill the position created by the Bill will need the patience of Job

and the wisdom of Solomon. He will be the buffer between the conservationists on the one hand and, on the other, those people who would like to remove completely our natural environment.

I suggest that today we have a change in the electorate. No longer is the electorate as old as it was; nor is it hell-bent on chasing the almighty dollar. Today, people realise that they have a certain amount of leisure-time and want to spend it in the best possible way. The Government should be congratulated on bringing this measure forward for we will now have, in one department, all the avenues for conservation in this State.

I suggest that this will also make it much more difficult for those who wish to mine or use any part of our lands in any other way. Now they will have to go directly to one department and obtain an answer from one director. This is a very real advantage. It is a step in the right direction.

The person selected to fill the position of director should be skilled in land use. Surely it is important that we use our lands and not let them lie idle. It is important that we use our lands according to how people want them used. So the director will have to be skilled in land use. He will have to be able to weigh up in his own mind the pros and cons and then advise Parliament on how land should be put to the best use for everybody concerned. He must come quickly to a positive definition of the word "conservation" so that, on the one hand, everything is not preserved where it cannot be used and, on the other, everything is ruined in the pursuit of the almighty dollar. The move is certainly in the right direction.

I agree with the Minister's proposal that we do not lay down guide-lines in this Bill on what national parks really are. There is tremendous confusion in the community over the words "national park". The job of this department will be to remove this confusion. Bills will then need to be introduced to prescribe a real definition of "national park".

I do not want to see national parks as areas that nobody can step into. I believe they should be areas that people can use adequately. In addition, wilderness areas should be set aside for scientific research and for people who simply want to walk through them. I disagree with the present national-park system which locks areas away so that nobody can use them.

The directorate and the department will have an extremely difficult task, especially with sand-mining. I hark back to what I said about a change in the electorate and in the attitude of the people. As the electorate becomes younger rather than older in average age, so more and more people become concerned with what they will leave to their children. If we permit miners to bulldoze all of our natural environment so that there is no parkland easily accessible to the people—and it is important that it be easily accessible to the people—nothing will be left for our children or our children's children to see. The environment we inherited took millions of years to evolve. If it is mined, it cannot be replaced in a couple of years. Anybody with the least amount of common sense knows that.

The director and his officers will need a great deal of wisdom, and the department will need the best available advice. I therefore think that the salary range of the director must be higher than is now proposed. It is essential to obtain the man best qualified for the job. He need not necessarily have extensive academic qualifications. The person required is one who is greatly skilled in land usage and the practicalities of conservation.

As all honourable members know, there are a number of areas in my electorate that will be of concern to this department. I refer to Fraser Island and areas at the back of Woodgate and south of the Burrum River that are designated as parks. The department will have to give close consideration to land usage on Fraser Island, in particular, because it is an area of very delicate ecological balance.

With those few words, I congratulate the Government on bringing down such a sensible Bill. I look forward to taking part in further debates on this subject, and I hope that, as the department is set up, we are able to formulate laws that will satisfy all the people of the State rather than just the few in particularly interested groups.

Mr. GUNN (Somerset) (2.32 p.m.): As I did not have the opportunity to speak at the introductory stage of the Bill, I desire to make a few observations. The primary reason for bringing down the Bill is to allow of the appointment of a director.

Mr. Hanson: Have you any idea who he will be?

Mr. GUNN: I imagine that he will be a person of very high calibre, because his will be a massive task. It is a position that will require great knowledge of land, fauna and flora, as well as a fair knowledge of law.

One thing that I applaud about the Bill is the way in which it will tighten up quite a lot of legislation in this area. It may not be known to some of the newer members that most parks are at present under the jurisdicition of local authorities. If I have misunderstood the situation, I will no doubt be corrected by the Minister. When I was chairman of the Laidley Shire Council we had control of several reserves and parks, and we were very reluctant to spend much money on them. We did not receive much financial help from the department. I remember that on one occasion a person drove into such a park, and whilst he was there a dead tree fell onto his car. He sued

the council—I forget which one it was—for a large sum of money. He was successful, and the local authority had to pay him.

I should like the Minister to give me some information on this situation. If local authorities are to retain jurisdiction over parks, they will be very reluctant to spend much money on them. In fact, they would shy away from encouraging people to make use of parks for fear of finding themselves in the same position as the shire in which a falling tree cost the council several thousand dollars.

I should also like to ask the Minister some questions on the tightening up of protection of fauna. These parks are, in the main, for the use of the people. I am a practising conservationist, and I do not allow shooting or the taking of fauna on my property. It is only an hour's drive from Brisbane, and perhaps one day the Leader of the Opposition would like to come to my area. I could show him some very beautiful country in its natural state. I take my own children to it. I include the honourable member for Port Curtis in the invitation, too.

Mr. Hanson: Are there deer there?

Mr. GUNN: There are all forms of life there, and we want to retain them. There are beautiful natural creeks, too. Being a practising conservationist, as I said earlier, I applaud the introduction of the Bill.

As to the amount of money to be paid to the director—I do not know whether it would be possible to get a better man by offering double the salary paid in Victoria, for example. I do not think that is the point. I should like to see a competent practical man appointed, not necessarily an academic. It should be someone who knows the countryside. An old bushman may do a good job.

Mr. Burns interjected.

Mr. GUNN: The person mentioned by the honourable member probably would do a good job, too. He spends much of his time in the country. If the Leader of the Opposition were Premier, I should not be surprised if he thought of appointing someone such as that. As we know, Mr. Deputy Speaker, the A.L.P. Government in Canberra has done a fairly good job in providing jobs for the boys.

A Government Member: And the girls.

Mr. GUNN: And the girls, too.

I do not wish to delay the House, but I do applaud the action being taken in this instance. I have asked the Government to create as many small parks as possible when the Wivenhoe Dam is built in my electorate. I understand that it is envisaged that there will be one about 1,200 acres in area, which is fairly large. However, the parks must be well managed. If they are, they will be a great success.

I conclude by saying that I believe the Bill is a step in the right direction.

Mr. DEAN (Sandgate) (2.37 p.m.): After perusing the Bill, I am convinced that the remarks I made at the introductory stage were apposite. However, because they are important, I think it is incumbent upon me to reiterate some of them.

My leader covered the provisions of the Bill very well—in fact, his contribution fitted very closely to the clauses—and I agree with him that whoever is appointed director will have to be highly qualified. As I said at the introductory stage, officers of Queensland Government Departments have proved themselves over the years in this field. I do not intend to mention any names in particular, but a number of officers have become very competent and highly qualified to perform work of the type envisaged in the Bill. Therefore, when the director is appointed, I hope the Opposition will not discover that a person from the extreme southern part of Australia has been brought to Queensland. Appointments of that type have been made not only by Governments but also by councils, and the appointees have had little or no knowledge of the semi-tropical conditions in this State.

Because a person from a southern State or from a country overseas has certain degrees or diplomas, it does not necessarily follow that he will understand climatic conditions in Queensland better than locally trained officers. I hope that Queenslanders will have the opportunity of applying for the position, and that one of them may be appointed to it. I ask the Minister to bear in mind, when a director is appointed, that the number of diplomas or certificates a person has need not necessarily indicate that he also has the practical experience needed for such a position. As honourable members are aware, theoretical knowledge is all very well; but a perfect combination is achieved only when such knowledge is used in conjunction with practical experience.

As I said earlier, I hope that the duties of the director will extend to all areas of the State, large or small. I hope that he will not be tied down by local authority boundaries and be deprived of the opportunity of giving protection simply because it is said that a local council is responsible for a particular area. He must have power to go to all areas. I have in mind some areas in South-east Queensland, particularly the Gold Coast. I am not against development. I realise that great development and progress have taken place in many areas along the coast, but the flora and fauna of many of the wetlands have been unnecessarily destroyed in the name of progress. Although the responsible authorities thought they were doing the right thing, I believe that development for the benefit of those who enjoy the coast could have been achieved without so much destruction.

I hope that the new director will give consideration to all areas throughout the State, particularly the near-city areas. In my introductory speech I cited the Botanic Gardens. I refer now particularly to the great lagoon system in the Sandgate area. Over the years we put up a hard fight to preserve that area. Unfortunately we did lose one section. If there had been an officer such as the director who is now to be appointed, with the necessary powers and staff, possibly that desecration would not have occurred, and we would not have lost that wonderful area in Sandgate known as the First Lagoon. Experts have informed me that that system is not just a few water-holes but one that stretches from Sandgate right to Bribie Island. Of course, some people have unkindly referred to those areas as billabongs.

Mr. Jensen: Duck ponds.

Mr. DEAN: Or duck ponds. So far we have been able to save the major part of that system of lagoons by making a strong appeal to the council and those who have tried to use the area for other purposes.

I look forward to the appointment of the Director of National Parks and Wildlife. We talk about women's liberation, so why should a woman not be appointed? We pay a lot of lip-service to the liberation of women, but in the filling of such positions women are usually completely overlooked. If a woman has the necessary qualifications, is a good Queenslander and understands the tropical environment of the State, why should she not be appointed? I look forward to meeting the new director and welcoming him to his position.

Mr. NEAL (Balonne) (2.43 p.m.): I should like to support the introduction of the Bill. I did not get an opportunity to speak at the introductory stage.

As pointed out by the Minister, for the best administration of the State's fauna and flora, national parks, etc. it has become necessary that they all be brought in under the one authority. The Bill will do away with the fragmentation of the authority that exists at present.

As a Government we are responsible for the conservation of the State's natural resources. It is not right that the State should be denuded of its natural assets. While we are conscious of the need for conservation, we must not allow our thoughts to be clouded on the issue. We must not become so rigid in our outlook that we deny development. By our actions we must not deny people the right to employment and progress. At the same time, we should not allow our actions or outlook to be too rigid on the issues of progress and development, at the expense of conservation. At all times the things we wish to conserve must be considered in relation to the need for the development of the resources for the good of the people.

I do not contend that an area containing flora and fauna or some unique natural attraction should not be developed. If it is believed that development of such an area is necessary, we must search for alternative similar areas that can be preserved. It is ludicrous to suggest that we should conserve merely for the sake of conservation without paying due regard to development and progress. It is equally ridiculous to claim that we should progress and develop and pay only scant regard to conservation. Sound reasons must be advanced by both sides, that is, from the conservation side and also from the development side. It is in this area that the role of the director will be an important one.

Like other honourable members, I agree that the director will need to be a man possessing wide experience and sound common sense.

The Minister has said that after a thorough scrutiny and examination of the old provision is carried out a composite Bill will be submitted to Parliament to retain, improve and amend the best of the old provisions and also to insert fresh and pertinent provisions in the new statutes. This is to be expected. As the needs of the community change, so must our attitude towards conservation change. Over the years we have seen wider interest taken in conservation. No doubt this is due to the rapid rate of development of certain areas.

It is only right that people should voice their opinions on this matter, but it is unfortunate that certain conservation and development issues have been clouded. Many all-embracing and supposedly authoritive pronouncements have been made by people possessing either scant knowledge or no experience whatever. The old adage, "A little knowledge is dangerous" is quite appropriate here. We must not forget that experience is the best teacher.

The Minister said also that due regard will be paid to all sections of the community on environmental issues, as they affect land use and wildlife. This is a common-sense approach and one that naturally will be adopted by a director possessing wide experience and common sense.

A matter that will come under the director's control is the harvesting of kangaroos. This is a very emotional issue, and one that has been raised previously by me in this Chamber. Until I was about nine or 10 years of age I did not know what a kangaroo looked like. Although there were a large number of wallabies in our area, there was not one kangaroo. Today, however, as a result of the development that has occurred, it has thousands of kangaroos.

The reason for this influx is that man has created conditions ideally suited to an increase in kangaroo numbers. The natural water-holes in my area were few and far between and, furthermore, the country was

covered with scrub. Grass that is suitable as fodder for kangaroos grew only in good seasons. During drought kangaroos as well as many other animals that require water daily were forced to congregate near permanent water-holes Many died from starvation, of course, as a result of the overstocking of areas around these water-holes.

The natural habitat of the kangaroo and other animals was determined by the distance they could travel in search of food while remaining within easy reach of their daily water supply. There were no fences and their natural boundaries were determined by the distance they could travel from water. As water-holes dry up many animals die. In the scrub country, during times of drought I have had to dispose of kangaroos that were too weak to hop through lack of feed. In years past kangaroos had to contend with the forces of nature. Today the land has been improved and permanent water-holes in many places are about a half mile to a mile apart. Country has been cleared and improved pastures have been grown. Conditions for the survival of kangaroos are much better than ever before.

In the long term, the continued curtailment of harvesting kangaroos imposed by the Federal Government through its refusal to reinstate export permits will not do very much for them. When kangaroos increase to pest proportions, they have to be controlled. Irrespective of what may be said to the contrary, landholders will certainly take the control of 'roos into their own hands. In the past, in bad times I have seen kangaroo drives when they reached pest proportions. There is wholesale shooting of the 'roos and those that are only maimed stagger off into the scrub to die. It is certainly more desirable to have controlled harvesting by professional shooters than to have kangaroo drives which, I am sure, will be undertaken unless controlled harvesting is allowed.

An Honourable Member: If it is against the law, it should not happen.

Mr. NEAL: I agree, but if the honourable member is suggesting to me that for that reason someone in the back blocks will not take part in them, I cannot agree. Amateur shooters, without permits, still go out into the country in droves over long week-ends. They are supposed to have permission to shoot on properties, but only on Sunday morning two young fellows arrived on my place. They told me that they had been sent by another person who suggested that I would give them permission to shoot on my property. In fact, he did not send them. I certainly did not give them permission. I sent them packing.

Mr. Lester: They shoot at everything on sight.

Mr. NEAL: They certainly do.

Registered professional shooters are desirable on properties. Property owners allow them on their properties knowing that they will do the right thing. Amateur shooters cause a lot of trouble by leaving gates open and allowing the stock to become boxed up and so on.

I have no fear that kangaroos will be shot out. Our present legislation concerning registration of shooters and chiller-boxes is quite adequate to cover the situation. In addition, kangaroos can find refuge in inaccessible country away from the shooters. Plenty of them do just that.

It is often said that people drive from Brisbane to Charleville, Longreach or Cunnamulla without seeing a kangaroo. By the same token, I might ask how many sheep these people see on the road, and there are millions of sheep in that country in paddocks skirting the road. Kangaroos do not come out onto the road to wave at tourists from Brisbane. During the daytime, when most people drive, kangaroos are usually lying under the trees. They are seen on the roads mainly when a shower occurs after a dry spell, and water from the bitumen road runs into the drains and encourages green pickings. At that time they come to the area in droves.

I now wish to refer to the presence of vermin in our national parks and flora and fauna reserves. Round our countryside we see quite a number of small reserves. In my electorate I have the Southwood National Park and several smaller flora and fauna reserves. I ask the Minister to ensure that attention is paid to the presence of vermin in those areas. This is certainly a problem. The Southwood National Park comprises an area of some 17,000 acres—I do not know what it is in hectares; I have never worked it out—and it is absolutely full of scrub pigs, which constitute a tremendous menace to the landholders in that area.

Council reserves, which have been designated as flora and fauna reserves, harbour many varieties of vermin, which are responsible for a tremendous amount of damage to crops, lambs and lambing ewes. Areas set aside for flora and fauna protection also harbour vermin and I would like to see an indication that permission will be granted or provision made for the eradication of vermin from national parks and reserves.

I do not think I have anything more to add.

Mr. Aikens: Hear, hear!

Mr. NEAL: The honourable member for Townsville South agrees with me. He must have an aeroplane to catch.

I support the Bill.

Mr. HANSON (Port Curtis) (2.57 p.m.): I wish to make a few submissions on this Bill, which is a simple one making provision for—

"the appointment of a Director of National Parks and Wildlife and his powers, authorities, functions and duties and for matters incidental thereto."

I agree with the submissions made by other Opposition members who strongly expressed the hope that this appointment will not stink of political patronage. We do not want to see appointed a political hack who will merely carry out the Minister's requests.

Mr. Aikens: The Whitlam Government isn't making this appointment.

Mr. HANSON: In reply to the honourable member for Townsville South, who is a political blood brother of the coalition parties, I might say that the past record of the coalition with similar appointments is very suspect. Only a few years ago this coalition elected as a member of an electoral redistribution committee——

Mr. SPEAKER: Order! I ask the honourable member to return to the principles of the Bill.

Mr. HANSON: Yes, Mr. Speaker. I am just tying up the appointment of a Director of National Parks and Wildlife with that person, who ended up as a member of the Land Court for services rendered.

Mr. SPEAKER: Order! The honourable member will return to the Bill.

Mr. HANSON: Mr. Speaker, these matters certainly are of grave concern.

As to the matter of political patronage on this appointment, I thought for a time that an ideal appointee, as he will be here for only a short while, would be the honourable member for Albert, because I heard that he is very concerned with conservation and wildlife matters. However, I was greatly shocked when I witnessed the eyesore of a car-wrecking yard on the way to Southport. I immediately disqualified him from consideration. It is a pity that the Minister for Local Government did not do something about that eyesore—that anti-conservation spectacle—to be found on the Gold Coast.

I sincerely hope that the man eventually appointed as director will have some stomach and stand up to Government departments that are not without sin in this field. Of course, we must pay heed to what has happened in our country over a long period. Many years ago this beautiful State of Queensland had great stands of softwood timbers throughout the length and breadth of its eastern coastline. Those stands were destroyed, not so much by the early settlers and those who built up their farms and established the dairying industry and other pastoral pursuits as by Government agencies such as the Main Roads Department, electricity undertakings and the P.M.G. If the director appointed by the Minister has enough stomach and savoir faire to stand up to these departments, it will be a case of Satan reproving sin. Nevertheless I wish him success.

He will have to stand up to the Commonwealth as well. The Liberal-Country Party Government has a very sad and sorry record in conservation. One of my first speeches in this Chamber concerned the defilers of national parks and marine parks. What happened in the time of Menzies? I was very pleased that through my protestations in this Chamber I was able to stop the odious practice of the Navy and the Air Force using some of our Great Barrier Reef islands, such as the Bunker Group and the Capricorn Group, for bombing practice. Years later the members of this coalition came into the Chamber talking and slobbering about the preservation of the reef! What a shocking performance! I sincerely hope that the director will have the stomach to stand up and fight for his department and the charter that he will be given under this Bill.

I am fully in accord with what has been said by my colleagues. It is imperative that political patronage does not enter into the appointment of the director. Years ago when the Deputy Premier and Treasurer was Minister for Railways, he removed one member of the Railway Appeal Board because the railway employees were getting a good go and he replaced him with a stooge of his own because he was in the bag for the Minister. The Deputy Premier and Treasurer should hang his head in shame.

Like my leader, I believe that the Police Force could be lumbered with work not appropriate to their function. How many Government members constantly complain about not being able to get the services of the Police Force to deal with vital and urgent police matters? According to the Minister, under this Bill they will be loaded with extra duties. This deserves the attention of the House and I hope the Minister will take notice of it and proceed carefully.

Political patronage can also enter into the appointment of the advisory council. The Government may say, "We won't appoint that man. Even though he has high qualifications and has a sincere regard for the wildlife and national parks in Queensland, he is suspect. He voted for the Labor Party at the last election." There is no risk that this happens, and I admit that we might have done just a tiny little bit of it, too. But this Government does a lot of it. It is shocking. I could relate instance after instance but they would not relate directly to the Bill.

The Bill is simple, but I urge the Minister to consider my comments and to ensure that the appointee will be a man of common sense with expertise and a sincere regard for national parks and wildlife in this country. I have said that he must also have the stomach to stand up against those who cause trouble, and I have named certain Government departments.

Mr. GIBBS (Albert) (3.4 p.m.): I support the Bill. This is a legislative step forward. I congratulate the last Parliament on bringing forward a report on the long-range plan covering all the wetlands and coastal areas from Jumpinpin to the Nerang River Bridge. It is a wonderful document and is well worth anybody's time to read it. No doubt it will be administered by the new director, which makes it very important to the area I represent. The report covers the entire coastline of my electorate, including the wetlands, islands and part of Stradbroke Island. Therefore I commend the Bill.

I should like to reply to a couple of matters raised by the honourable member for Sandgate. He said that the Gold Coast had some good development, and some bad development. I think the provisions of the Bill are just what are needed to retain control over the situation in that area.

The honourable member for Port Curtis referred to the wrecking yard conducted by my sons on the Gold Coast. I personally do not run that part of the business. However, I should like honourable members to consider what would happen in an area if it did not have such a place for the accumulation of wrecked vehicles. I want to put some facts on the line. The honourable member for Port Curtis runs a hotel, and the honourable member for Bundaberg says that he drives better when he has grog in him. When there are people who drive in that condition, and others who sell grog to them, where else would the cars that are smashed be stored? I know that the honourable member for Sandgate will appreciate this point, because, like me, he is a teetotaller.

The motor-car plays a very important part in our daily lives. Each year thousands of motor-cars are sold and just as many are taken off the roads. The discarded vehicles then have to be processed, and I say that the Government should take a more realistic view of their disposal. I suggest that a proposition be put to the Federal Government that a certain amount be paid on every car sold, this money to be used to solve the problems that its disposal will ultimately present. It will become a national problem, and no doubt to some extent it will come within the responsibilities of the new director.

We are processing and recycling steel. We have, in fact, spent $50,000 on equipment for just that purpose. But the position is different in western areas. There are two large yards back to back at Dalby. There are thousands of tons of steel there, and those who operate the yards cannot get rid of it because it is too far from the coast. One day a subsidy will have to be paid by the Federal Government, irrespective of its political colour, to help dispose of this steel.

We, in our turn, are playing a large part in conservation and the cleaning up of cities. If we did not have people like the honourable member for Port Curtis selling grog to others who then go out and smash motor-cars, our problems would be halved. I hope that the director will help to resolve this problem.

I support the Bill. If the honourable member for Port Curtis ever needs any assistance, I shall be happy to help him along with conservation in his own back yard.

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

"That the question be now put."

Motion agreed to.

Motion (Mr. Tomkins) agreed to.

COMMITTEE

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

Clauses 1 to 11, both inclusive, as read, agreed to.

Bill reported, without amendment.

THIRD READING

Bill, on motion of Mr. Tomkins, by leave, read a third time.

CITY OF BRISBANE TOWN PLANNING ACT AMENDMENT BILL

SECOND READING

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (3.11 p.m.): I move—

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

I am appreciative of the fact that honourable members have accepted this Bill for what it is—a genuine endeavour to simplify procedures in relation to the rezoning of land in the city of Brisbane and to provide relief from time-consuming and costly advertising procedures associated with a large majority of applications for subdivision of land processed by the Brisbane City Council.

I refer to applications submitted to the council where the proposal is to subdivide land into no more than five lots. As I stated in my introductory speech, on the figures available to me subdivisions of this nature constitute approximately 84 per cent of all subdivisions placed before the Brisbane City Council.

I have noted the points raised by the Leader of the Opposition concerning the advertising of applications for the rezoning of land and will bear them in mind for consideration when future amendments are being made to the Act. It is noted, however, that the honourable member could offer no concrete alternatives to the existing arrangements.

The advertising of applications in local newspapers, as was suggested, could have some advantage in densely populated areas where these papers are freely circulated. There are difficulties, however, in the more

sparsely settled areas where local newspapers may not be so readily available. It is in these types of areas that a lot of important development might be occurring from time to time.

I accept also that there might be some merit in extending the principle of advising adjoining owners of rezoning proposals, but the difficulty is where to draw the line. There are so many different sets of circumstances which could occur requiring vastly differing procedures that it is almost impossible to lay down guide-lines which would adequately meet all cases. Having regard to all the circumstances, it is considered that the procedures which will be operative after the law is amended as proposed offer the most practical solution to the problem, bearing in mind the need to provide adequate opportunity for the public to object and appeal.

Finally, I thank the honourable member for Ashgrove for his support for the Bill and for the clear and concise way in which he explained at the introductory stage the provisions and the effect thereof.

I commend the Bill to the House.

Mr. BURNS (Lytton—Leader of the Opposition) (3.13 p.m.): The Opposition does not wish to delay the passage of the Bill to any great extent. We have read the Bill and we believe that the provisions relating to subdivisions into not more than five allotments will reduce the cost to neighbours and to small subdividers, so we accept it.

Members of the Opposition recognise that the Bill is something of a compromise and that two of the major sections of the Act in relation to advertising and objection are being brought into line with the section which refers to the ordinary person in the community.

I think that consideration should be given to the use of registered mail in the sending of notices to people whose land is adjacent to the block which is the subject of an application for approval to subdivide. The Bill says that a notice shall be sufficiently served on any such owner if it is sent by post addressed to him at his address as shown in the records of the council. The advertisement of a block for 14 days is a very short period. If a man has shifted into another home, for example, and his mail is being forwarded from his former address, a situation could arise in which, if any delay occurs, the time allowed could expire before he receives the notice. I suggest that consideration be given to that matter when the Act is amended in the future.

I reiterate that the Opposition does not have any major objections to the Bill.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (3.14 p.m.), in reply: I thank the Leader of the Opposition for his very worth-while suggestion that letters sent to adjoining owners be registered. It would be a very simple matter to do that, and undoubtedly it will be done at an appropriate time.

Motion (Mr. Hinze) agreed to.

COMMITTEE

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

Clauses 1 to 5, both inclusive, as read, agreed to.

Bill reported, without amendment.

THIRD READING

Bill, on motion of Mr. Hinze, by leave, read a third time.

MARGARINE ACT AMENDMENT BILL

SECOND READING

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (3.17 p.m.): I move—

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

I thank honourable members for their contributions to the debate during the introduction of the Bill. It did appear to me that there was general acceptance by the Committee of the intent of the Bill and of the necessity to legislate in accordance with the objectives of the Bill.

As I indicated at that stage, the Bill has two main parts. The first is to provide for an increase in the State's margarine quota, and the second is concerned with achieving, as far as possible, uniformity in labelling among the States. If I interpret the speeches correctly, no speaker during the introductory debate was opposed to those principles.

The honourable member for Port Curtis referred to problems of the dairy industry and expressed the hope that the dairy industry and the margarine industry will be able to live in complete harmony and pursue their respective courses. This is one point on which the honourable member and I agree completely.

I have quite a deal of sympathy with the concern expressed by the honourable member for Landsborough at the competition which the dairy industry has been forced to face from margarine. An important part of the Bill is designed to ensure fair and uniform labelling, and I welcome the support of the honourable member for these provisions.

I also wish to acknowledge the support for the Bill from the honourable members for Cunningham and Somerset. The honourable member for Somerset has stated that the proposed packaging and labelling will at least tell people what they are buying. He has also expressed the hope that it will show the percentage of vegetable oil and animal fat in margarines. In this regard members will note that the Bill provides that the amount of vegetable oil in table margarine

may be indicated on the label. Table margarine is the type of margarine where this content is of most interest to consumers. Cooking margarine, of course, consists largely or entirely of tallow, and the Bill provides that this must be shown on the label.

I think that covers the points raised in the introductory debate, and I commend the Bill to the favourable consideration of the House.

Mr. HANSON (Port Curtis) (3.20 p.m.): As intimated in the Minister's remarks, the Bill contains two salient points, the first being the increase in the State's margarine quota from 5,200 tonnes to 8,000 tonnes. The effect of this increase was widely canvassed at the introductory stage, when reference was made to the possible disadvantages that may be suffered as a result by the dairying industry. As a representative of an area containing the headquarters of the largest co-operative dairying company in Queensland, I have a vital interest in this matter.

As I said at the introductory stage, considerable changes have taken place in the eating habits of the community. In fact, might I say that a revolution has occurred?

Mr. Lane: Papaws.

Mr. HANSON: The honourable member for Merthyr no doubt has nostalgic memories of the days when he tickled the cow's udder in New Farm Park. I am very proud of my long association with the leaders in the dairying industry, many of whom are firm friends of mine. I have shared their fears and anxieties.

If I might reply to the interjection of the honourable member for Merthyr—I was very vocal in this Chamber during a debate on the marketing of papaws. I adverted to the indiscriminate policies followed by the Government and in particular by the Minister for Primary Industries, whose actions reacted to the detriment of the papaw industry. But of course he was influenced by a sectional group in the Committee of Direction of Fruit Marketing. I achieved certain results on behalf of the papaw growers, and I have won the admiration of many people who are engaged in the fruit and vegetable industry.

I am happy to note the Minister's concurrence with my contention that the dairying industry and the margarine industry can live in close harmony.

The other important aspect of the Bill relates to labelling and packaging. Therefore I wish to quote from an erudite submission made by an esteemed member of this Assembly, the former member for Isis, Mr. Blake.

When adverting to international general standards in relation to the labelling of prepackaged foods—and it is of interest to note that some of these standards are subtly concealed in this legislation—the honourable member made certain points, which I hope will become imprinted on the minds of those two or three Government members who have shown some interest in this matter.

Mr. Blake said—

> "'Label' includes any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on or attached to, a container of food.
>
> "Pre-packaged food shall not be described or presented on any label or in any labelling in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect.
>
> "Pre-packaged food shall not be described or presented on any label or in any labelling by words, pictorial or other devices which refer to or are suggestive either directly or indirectly, of any other product with which such food might be confused or in such a manner as to lead the purchaser or consumer to suppose that food is connected with such other product.
>
> "The name shall indicate the true nature of the food and normally be specific and not generic."

He then referred to such practices as the inclusion of the word "cooking" on the label, but in pale print, on a pale background, which does not give the purchaser a clear indication of the nature of the product. He recommended the adoption of the international standards, one of which provided that a complete list of all ingredients should be declared on the label in descending order of proportion. This is considered to be very important. If the ingredients are printed in a descending order of importance on the label, a person can get a general impression of the contents at a glance, without making a detailed study. The list also included a recommendation that the net contents of liquid food be declared by volume. That was generally agreed to by his committee. Those ideas stand today, and we are very happy to see that some of them are embodied in the legislation presented by the Minister.

As the years progress I hope that the industries I have referred to will be in a much more satisfactory state and that industry leaders will be able to apply themselves readily to the task of looking after the producers. In the interests of consumers I can only wish the measure well. As marketing trends and people's eating habits change with the passage of time, necessary amendments will have to be introduced. Whichever party is in power, whoever is the Minister, I hope that, at all times, the public's requirements are watched vigilantly so that people will benefit from the provisions contained in the legislation on labelling and packaging.

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (3.28 p.m.), in reply: I thank the honourable member for Port Curtis for accepting the provisions

contained in the Bill. Last night certain Government members spoke on the measure but it seems that further comment is unnecessary as no new matters have been raised.

Motion (Mr. Sullivan) agreed to.

COMMITTEE

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

Clauses 1 to 12, both inclusive, as read, agreed to.

Bill reported, without amendment.

THIRD READING

Bill, on motion of Mr. Sullivan, by leave, read a third time.

MAGISTRATES COURTS ACT AMENDMENT BILL

SECOND READING

Hon. W. E. KNOX (Nundah—Minister for Justice) (3.30 p.m.): I move—

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

As I outlined in my introductory remarks, this Bill gives the opportunity to establish, or we might say to re-establish, the Small Debts Court in this State. It has already attracted quite a deal of interest, and the comments I have received have been very favourable.

I stress one thing that perhaps might have been overlooked in the earlier debate. While this court may appear to have many characteristics similar to those of the Small Claims Tribunal, in fact it will be substantially different because it will be part of the Magistrates Courts system and every magistrate will become, when necessary, a referee in the Small Debts Court.

No doubt initially there will be many thousands of applicants, bearing in mind the great number of potential "customers". But, as time goes by, when people realise that the day of retribution is more readily at hand, I trust that the enactment of a simple procedure such as this will discourage those who in the past might have been tempted to avoid meeting their small-debt commitments.

Mr. Jensen: Will the magistrates be able to handle all of this?

Mr. KNOX: Yes, quite easily. What doubts did the honourable member have about it?

Mr. Jensen: Magistrates are kept pretty busy in Bundaberg.

Mr. KNOX: Yes, that is true. However, applicants will give notice of their claims and there will be opportunity for the other party to be advised of the time and date of hearing.

The matters will be dealt with in Chambers. The time taken for hearings in the Small Claims Tribunal is usually half an hour, or 40 minutes at the very outside. I imagine that a great number of these matters will be settled at the door of the court, because people will realise that they have a commitment to meet and that there is a simple process at hand to enforce it. By the time the matter is due for hearing I imagine it will be settled. Therefore, while there may be many cases potentially, I do not believe that in fact there will be as many as might be expected by the court.

We are burdening magistrates with more and more judicial functions. It is one thing to make legislative provision, as we do in many areas, for an increasing number of offences requiring appearances before magistrates, but certainly it will increase their work. However, I do not believe that the work-load imposed by this measure will be so burdensome that they will not be able to cope with it.

The other matters in the Bill will, I think, be improvements. So far members of the profession have indicated to me that they are in agreement with them. I trust that honourable members will support them, too.

Mr. WRIGHT (Rockhampton) (3.34 p.m.): I believe that the attitude of the Opposition was very clearly expressed at the introductory stage. We intend to support the principle of streamlining the debt-recovery system in the community. From what the Minister says, this varies greatly from the Small Claims Tribunal. I think it would be agreed that it is based on the concept of the Small Claims Tribunal. We have here a rather simple, informal and expeditious way of handling disputes over small debts.

What happens over the next six months will be the test. Honourable members will recall that in 1972 or 1973 when the Small Claims Tribunal was instituted the Minister gave an undertaking to review that legislation within a reasonable period. I think, Mr. Speaker, you will recall that it was to be within a period of six months. I now ask the Minister to give the Chamber such an undertaking on this measure. Although we do not expect many problems, I would still like the undertaking that if problems do arise the Assembly has a guarantee that in the next session or in the early part of 1976 this matter could be brought forward for amendment. We are not saying that it has to be amended; it may not be necessary. But I should like an undertaking that the Law Reform Commission or the Department of Justice will give consideration to this matter and watch the practice in the Small Debts Court.

Mr. Ahern: It would not be necessary to get that assurance from this Minister.

Mr. WRIGHT: I am pleased to hear that. I still ask him to give me the undertaking because I think it would clear the air.

We could debate whether the upper limit of the claim should be $450 or $1,000. Some of us may not accept that it is a matter of endangering the aspect of bankruptcy. As the Minister has admitted, the sky is almost the limit in other countries. It could be that time will show that we do not need such a maximum amount.

Mr. Jensen: The honourable member for Landsborough knows that this Minister does things whereas members of the National Party do not.

Mr. WRIGHT: I will accept that interjection, but we are getting things done in the legal field and the Minister must be given a tremendous amount of credit for this.

However, we do not always appreciate his not warning the Opposition. I reiterate that it is rather difficult to guess what the Minister is intending to do. What I do is keep a file on all public releases in the hope that I will discover provisions to be contained in legislation. It could be that the Minister found out that in previous years I had a pretty good "leak" and decided to close it. But I think we still do pretty well. I hope he did not catch the departmental fellow who was helping me.

Mr. Knox: He learnt his lesson when you betrayed him.

Mr. WRIGHT: I certainly did not betray anybody.

Rather than delay the Committee stage, I ask the Minister to answer two questions at this point of time. Firstly, is there any restriction on anybody bringing an action before the Small Debts Court? The definition of "consumer" as it relates to the Small Claims Tribunal is rather restrictive in that a farmer, manufacturer, wholesaler or retailer cannot bring an action. A claim can be brought only by a consumer.

Secondly, if an action is brought before the Small Debts Court, can an alternative party bring a matter by way of summons in the Magistrates Court? The moment a matter is listed for hearing by the Small Claims Tribunal, a summons taken out in the Magistrates Court cannot be proceeded with. On occasions in Rockhampton I have rung the local clerk of the court and said, "This person has received a summons. I would like you to advise the plaintiff that the matter has been lodged with the Small Claims Tribunal and it should not be proceeded with." They are two very simple points to which I should like an answer at this stage.

Mr. AIKENS (Townsville South) (3.38 p.m.): I wish to raise a couple of small points. I raised one some time ago and I shall deal with it again when the Criminal Code and the Justices Act Amendment Bill is being considered. A successful member of Parliament needs to have a deal of patience. He makes a suggestion this year and hopes that he is returned to Parliament often enough and lives long enough to see it put on the Statute Book. It could take anything from 10 to 20 years.

I have raised one matter several times and I am disappointed that it does not appear to be covered by this Bill. A small farmer was sent a cheque by the C.O.D. or some other agent. The cheque was stolen and, notwithstanding the fact that the cheque was crossed, it was signed fraudulently by some other person and cashed by a storekeeper or trader who specialises in that sort of thing.

I put the case to the Minister for Justice. I asked him if it came under the provisions of the Consumer Affairs Act and he said, "No." I asked if it was covered by the Small Claims Tribunals Act and he said, "No." The only action this unfortunate farmer could take was to go to court in the ordinary way. Everyone knows that the only winners in actions in the Magistrates Court, the District Court or the Supreme Court are the lawyers. Neither the unfortunate fellow who sues nor the fellow on the other side really wins. The lawyers always reap a golden harvest.

The case concerned a farmer at Mutarnee named Campbell who received a cheque for $30 for pineapples that he sold. The cheque was stolen, and, although it was crossed, it was signed in the name of "Campbell" and cashed at a service station in Charters Towers. I understand that the service station proprietor who cashed it has a habit of doing this sort of thing.

The matter was reported to the police. They found that the cheque had been deposited in the bank account of the fellow who ran the service station. There is therefore no doubt that the police know where the cheque went. The unfortunate farmer wanted the service station proprietor to give him back his $30. But the proprietor said, "Not on your life. I cashed that cheque in good faith; therefore it is mine." When the police questioned him closely about the identity of the man who cashed it, he could not remember him, despite the fact that he would not cash one cheque a week. He could not give even a vague description of the person who cashed it. He could not say if he was tall or short, fat or thin, blond or brunette. He simply said, "I cashed the cheque in good faith; therefore it is mine." The farmer is still lamenting, and still $30 short.

The only chance that the farmer has of getting the $30 that is rightfully his is to take action in the ordinary way in the Magistrates Court. But it would cost him at least $190 to get even a brumby solicitor to act for him. When that is added to the costs of court in the event of his losing the case, it will be seen that the poor old farmer could finish up $250 down the drain in trying to get his $30 back.

I should like the Minister to tell the House why protection for people in that situation is not included in the Bill. From what I can

see in the Bill, because a cheque that was rightfully his was illegally cashed by a service station proprietor after it had been stolen by some other person, that farmer cannot go to the Small Debts Court to recover the $30 that he lost.

Mr. W. D. HEWITT (Chatsworth) (3.42 p.m.): A few years ago when the Minister brought down legislation to establish the Small Claims Tribunal, he had the distinction of being the first in Australia to introduce such a law. Today he brings down what is a natural counterpart to that legislation providing for the establishment of the Small Debts Court. I welcome the Bill with particular pleasure.

I am pleased because to some degree it balances things out, and shows that the consumer is not always the only person who is aggrieved. In the course of the last few years we have brought down a great number of legislative measures giving greater protection to the consumer. That is right and proper; the number of snide operators now in business establishes that the consumer must have some law on his side. But to suggest that it is always the consumer who is aggrieved is quite wrong. There are many small businessmen in the community who trade in good faith and believe that people will discharge their obligations. Too often they are left chasing their money, and because the individual debts are so small the cost of litigation is not justified as it would be greater than the amount being sought. There are a great number of people who trade on this fact of life, and for too long they have been able to exploit the small trader. This legislation corrects some wrongs and gives aggrieved persons a form of recourse that until now they have not enjoyed.

But there is another reason why we, particularly as Liberals, should be pleased to welcome the legislation. It gives a fairer deal to the small businessman.

Mr. Aikens: And it keeps the lawyers from getting their fingers into the pool.

Mr. W. D. HEWITT: It saves the cost of litigation. I might choose different words, but the honourable member and I probably mean the same thing.

Mr. Aikens: You are a shining light.

Mr. W. D. HEWITT: I can receive no greater accolade than that.

The Liberal Party is, philosophically, orientated towards free enterprise. But for too long people have said that the Liberal Party champions the cause of big business. The fact is, of course, that we have been as anxious as has any other party to repudiate monopoly control and big business that leads to monopoly. However, I will always believe that the Liberal Party is spiritually more oriented towards the small businessman, and it is only in the last few years that people have recognised the true value of small business in the Australian economy.

In the aggregate, small business provides greater employment opportunity and greater stimulus to the Australian economy than big business. As against that, it is not organised; it has no professional lobby. Whenever legislation that is potentially to the detriment of big business comes before a Parliament, big business has its lobbyists and people who can carry a brief for it. That is not so in the case of small business. It is so diversified and covers such a broad canvas that one part is often remote from another.

As I said earlier, we have paid lip-service to small business; till now we have not done anything for it. Therefore, I applaud the efforts of the Minister for Industrial Development, Labour Relations and Consumer Affairs in organising seminars for small businessmen in provincial cities. He will be in Bundaberg and Maryborough in the next week or so, and anything he does to assist small businesses is to be applauded.

I hope that the honourable gentleman will tell the small businessmen about the new measure that the Minister for Justice has placed at their disposal, which will give them the right to recover their debts cheaply, efficiently and effectively. I believe that the Liberal Party, emerging as the new champion of small business, will say, "This is the first of the significant measures that we wish to enact on behalf of small business."

I say to the Minister for Justice that I hope this is something that he is doing in that context. I am tremendously pleased that he has chosen to do it, and I am quite sure that small business, to which the Liberal Party is philosophically oriented, will welcome the measure with great acclaim.

Hon. W. E. KNOX (Nundah—Minister for Justice) (3.47 p.m.), in reply: I thank honourable members for their contributions to the debate. I shall endeavour to answer quickly the queries that have been raised.

The honourable member for Rockhampton asked whether I could give any indication of review. I could not guarantee any review this year, but there should be a continuing review. I suggest that by this time next year we will have a clear picture of how the provisions of the Bill have been operating. Having in mind that the majority of the new procedures will be in the rules, not in legislation, I suggest that there could be progressive reviews without much attention being drawn to them. We will be able to simply change the rules of court to achieve that objective. I did say at the introductory stage that the application of the provisions would be covered mainly by rules. The amendment now proposed virtually gives the authority of the Legislature to set up the Small Debts Court.

There is no restriction on the qualification of the person involved, other than that he is owed the money. The honourable member for Rockhampton asked whether the door is closed to other actions if a person elects to take this course. The answer is, "Yes." If that were not so, people would begin actions in duplicate. Instead of preventing litigious problems, we would be creating more.

Mr. Wright: Did you indicate whether that is covered in the Bill?

Mr. KNOX: I mentioned at the introductory stage that it would be covered in the rules.

Mr. Row: What happens if they issue a summons in the first place?

Mr. KNOX: If they elect to do that, they have made their choice. They have the option of doing that.

I come now to the point raised by the honourable member for Townsville South. In the matter to which he referred, there seemed to be evidence of stealing, which he quickly recognised. The other matter was a civil matter not related to a debt. Therefore, as he rightly said, I do not think the legislation will cover the point.

The honourable member for Townsville South claimed credit for this enlightened legislation. I am quite happy that he should get it. However, other members were claiming credit for it when he was not here the other night, so he might be interested to know that he is being challenged.

Mr. Aikens: At least you kept the lawyers from getting their sticky fingers onto other people's money.

Mr. KNOX: It is not a matter of anybody getting his sticky fingers on money. The fact is that people can take action in this area in the Magistrates Court now. The reason they do not is not because of lawyers hovering on the sidelines but because the machinery is so time-consuming. They need not have a lawyer there if they do not want one. As to small debts and small claims, I should imagine that the professional people are so busy with matters requiring their expertise at a very high level that they would not want to be involved unless there were some special complications. In any event, the people who are involved do not want to complicate the problem. The machinery at the moment tends to complicate it. Just to handle the machinery of these particular matters at the moment requires expert advice. If we can simplify the machinery, let us do so. People are more than happy to appear before the Small Claims Tribunal on their own. Some of them take advice from solicitors beforehand because they want to know how to say things and what matters they should refer to. They may even want to have evidence accumulated for them by way of papers and documents that they can present to the tribunal. They have not particularly wanted to take legal advisers to the tribunal, and nor have the legal advisers wanted to intrude.

Mr. Aikens: In your days as a backbencher, didn't you say that when a lawyer walks into court justice flies out the window?

Mr. KNOX: I have never said that in my life. The only person who has ever said it in this Chamber has been the honourable member himself. He has said it so often that it tends to bore us a little.

Let it be clearly understood that we are not trying to exclude professional representation because somebody is anti professional representation. Quite frankly, it is not necessary. However, it will be noticed that there is provision here, as there is in the Small Claims Tribunals Act, for professional advisers to be present, as long as the court is satisfied that parties are advantaged and nobody is disadvantaged by their presence.

Mr. Aikens: You could not get a riff-raff solicitor to appear in the Magistrates Court for less than $190, and you know it.

Mr. KNOX: The honourable member is misleading the House. He might not get the riff-raff for less than that amount, but some of the best legal advisers will appear for nothing. The honourable member misrepresents the situation.

The honourable member for Chatsworth made reference to the fact that the Small Claims Tribunal legislation was the first of its kind in Australia. That legislation has now been adopted by all States and New Zealand, and even the United Kingdom is considering a form of legislation we have here.

Mr. Aikens: You are to be congratulated on bringing this Bill down, but you should stop squaring off and crawling to the lawyers.

Mr. KNOX: How the honourable member interprets my statements as squaring off and crawling to the lawyers, I do not know. There is only one bush-lawyer in this House.

Mr. Aikens: And he's a good one!

Mr. KNOX: He is such a good bush-lawyer that we are happy to have his advice for nothing. That is how much it is worth.

I trust that the Bill will herald other legislation of a similar nature in this country.

Motion (Mr. Knox) agreed to.

COMMITTEE

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

Clauses 1 to 10, both inclusive, as read, agreed to.

Bill reported, without amendment.

THIRD READING

Bill, on motion of Mr. Knox, by leave, read a third time.

THE SCOUT ASSOCIATION OF AUSTRALIA QUEENSLAND BRANCH BILL

SECOND READING

Hon. W. E. KNOX (Nundah—Minister for Justice) (3.56 p.m.): I move—

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

I do not propose to again outline the events which gave rise to the necessity for the Bill before the House. However, through structural and organisational changes, the position has been reached where all property belonging to the Queensland Branch of the Scout Association of Australia is still registered in the name of The Boy Scouts Association, the parent body in the United Kingdom. Again because of those changes the Queensland Branch cannot deal with its own property.

The parent body has acknowledged that all beneficial interest in property in Queensland registered in its name is and always has been vested absolutely in the Queensland Branch and has consented to the vesting of all such property into the name of the Queensland Branch.

The Bill merely gives effect to this arrangement and does no more than permit the property mentioned to be registered in the name of the body which is the real owner of that property. The present rights of local associations, areas and groups in relation to that property will be unchanged. Any trusts to which the property is subject will be unaffected.

A simple registration procedure is provided and exemption from stamp duty granted in respect of any instrument used for that purpose.

Transitional and savings provisions are also provided in relation to actions, contracts, agreements and the like, and the Bill will allow the Queensland Branch of the Scout Association to once more have control of its own property.

Mr. WRIGHT (Rockhampton) (3.57 p.m.): I think all of us would agree that there is no need for a great deal of comment on this machinery measure. As the Minister indicated at the introductory stage, it is designed to head off problems that might arise in the future. As such it has our wholehearted support.

It pleases me to note that this Assembly finds time to deal with a problem such as this, no matter how big or small it might be. It is pleasing that we can bring down legislation that is for the good of an important section of the community. As I say, the Bill has our wholehearted support.

Mr. W. D. HEWITT (Chatsworth) (3.58 p.m.): At the introductory stage appropriate complimentary remarks were made about the scout movement, and I certainly wish to be associated with them. This wonderful movement has maintained its basic principles over the many years that it has been in existence.

No reference was made, however, to the property owned by it, and I think it is germane to do just that now. Throughout Queensland the boy scouts own considerable tracts of land. In the immediate proximity of Brisbane are three areas to which I shall make brief reference.

The first is Eprapah near Redland Bay, the second is Birri-Birrum, which is near Rochedale, and the third is Baden-Powell Park at Samford. In each area commendable development has taken place. At Eprapah the scouts have resisted temptation to over-develop the land. They have left it in substantially virgin condition. So well has it been preserved that it is now being used in a number of environmental studies. Of course, in the new code under which boy scouts operate, environmental studies play a very real role in their activities.

Baden-Powell Park at Samford is used extensively for camping activities. The wonderful things done by the scouting movement in this tract of land are to be applauded. I am always impressed when I visit Baden-Powell Park.

Birri-Birrum at Rochedale caters for the scouting activities of groups in my area. As my boy camps there quite frequently I visit Birri-Birrum frequently as one of the unpaid chauffeurs, taking my boy down on Fridays and bringing him back on Sundays. All these areas are exposed to the ever-present risk of development. Birri-Birrum in particular is being overwhelmed on all sides by development. Some people believe that it should be sold—and it would attract a very healthy figure—and the money used to develop other areas.

I hope that the scouting movement resists all overtures. The longer it holds this land the more valuable it will become. When I say "valuable" I speak not in monetary terms but in terms of value as a continuing assistance to the movement. It will not be very long before urban Brisbane stretches many miles further out. If areas such as Birri-Burrum and Eprapah are not preserved, the scouting movement likewise will have to travel very extensively before the boys reach camping grounds. With development taking place so fast these days, boys do not have the treat we had when we were young of going to land in close proximity to their homes where they can fish, climb trees and indulge in all sorts of adventurous activities.

I hope that the integrity of these areas can be maintained. The longer they are kept the more valuable they will be to the boy scout movement. If keeping them means that the movement is faced with monetary problems, I should hope that the Government will be sympathetic towards it and say, "We want to see the integrity of these properties maintained. If that

imposes some financial hardship on you, come to see us and we will do what we can." I am sure that sentiment is shared by almost every honourable member.

Motion (Mr. Knox) agreed to.

COMMITTEE

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

Clauses 1 to 6, both inclusive, as read, agreed to.

Bill reported, without amendment.

THIRD READING

Bill, on motion of Mr. Knox, by leave, read a third time.

THE CRIMINAL CODE AND THE JUSTICES ACT AMENDMENT BILL

SECOND READING

Hon. W. E. KNOX (Nundah—Minister for Justice) (4.5 p.m.): I move—

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

Since its introduction, this Bill has evoked a good deal of public interest and generated some worthwhile constructive comments and suggested amendments. Honourable members made a useful contribution to the debate prior to the first reading of the Bill and I propose to reply to some of the points raised then.

It was suggested to me that the provisions of the Criminal Code relating to public officials do not operate efficiently. The code has extensive provisions in this regard. It provides for abuse of office, corruption, extortion, false accounting, false claims and other offences by public officials. I assume that the honourable member for Nudgee was serious in making this suggestion and I would ask him to submit his suggestions to me in more detail and advance the remedy he proposes. I will then be in a better position to give deeper consideration to his proposal. Incidentally I would welcome detailed proposals from any honourable member of this House who considers that any law I administer, for that matter, is in need of change.

Criticisms were levelled at the time taken to make ex-gratia payments under the Criminal Injuries Compensation Scheme. I think this point was raised by the honourable member for Rockhampton. It is just not correct to suggest that claims for these payments will take up to four years to be granted. Normally a claim will take from two to three months to be finalised. The delay occurs when requests to applicants for relevant information is not forthcoming for many months. Honourable members will appreciate that claims have to be investigated to verify their genuineness and to ascertain whether the applicant is in fact an innocent victim of crime.

The amount that may be awarded for criminal-injury compensation is increased quite substantially by the Bill from $2,000 to $5,000 and compares more than favourably with the awards that can be made in other States. It is quite wrong to compare an award in a civil case with an ex-gratia payment from Consolidated Revenue. A victim is always at liberty to pursue his civil remedies against his attacker if he so desires. However, it should be pointed out that there is no limitation on the amount that may be awarded to a person suffering injury whilst assisting any police officer to arrest or attempt to arrest an offender or to prevent or attempt to prevent the commission of any offence.

Several speakers advocated the creation of a new offence of motor-vehicle stealing rather than the amendment of the existing provisions of "unlawfully using". The Bill provides for the existing section to be changed by—

(1) Increasing the penalty from 5 to 7 years' imprisonment;

(2) Providing for circumstances of aggravation which will increase the penalty to 10 years' or 12 years' imprisonment;

(3) Providing for specific offences of unlawful use and unlawful possession, whereas these two offences constituted the single offence of unlawful use because unlawful possession was included by way of definition in the term "unlawful use";

(4) Constituting the offence if the consent of the person in lawful possession has not been obtained, but providing that, if the accused can show that he has the lawful consent of the owner of the vehicle, no offence is committed. Normally the person in lawful possession is the owner; but the situation is different where the vehicle is under hire purchase, because the hirer is the person who has lawful possession and the hire-purchase company is the owner; and

(5) Extending the provisions to include motor boats and sailing boats.

I believe that these changes will have a significant effect on the incidence of car thefts. If it is found subsequently that these changes do not have that desired effect, consideration will be given to changing the offence from "unlawfully using" to car stealing.

The amendments contained in this Bill which have attracted the most attention are unsworn statements from the dock and notice of alibi. The private legal profession has expressed publicly its opposition to these amendments. On the other hand the judiciary, both judges and magistrates, are in favour of abolishing the right to make an unsworn statement from the dock and the requirement concerning notice of alibi.

Recently a Criminal Law Revision Committee in New South Wales, comprising representatives of the judiciary and the legal

profession, both private and public, recommended that the right to make an unsworn statement from the dock be abolished and advanced the following grounds for its abolition—

Firstly, the right is an historical anachronism. It was imported into our procedures as a device to give the accused a voice at a time when the law did not allow him to give evidence, and the reason for its existence has long since disappeared.

Most other "common law" systems have either abolished it or in other ways rendered it nugatory.

Mr. Aikens: If the legal profession opposes it, it must be good.

Mr. KNOX: I won't bother to answer that interjection. We all know the honourable member's problem.

Secondly, it is a significant departure —and the only one—from a system based on the principles of evidence and examination and cross-examination.

Thirdly, it allows the professional criminal to lie without the appropriate test applied to other witnesses, to introduce irrelevancies, and in other ways to obscure the court's search for the truth.

Fourthly, the "incapable" accused is unlikely to be prejudiced by giving evidence. The jury will make an assessment of him just as it will of any other witness.

The requirement of giving notice of alibi has been part of the law of Scotland since 1887, and was the subject of extensive inquiry by the Criminal Law Revision Committee of England under the chairmanship of the Right Honourable Lord Justice Sellers. The report of the committee was presented to the United Kingdom Parliament in 1966. The committee concluded that in its opinion—

"There is a strong case for amending the law so as to deprive an accused of the privilege of keeping back a defence of alibi until the last moment. A rule which enables the accused to deprive the prosecution of the opportunity of investigating the truth about a defence clearly calls for some justification if it is to be kept."

The report of the committee was adopted and their recommendations were enacted as section 11 of the Criminal Justice Act 1967 which provided that upon a trial on indictment a defendant should not, without the leave of the court, adduce evidence in support of an alibi unless before the expiration of seven days from the committal proceedings, he gives notice of particulars of the alibi and the persons who could support it.

This legislation has been followed in Tasmania in 1973, in New South Wales in 1974 and the provisions of the English legislation are followed in this Bill. The Law Reform Commissioner in Victoria in 1974 examined this matter and recommended that Victoria enact similar legislation. The Victorian Law Reform Commissioner stated that—

"It has been argued that to deprive accused persons of the advantage of surprise in relation to a defence of alibi would not be in accord with the general policy of our criminal law, that persons accused of crime, since they are presumed to be innocent, should have every facility for defending themselves.

"The favour, however, that the law shows towards accused persons is for the purpose of ensuring, so far as possible, that the innocent shall not be convicted. But the advantage that a surprise defence of alibi gives to the defence lies in the prevention of investigation. This favours a person putting forward a false alibi. But an innocent person putting forward a true alibi obtains no advantage from the prevention of investigation, unless it be in the elimination of any possibility of improper attempts to influence his witnesses."

The Bar Association has suggested to me that the provisions in this Bill concerning notice of alibi should be amended to provide that a person of whom notice of alibi has been given shall not be questioned unless the accused or his solicitor has been given reasonable notice in writing of the time and place of questioning and is given the opportunity to be present.

The legislation in England, Tasmania and New South Wales does not contain any such provision. This suggestion was put to the English committee by the private legal profession there but was not adopted. On this point the English committee concluded that—

"Since the object of the requirement to give the names of alibi witnesses is to enable the prosecution to investigate the alibi, we have no doubt that it follows that the police should be able to interview the witnesses, as is done in Scotland. This may give rise to difficulty if allegations are made at the trial that the police acted improperly when interviewing a witness. The trial would then be complicated by the introduction of further issues of fact for the jury. In order to lessen these difficulties it would in our opinion be desirable that chief officers of police should give instructions that before interviewing a proposed alibi witness the police should, whenever possible, give the solicitor for the defence reasonable notice of their intention to do so and a reasonable opportunity to be present at the interview. We do not suggest that it should be the practice to arrange for similar facilities for the accused himself in the uncommon case where he is not legally represented, especially as he may be a long way from where the witness is to be interviewed and may be in custody; but in these cases we suggest that the police should try to arrange for

the interview to be in the presence of some independent person. These suggestions relate only to the interviewing of witnesses named in a notice of alibi under the clause. At present if a person on arrest or on being questioned about an offence tells the police that he was somewhere else at the time of the offence, the police are likely to make inquiries at once in order to check his story and may question persons who he says can support him. This practice is obviously valuable and there can be no question to its continuance, especially as it may show that the person in question is innocent. The matter is different when a formal notice of alibi has been given."

I have given serious and deep consideration to this question of investigating an alibi once notice of it has been given in accordance with the Bill, and I have discussed it at length with the Minister for Police. We have concluded that once notice of alibi has been duly given, a member of the Police Force will only be able to interview an alibi witness in the presence of an independent person, and that all members of the Police Force will be instructed accordingly. I believe that this method of interview will provide adequate safeguards against improper pressure being applied by an over-zealous police officer, and will also protect members of the Police Force from false accusations of using improper pressures.

The Bar Association has also requested that the period in which notice of alibi be given be extended. In England and Tasmania the period is seven days, and in New South Wales it is 10 days. I am agreeable to the period being extended from seven to 14 days from the date of committal.

In relation to valueless cheques, the Bar Association has asked for the provisions in the Bill to be amended to make provision where the drawer of the cheque stops payment, and where there is delay in presenting the cheque for payment. In view of this request, I propose to change the provision in the Bill slightly to make it uniform with the provisions in all the other States.

The Bill is being amended to make it clear that the Court of Criminal Appeal has an unfettered discretion to determine the proper sentence to impose when the Attorney-General has appealed against the inadequacy of the sentence. The private legal profession is opposed to this amendment. I do not propose to alter this amendment because it only makes clear what was always intended, and was in fact acted upon by the Court of Criminal Appeal for 30 years until 1973, when a court decision effectively changed the law to what was not intended.

Offences for breaking and entering buildings other than dwelling-houses are being altered by the Bill because of the difficulty which is experienced from time to time in fitting a particular building into the categories set out in the sections, namely, "A schoolhouse, shop, warehouse, counting-house, office, store, railway vehicle, garage, hangar, pavilion, factory, workshop, tent, caravan, petrol station, ship, aircraft or vessel or a building which is adjacent to a dwelling house and occupied with it but is not part of it."

Obvious examples which do not readily fit into one of these categories are museums, tool sheds and kiosks. It is pointless to have to artificially force a building into a category because there is none which is quite apt to describe it.

Changes to the existing sections relating to breaking and entering buildings other than dwelling-houses are—

Firstly, the insertion of a general definition of "place" to avoid repetition of various categories of buildings.

Secondly, the enlargement of the existing sections from commission of a crime to commission of an indictable offence which comprises both a crime and a misdemeanour. The deficiency in the existing sections is that conduct such as breaking and entering for the purpose of assault, or having unlawful carnal knowledge of a girl in the house, is not covered by the existing offences because assault and unlawful carnal knowledge are misdemeanours and not crimes.

Thirdly, a new offence is provided in the new section 422(2), namely, that of "having entered any place", as defined, "with intent to commit an indictable offence therein breaks out of that place." This type of offence was not covered by the existing provisions.

I propose to move in Committee that the existing sections relating to breaking and entering places of worship and committing or intending to commit crime be repealed, because the offences contained in these sections are now contained in the new sections 421 and 422 in the Bill.

I also propose to move in Committee a few minor tidy-up amendments which have been brought to my notice by interested persons who have taken the time and trouble to scrutinise and peruse the contents of the Bill.

At the introductory stage I elaborated on the changes contained in the Bill, and I will not take up the time of the House in repeating them again.

I am confident that honourable members, having now had the advantage of examining the Bill, will consider the changes sought to be made to our criminal law and procedures as desirable in the interests of the fair and efficient administration of justice in Queensland.

Mr. WRIGHT (Rockhampton) (4.20 p.m.): Although the Bill was introduced only two sitting days ago, the Opposition has given serious consideration to the amendments proposed in it.

As other honourable members said at the introductory stage, the Criminal Code has been on the Queensland Statute Book for three-quarters of a century. Although it has been widely criticised, it has also been applauded. One expects that when legislation is introduced dealing with the penalities for crime. Once the quantum of penalties comes up for discussion, one must expect various opinions to be expressed. These will come from sociologists, people who believe in whipping and flogging, and so on.

An Honourable Member: Like Mr. Frawley.

Mr. WRIGHT: The honourable member for Murrumba comes into that category. He certainly holds rather extreme views on the subject.

Having given serious consideration to the amendments now before the House, I must admit that a determined effort is being made by the Minister for Justice to update the Criminal Code. I realise that it is a long and arduous task and one that should not to be rushed into.

However, because of its importance, I think it is a pity that honourable members have only a short time in which to debate it. It is unfortunate that the business of the House cannot be arranged in such a way that major pieces of legislation such as this are introduced very early in the session and then held over for, say, three or four weeks. I am sure that most honourable members would like to have a little more time up their sleeve when perusing such legislation.

The Opposition welcomes a number of the amendments proposed in the Bill, and I wish to comment briefly on some of them. The first provision that is very welcome gives power to the court to permit the release of certain persons. I read recently a report of a case in which a former member of the Police Force was charged but not convicted. I think that was the way the newspaper report read. Or was it that he was found guilty but not convicted?

Mr. Lindsay interjected.

Mr. WRIGHT: Unfortunately, the honourable member for Everton has great difficulty in reading. I suggest that he goes to the honourable member for Windsor, who often gives reading lessons.

Mr. LINDSAY: I rise to a point of order. I ask the honourable member for Rockhampton to withdraw that remark. I have no trouble in reading.

Mr. WRIGHT: I am pleased to hear that—I will withdraw it—but the honourable member could have fooled every member of this Assembly who has heard him read some of his speeches in this Chamber.

Mr. SPEAKER: Order!

Mr. WRIGHT: Let me return to the Bill.

Mr. LINDSAY: I rise to a point of order. I ask the honourable member to withdraw that remark. The only speech that I read in this Chamber was my maiden speech.

Mr. SPEAKER: Order! The honourable member for Rockhampton will withdraw the remark.

Mr. WRIGHT: I will withdraw it. Might I say, Mr. Speaker, that the honourable member read that speech extremely well.

In my opinion, the provision allowing a court to find a person guilty but not convict him is an excellent improvement, because it enables consideration to be given to age, character, health, mental condition and so on. It also comes back to the nature of the offence and enables consideration to be given to extenuating circumstances.

Both the honourable member for Townsville (Dr. Scott-Young) and the honourable member for Warrego (Mr. Turner) have raised with me problems that their constituents have experienced in getting jobs with Government departments after being convicted of an offence.

Honourable Members interjected.

Mr. WRIGHT: Whoever it was, similar cases have confronted many members of Parliament. One of their constituents—perhaps a young fellow working in the railways—has been convicted of an offence and suddenly lost his job. The anomalous situation has arisen in this State that, although the Minister for Community and Welfare Services has been proclaiming the need for rehabilitation, and he means what he says, these people cannot be employed by a State Government Department—the Railway Department, the Works Department, or any other department.

Mr. Aikens: He may have taken only a couple of onions.

Mr. WRIGHT: I believe that the honourable member for Townsville South is right on the ball with that comment. It might have been a piece of copper wire or even only a couple of coconuts, as in one case in the Callide electorate. I hope that this provision will be available for those circumstances. Surely consideration should be given to the trivial nature of such offences.

It is ideal for the young person to ensure that he will not be hurt in later life because of such an offence. It is ideal for the aged person, too. Recently I approached a firm on behalf of an old lady who was alleged to have been shoplifting. Perhaps it was just a slip of the mind. She was around 70 years of age and she may have just forgotten to declare some of the items.

Mr. Aikens: Her name should have been Bischof. Then she would not have been summonsed.

Mr. WRIGHT: The honourable member for Townsville South is right on the ball again. It seems that sometimes special rules

are applied. Perhaps we are indebted to former Commissioner Bischof, because it would seem that as a result of his case we now have this rather enlightened piece of legislation.

Mr. Lane: Nothing to do with it.

Mr. WRIGHT: Maybe not, but it certainly fills in the gap. I am told that previously the proposed procedure needed ministerial interference, but that will not now be required. For that reason I think we will be very happy with the provision. Similar improvements have been made in other States and in the United Kingdom.

Other clauses remove existing anomalies. Section 75 of the Act covers the discharge of firearms in a dwelling-house. I understand that because of the definition of "dwelling-house" an offender could not be charged with discharging a firearm in a Main Roads Department hut. Apparently the hut did not come within the definition of "dwelling-house". It seems that the Bill will overcome problems of that sort.

Mr. Lane: You have been given the wrong advice again.

Mr. WRIGHT: I was told by a very well-known barrister——

Mr. Aikens: Disregard them both and ask me.

Mr. WRIGHT: Irrespective of the comments of the Minister for Justice, I realise the value of the honourable member's opinion on matters of justice.

Another provision worthy of comment is contained in the clauses that amend sections 663C and 663D to permit increased ex-gratia compensation payments. Previously the limit was $2,000, but I notice now that it will be "an amount not exceeding the prescribed amount, fixed by the Governor in Council having regard to the amount ordered by the Court to be paid to the applicant." I should hope that now removes the maximum limit on the payments and that the Governor in Council—the Cabinet in this instance—will give consideration to the order of the court and the circumstances of the victim. We really need to give consideration to victims. That was mentioned by other honourable members, and it was certainly made clear to us on the crime and punishment committee that not enough consideration is being given to victims.

Mr. Lindsay: I brought it up in my maiden speech.

Mr. WRIGHT: It looks like every time the honourable member for Everton says something we are expected to put a mark on the wall. O.K., we will give him credit. He made a great maiden speech. I think he sent a copy of it to every member in the Chamber, but about two of them read it—he and one of his very close friends.

At the introductory stage the Deputy Leader of the Opposition made the point that ex-gratia payments had been inadequate. We should ensure that victims receive an adequate sum. The Minister made the point that we cannot parallel their case with civil judgments. If a young lass can get $13,000 or $14,000 by way of damages for a kidney ailment as the result of some incident, surely we should have a higher average ex-gratia payment than we have at the moment. I understand the average is about $900, and that only about 20 applicants have been successful, out of the dozens of people who have applied. In 1973 I tried to find out how many applications had been made, but I was told that the information was not available.

However, it is not only a matter of quantum. The main difficulty is getting the money. It puts a huge burden on the shoulders of a victim to require him to chase the offender and prove firstly that the fellow has not got the ability to pay. I should like to see that changed. The procedure is too complicated. It is difficult for the victim to do that and it delays the processing of the claims. I realise that the Minister said that some of them were put through very quickly. I realise also that sometimes the solicitor is at fault, as a certain solicitor in this city will find out very shortly. Although he told his client that he had made application, we now learn from the Minister for Justice that no application was ever made. That was six months ago. Apparently some solicitors tend to lead their clients astray on these matters.

There is obviously need for simplification. In fact, some solicitors have asked me to find out what procedure is involved. I have then inquired from officers of the Minister's department and been told the procedure. It seems that unnecessary difficulties arise here, so the procedure should be streamlined to enable people to obtain these ex-gratia payments.

The Minister challenges the contention that some claims for compensation have extended over three or four years. I know that some have dragged on for that length of time. I know of one young fellow, now a schoolteacher up at Croydon I think it is, who was attacked in 1970. I think he is still waiting for his money. He may have been paid recently, but he certainly had not received it at the beginning of 1974.

Mr. Moore: Who attacked him?

Mr. WRIGHT: He was attacked by three fellows, for no reason at all.

I urge the Minister to streamline the procedure for the making of ex-gratia payments. The scheme is a good one and has been welcomed by many beneficiaries under it; but the victim of an attack needs the money round the time of the attack. It is then that he is faced with costs, not two

or three years later. So I suggest that we cut the red tape that presently binds the procedure.

Another commendable amendment is that to section 685 of The Criminal Code. It provides for restitution and compensation and falls into line with the opinions held by most members. Although this provision is contained in the Justices Act and can be applied in the Magistrates Court, it is not yet applicable in the District Court or the Supreme Court.

The value of this provision became apparent after the 1974 Brisbane flood, during which certain fellows were caught ransacking someone else's property. If I recall correctly, they were forced to carry out cleaning-up work in Ipswich. I think the public are in agreement with this idea, because they see in it not only punishment but also a means of providing compensation to the victim. The knowledge that the offender is being punished does not afford the victim much satisfaction. I think he must be given a right to compensation as well. He is entitled to have the property that he has lost restored to him in some way by the person who deprived him of it in the first place. It is not enough simply to say that we will give him some payment for the physical injury suffered. Most people like to see justice done, and it is done not only by punitive measures but also by ordering restitution or compensation to be made.

This is also, of course, good medicine for young offenders, particularly those who commit acts of wanton vandalism. As I say, this was shown quite clearly in the Brisbane flood last year.

Possibly the most important aspect of this legislation and the one that will be given most consideration by the public is that relating to the quantum of penalties. Those persons who appeared before the Parliamentary Select Committee on Punishment of Crimes of violence—the specialists as well as the laymen—claimed that the present penalties are not sufficient. At the introductory stage the Minister outlined the regard paid to the recommendations put forward by that committee.

Many sections of The Criminal Code will come under the draftsman's knife. Some penalties are to be doubled; other are to be increased to a lesser extent, and others to an even greater extent. For example, the maximum punishment for indecently dealing with a girl under 17 has been increased from 2 years to 5 years' imprisonment and of a girl under 14 years from 5 to 7 years' imprisonment. I note that this punishment may be imposed with or without a whipping.

Mr. Frawley: It should be with a whipping.

Mr. WRIGHT: I thought the honourable member for Murrumba might have some comment to make on that.

Mr. Aikens: How many of these penalties will be imposed by the courts?

Mr. WRIGHT: I shall come back to that point later in my speech.

The penalty that may be imposed upon a person convicted of causing grievous bodily harm is to be increased from 7 to 14 years' imprisonment. An increase from 3 to 7 years is provided for in the term of imprisonment that may be imposed upon a person convicted of unlawfully wounding.

The Deputy Leader of the Opposition spoke about provocation. A former member of the Police Force will be participating in this debate, and I think we might appreciate his views on this aspect. It is generally held that provocation should be a defence to a charge not only of assault but also of wounding.

The Deputy Leader of the Opposition referred to the case of a fellow who, perhaps at a dance, hits someone in the mouth after being provoked by the other person's derogatory comments about his wife. If in doing so he were to cut the other man's face with a ring he would wound him and therefore provocation would no longer be a defence. I looked up the history of this and found that it goes back many years, to the days when many quarrels were settled with swords. To discourage duelling, provocation was not allowed as a defence. I think times have changed. If a man is provoked into doing something whereby he cuts another's face and draws blood, or simply smacks him in the mouth, he should be able to use provocation as a defence. We have all been provoked in some circumstances.

Mr. Aikens: You can use the extent of violence that is used on you.

Mr. WRIGHT: Again we have a learned dissertation by way of interjection by the honourable member for Townsville South, and again there is merit in what he says.

I suggest that provocation should be a defence in the case of wounding. Maybe the Minister will tell us why it is being left out. Judging by the criticism that has been levelled, surely the Law Reform Commission must have thought of this and considered it. Many people in the legal profession have referred to it. Maybe the Minister will explain it.

Other increases in penalties are welcome. There is an increase in penalty from $1,000 to $2,000 for dangerous driving, on indictment, an increase from $200 to $500 if the case is dealt with summarily, and an increase for second offences from $400 to $1,000.

I do not believe that fines will be the panacea for driving behavioural problems. That is not an original remark; it is obvious. We will still have problems on the road. I recognise that we need deterrents and punitive measures. I therefore agree with the idea of increasing penalties from $1,000 to $2,000 and so on. The increase in penalty from 3 years to 7 years for assault on males and the increase in penalty for common

assault from $100 to $500 are justifiable. Speaking about common assault brings to mind matters related to the Police Force. Many people do not feel safe in the community. Some do not feel safe walking in South Brisbane. I wonder how many honourable members would be game to walk over there on a Friday or Saturday night?

An Opposition Member: Colin Lamont.

Mr. WRIGHT: The honourable member named him.

This headline, "Hoons Whip, Bash Youth", which the honourable member for Cairns has brought to my attention, is a telling pointer to what is going on.

Most honourable members are very much concerned about the growing number of young people assaulting old folks for kicks. I remember an instance in Sydney where they got an old fellow at a bus stop, poured kerosene on him and lit it. They did it for kicks, wanting to see what happened.

Mr. Lane: They have upgraded it since you were a bikie, haven't they?

Mr. WRIGHT: I do not mind admitting that I was a bikie. I think you, Mr. Speaker, know something about motor-bikes. Interest in motor cycles is not degrading.

We must stamp loutish behaviour out. While I cannot agree with the extreme views of the honourable member for Murrumba on whipping, I think alternative methods should be available.

Mr. Frawley: If somebody set your father alight, you wouldn't turn the other cheek.

Mr. WRIGHT: I admit that that would be a very emotional, personal issue.

I believe that too few judges and magistrates impose the maximum penalty. That point was well made by the honourable member for Townsville South. We can provide for maximum fines of $100 or even $1,000, but some of the fines imposed do not worry the hoods very much. They can put their hands in their pockets and readily produce a couple of hundred dollars.

Possibly we should adopt another approach. While we have no party policy on this, I have a personal view that we should consider introducing a type of improvement camp, as I would describe it for want of a better term. I do not suggest that offenders should suffer cruelty in these camps, but they should certainly suffer hard yakka. They should be made to put their shoulders to the wheel, whether it means breaking stones or clearing timber. Many of them could do with a good day's work, or probably a couple of months of good hard work. We hear of sentences of three months' hard labour being imposed, but very few convicted persons do hard labour. Possibly the time is coming when we should provide some place in the community where young fellows especially may be confined for three months—get good

food and decent living conditions and be put to work hard to make sure that they will never want to go back there.

Mr. Frawley: What about whipping?

Mr. WRIGHT: I do not agree with whipping although I do understand how people can hold such views.

Mr. Aikens: You had a chance to impose a mandatory penalty, but you squibbed.

Mr. WRIGHT: I understand why the honourable member for Townsville South holds that view, which has been expressed by honourable members on both sides of the House. We do not want a mandatory provision in any Act for a person to be sent to gaol. We know that very little good is done for him there in the first six months. Let us have an alternative punishment so that a magistrate may send an offender to an improvement camp. Hoods might then get fewer thrills from kicking an old lady or setting someone on fire.

One other aspect I am very pleased about is that dealing with the defalcations of trust funds of directors. We have always agreed that what is good for the goose is good for the gander. Sometimes I think we forget about those who are involved in the stealing of funds within business—those big directors whom we hardly ever hear of; those trustees——

Mr. Aikens: Have you seen today's "Telegraph"?

Mr. WRIGHT: The honourable members for Bundaberg and Townsville South have pointed out to me the headlines on the front page about a $200,000 fraud.

Mr. Jensen: By a solicitor.

Mr. WRIGHT: It worries me that it has happened in Queensland.

We need to deal with these people severely. I am pleased to see that the penalty is being increased to 10 years' imprisonment. I believe this offence is becoming too prevalent in the commercial society and it is time we increased the severity of sentences in an attempt to stamp it out.

I am also interested in the amendments relating to the illegal use of motor vehicles, which is provided for by section 408 of The Criminal Code. I think this proposal is welcomed by the community. I read in the introductory speeches that some members would prefer retaining that section as well as bringing the offence within the definition of "stealing". I think "unlawful using" has been a sop to the offender. If a fellow steals a vehicle, he removes it from the temporary or permanent possession of the owner, and I think that is stealing in anyone's language. I am pleased to see that it is being regarded as stealing and that the penalty is being increased.

Mr. Aikens: What if under this Minister for Justice a woman steals a car?

Mr. WRIGHT: I think it is up to the magistrate.

Mr. Aikens: No.

Mr. WRIGHT: I certainly do not think the Minister would intervene in that. However, we would have to see from experience.

I want to comment on a new offence for which a maximum of 10 years' imprisonment is provided—if a vehicle, aircraft or vessel (the provision has been extended by this Bill) is used in connection with an indictable offence. I do not think this will deter people from taking part in robberies, but at least it may induce them to use their own cars. It seems to be a prevalent offence for offenders to swipe someone else's car and use it in the commission of an offence. They do not care what happens to it afterwards. The knowledge that they could end up with 10 years for the use of someone else's car in the commission of such an offence may act as a deterrent.

Mr. Lane: What is your definition of "swipe"?

Mr. WRIGHT: Swipe, borrow, use or take from possession. If we had the "legal eagles" from the Government side—if the honourable members for Brisbane and Ashgrove were to come into the Chamber—perhaps they could assist us.

While I agree with the general principle underlying this provision in the legislation—that is, to cut back joy-riding and the car-stealing racket—I am concerned with one aspect of it which I think could be interpreted unfairly by the judiciary. If members read the Bill—and I will not refer specifically to the clause—it refers to taking to deprive the owner of lawful possession temporarily or permanently and imposes a maximum of 7 years' imprisonment; but, if an offender damages, removes or otherwise interferes with the mechanism of the motor vehicle, aircraft or vessel, he is liable to 12 years' imprisonment.

I think this could pose a problem. If a person takes—I will not use the word "swipe" again——

Mr. Moore: It is stealing.

Mr. WRIGHT: If he steals it—if he deprives the owner of possession of it temporarily or permanently—the maximum is 7 years. But what happens if he removes a hub cap? What happens if he takes a part of the motor? Is that to be interpreted as bringing him within the definition in that he damaged, removed or otherwise interfered with the mechanism of the vehicle and therefore could get up to 12 years? I think this calls for clarification. The intention of the Bill is fairly clear, I believe, but this provision could be dangerous and open to abuse. I would like the Minister to clarify it because in one instance (the important offence of stealing) the maximum is 7 years while for the other offence (that simply relating to damaging or interfering) the maximum is 12 years.

The Minister made lengthy mention also not think that "accommodation" could be concurs with the Minister's intention of expanding the breaking and entering offence to cover any buildings. Under section 421 of the Code the types of buildings are listed. It mentions a schoolhouse, shop, warehouse and so on. It seems that this amendment will overcome the problem by using general terminology. We will simply refer to the breaking and entering of "places". I believe that is a commendable way of bringing about clarity and certainty.

I suggest that the same clarity and certainty will not necessarily be achieved by the amendment to section 427A dealing with the obtaining of goods or credit by false pretence or wilfully false promise. The section is expanded by a new provision dealing with the obtaining of property by the passing of valueless cheques. The provision defines "property" as, "any chattel, money or valuable security." The penalty prescribed is 2 years.

I spoke to the honourable member for Brisbane about this. I think something is to be gained from conferring with others who have greater knowledge. I asked him: exactly what do we define as being valuable security? I have an anomaly here. Suppose a fellow goes to a motel and passes a cheque for his accommodation. I do not believe the Act prevents that. It certainly would not be a chattel or money and I do not think that "accommodation" could be construed as being a valuable security. The Minister should surely comment on this aspect. I think it needs clarification.

Another aspect that needs clarification is the legality of the widespread practice of stopping a cheque or not honouring it. This happens every day of the week. I am sure that honourable members have advocated to their constituents that they should stop a cheque if they are not satisfied with a purchase. Technically, under this provision, anyone who obtains any chattel, money or valuable security with a cheque that is not paid on presentation for payment is guilty of an offence.

If the honourable member for Merthyr suggests to one of his constituents that because he is not happy with the second-hand vehicle he bought, he should simply ring the bank and stop payment of the cheque, I believe he would be contravening this provision and could be liable to a penalty of 2 year's imprisonment. It is a common practice, it happens every day of the week. Last Monday before I came down here, I recommended to a lady that she stop payment of a cheque given to a fellow who charged her $60 to clear her back yard.

It is necessary that people be able to stop payment of cheques when goods have been misrepresented or when unsatisfactory services are provided. But are we creating real difficulties for ourselves? Will we have the smart retailer or vendor of services being able to take action against such a person, or could the person be prosecuted under the Criminal Code itself by the police because payment of the cheque was stopped and therefore the value of the cheque would not be paid on presentation? We are concerned about this aspect of the Bill. I believe we will find it inadequate.

Two other aspects of the Bill raise concern among members of the Opposition, and, as the Minister said, in the legal profession, too. The first is alibi evidence and the second is an unsworn statement from the dock. It is worth noting the comments made by Mr. J. M. Macrossan, who is vice-president of the Bar Association, and Mr. S. Foote, the president of the Queensland Law Society. They were reported in "The Courier-Mail" of 19 April as follows—

"The Queensland Bar Association vice-president (Mr. J. M. Macrossan) said the amendment requiring an accused to give details of an alibi to the prosecution interfered with the traditional right of the accused person not to disclose his defence before his trial.

"There doesn't appear to us to be any mischief in Queensland to call for such a departure from the present existing right of the accused.

"This applied also to the abolition of the right of the accused to make an unsworn statement.

"Mr. Macrossan said the amendment on alibis followed a change in the law in England but in England it was thought necessary to make the step because of the level of organised crime.

"The Bar Association felt the Queensland situation did not warrant such a change just as it did not warrant majority jury verdicts, another change made in England to meet organised crime.

"Mr. Macrossan said the witnesses whose names had been disclosed could be exposed to pressures before a trial.

"The Queensland Law Society president, Mr. S. Foote, said the society was opposed to disclosure of alibi defence to the prosecution.

Intimidation

"He said it could lead to suggestions of intimidation of witnesses.

"In British law for centuries the Crown had presented its case and the accused did not have to disclose anything until the Crown case was presented.

"Mr. Foote said the society would have preferred the right to make an unsworn statement to be retained."

I can summarise those comments by saying that it has been the traditional right of the accused not to disclose his defence before trial. In addition, Mr. Macrossan said that there has been no real reason for the amendment. The Minister has given us further reasons. I think we should note that the original introduction in the United Kingdom was prompted by organised crime there. Although I do not think that we have this here, possibly we should close the gate before the bulls get out.

Mr. Aikens: What is the difference between organised crime and unorganised crime? It is still crime.

Mr. WRIGHT: I accept that it is still crime, but we are dealing, I think, with criminal organisations that use the system for their own benefit.

The substance of the new provision is that a defendant will not be able to give alibi evidence in his trial without leave of the court unless he has given notice of such alibi evidence within seven days after the date of his committal for trial. If it is really thought that such notice should be given, we should reconsider the period of seven days. Personally, I am opposed to it. I have been convinced by legal practitioners that this aspect of the code does not need changing. But if we have to change it, why make the period seven days? It has been pointed out to me that seven days is not sufficiently long for this purpose. It has been stressed that one is fortunate to get typed depositions in a week, and depositions prepared from tapes can take up to three weeks to be supplied. Many other reasons have also been given why the period is too short.

Mr. Lane: Have you looked at the proposed amendments?

Mr. WRIGHT: Yes. I was not aware that there was going to be any amendment to this aspect of the Bill.

Another reason for opposing this provision is that there is a dependence on the magistrate to advise the defendant. Those who are aware of what magistrates often do know that they frequently read from notes, and there is no guarantee that the defendant will understand what he is being told. I note that the court can decide whether it considers that the defendant was so informed by the magistrate. I think the whole matter cuts across the basic principle of not disclosing a defence in advance.

It gives the opportunity to unscrupulous elements in the Police Force to harass witnesses. In the ordinary course of events, we would say that this would not happen in Queensland. I am sure that a couple of months ago it would have been said that it would not happen in New South Wales or Victoria, but some of the things that are being claimed at the moment are rather disturbing, and I am sure that many members are wondering when claims will be made that police officers in Queensland are involved in similar sorts of things concerning prisoners.

Whilst 99 per cent of police officers could well be above-board and completely honest in all their dealings with witnesses——

Mr. Lane: You are saying that one in every 100 is dishonest?

Mr. WRIGHT: I am not saying that.

Mr. Lane: You said that 99 out of 100 are honest. What did you mean by that?

Mr. WRIGHT: Is the honourable member saying that no policeman has ever done a dishonest act? I believe that there are those in the Police Force who lean on people.

Mr. Lane: You were the one who was precise.

Mr. WRIGHT: I am being precise.

Mr. Lane: You said 99 out of 100 were honest.

Mr. WRIGHT: We all know of defendants who have admitted all sorts of offences. The Leader of the Opposition told us recently about the fellow who robbed his house, and how he admitted about 56 breaking and entering offences. He was just copping the lot. Whether he actually committed those offences, we do not know.

It is not normal to disclose an alibi. There is also the point that if the prosecution is taken unawares by an alibi that is suddenly produced, the prosecutor can apply for an adjournment to enable the alibi evidence to be checked. As I said before, the period of seven days is too short. It envisages defence counsel being able to obtain all statements required from alibi witnesses in seven days. I am not quite sure that that will be possible. If it is absolutely necessary to change the law because of what has happened in New South Wales and the United Kingdom, let us at least provide a reasonable amount of time.

Mr. Aikens: It is the crown prosecutor rather than the defence counsel who will want extra time.

Mr. WRIGHT: I accept that. I find myself in some measure of agreement with the honourable member for Townsville South today. I agree that this would break up the practice of a defendant suddenly bringing along a long line of hoodlums who are prepared to say that they knew where the defendant was at the time of the alleged offence. There may be six or seven of them, and they may have records as long as their arms. But I do think that the rights of defendants must be protected.

There was a case in Rockhampton that concerned a fellow named Brian Tone Dillon. All members who live in the central region of Queensland would know of him. The Minister for Justice certainly knows of Brian Tone Dillon, because he once named about 52 prominent citizens for all sorts of offences. He was once charged with assaulting a parking-meter attendant.

Mr. Knox: He and the honourable member for Townsville South are a pair.

Mr. Aikens: I have a bagful of mail from him.

Mr. WRIGHT: As I said, he was charged with assaulting a parking-meter attendant. There was a long case about it. He went to the court and pleaded provocation, but he did not have any witnesses. It looked as if Brian Tone Dillon was going to go under for the fifth time. Suddenly, at the last minute, a witness came forward and supported his claim. She said that she did in fact see the attendant provoke him in some way. I do not know what he was supposed to have said to Tone Dillon, but he did provoke him. I do not know where the witness was when the hearing began—I believe she was interstate—but she came back to Rockhampton, saw the report in the newspaper and suddenly rushed in and gave notice that she was a reliable witness.

I suggest that a similar situation could also arise with alibi witnesses. An alibi witness may not be found until a court case has been started. He or she could be interstate and not be available to make statements. For these reasons, I believe that we should look very carefully at this provision. I do not see that we gain very much by removing this aspect from the code.

A similar situation arises with an unsworn statement from the dock. I have heard all sorts of stories about defending counsel asking defendants to make statements from the dock to try to gain sympathy from the jury. It is an old technique. The defendant tries to gain the sympathy of the women on the jury.

Mr. Frawley: I know of one defendant who had his wife in the gallery with a baby, and she kept pinching it to make it cry so that the women on the jury would feel sympathetic.

Mr. WRIGHT: I accept that that is a truthful statement.

When an unsworn statement from the dock is made, the defendant cannot be cross-examined. However, the judge can comment on the statement. Solicitors to whom I have spoken have told me that they believe the judge can make a reasonable summation of what the defendant has said and clarify it for the benefit of the jury. It could in fact be a last-ditch stand to gain sympathy from the jury. Even so, I do not think enough arguments have been advanced to convince honourable members that it ought to be repealed.

Mr. Aikens: Sometimes they talk themselves into gaol.

Mr. WRIGHT: That may be so. That is a risk they take.

If the prosecution is disadvantaged in some way—and that has been suggested by way of interjection—possibly it should be admitted that some police prosecutors are

disadvantaged anyway. From the answer to a question that the honourable member for Nudgee asked the Minister for Police recently, I know that there is now a special police prosecutors' course at the Police Academy. Quite a number of police officers have undertaken that course, both on a pre-service and an in-service basis, and I am told that it is a very good one. However, I suggest that it could be improved a little further if the services of a permanent professional officer attached to the Police Department were used. That was recommended by the commissioner back in 1972.

Mr. Lane: By me in 1971.

Mr. WRIGHT: I accept the interjection of the honourable member for Merthyr. It is a good idea. If the honourable member mentioned it in 1971, the commissioner mentioned it in 1972. However, nothing has been done about it.

Mr. Lane: He stole my thought.

Mr. WRIGHT: If the commissioner stole the honourable member's thought, we will give the honourable member for Merthyr a couple of little flowers, or perhaps a star to put on the wall. Getting away from the frivolity, I concede that it is a good idea. If the honourable member for Merthyr suggested it, we should give him credit for that. It is something to which more cognisance should be given. If the police prosecutor is having difficulty, let us assist him. Let us ensure that an expert is attached to the Police Department. I am not sure that police prosecutors would want assistance only before a trial. They might desire to have some type of post-mortem afterwards to see why they lost. They could seek advice from an expert attached to the department. I believe he would have an important role to play and a valuable contribution to make.

It is necessary to bridge the gap in the training of policemen to be both investigators and prosecutors. That has been recognised by the Minister for Police simply by introducing the new course. A number of policemen have already been involved in it, and those from the central region who have taken the course have told me that it is very successful.

This is Justice Department legislation, and I suggest that the Minister for Justice could foster the idea to remove the disadvantages facing police prosecutors in courts instead of removing from the Act provisions relating to unsworn statements and alibi evidence.

The final matter on which I wish to comment is the insufficiency of the jurisdiction of the Magistrates Courts. We noticed in this Assembly that the first breakthrough came under the Health Act, when the jurisdiction of the Magistrates Courts in relation to drug offences—I think it was that—was increased to cover penalties up to two years.

The offence of assault occasioning bodily harm is now to be dealt with summarily by a magistrate. Admittedly magistrates are going to be given a discretion as provided by section 342 of the code. It might be worth reading that. It states—

> "If the justices find that the assault complained of was accompanied by an attempt to commit a crime, or if for any reason the justices are of opinion that the charge is a fit subject for prosecution by indictment, they are required to abstain from dealing with the case summarily."

We accept that, but I think we should be given more explanation about why we are now expanding the jurisdiction of the Magistrates Courts. Is it because of the workload of the District Courts? If so, I am not sure that this is the answer. We must keep it in mind that when we move from the District Courts we are removing the right to be tried by jury.

Mr. Knox: Not necessarily. No, that is not correct.

Mr. WRIGHT: Yes, we are. If we put it in the Magistrates Courts there is no jury.

Mr. Knox: I refer the honourable member to the report of the select committee of which he was a member. That was in the report. These amendments were in the report.

Mr. WRIGHT: I am sorry. I was not aware of that.

Mr. Knox: These are some of the recommendations that were made in that report.

Mr. WRIGHT: I certainly saw the recommendations. Either that escaped my mind or I did not realise certain aspects of it at the time.

Just as the Minister for Justice can bring forward amending legislation to amend legislation he previously introduced, we can change our minds here. One aspect I did not consider is that most people opt to have a matter heard in the Magistrates Courts. They believe that by having it heard in the Magistrates Courts they might get off more lightly. In actual fact we are bolstering up the Magistrates Courts system, and we are removing the right to be tried by jury for certain offences.

It is a pity that the Bill has to be dealt with so expeditiously. There are areas of contention, as admitted by the Minister, and there is a real need for explanation of some of the provisions.

Mr. Frawley: It could lie on the table for a couple of months.

Mr. WRIGHT: I am not sure that the Minister would agree to that. If the honourable member suggested it he might find that he had a lot of supporters.

We need further clarification on some points. I do not want to take up the time of the House any longer. I have spoken

at great length already, and I know that the honourable member for Townsville South intends to make a very studied contribution.

We support many of the amendments contained in the Bill, but we are concerned about some of them, and will be speaking further at the Committee stage.

Mr. LANE (Merthyr) (5.4 p.m.): I am pleased to have the opportunity to enter the debate on the second reading of this Bill to amend the Criminal Code and the Justices Act. I was sorry that I was unable to speak at the introductory stage because of my absence owing to illness.

It is a Bill in which I have been considerably interested. As a member of the Minister's justice committee, I was engaged in lengthy discussions about the Bill over a period of 12 months—discussions which have culminated in the Bill being brought down in its present form. It is a matter of personal pride to me to have been involved in the drafting of the legislation.

To persons concerned with the criminal law the Queensland Criminal Code almost has the force and standing of Holy Writ. It is probably one of the most important pieces of legislation on the State's Statute Book. Certainly it is one of the best. It is written in such terms as to enable it to be read and understood by the simplest person in the community. It is a product of that great jurist Sir Samuel Walker Griffith, who had his home in my electorate—Merthyr Homestead, after which the electorate was named. At the time of drafting the legislation Sir Samuel Walker Griffith was the Chief Justice of Queensland, and later the first Chief Justice of the High Court of Australia. He noted that in drafting the legislation he had derived great assistance from the Italian Penal Code of 1888.

The code came into force in 1901, having been passed though the colonial Parliament in Queensland in 1899. Since then it has stood the test of time and of practice and has in fact been copied by a number of other States. They have now codified their criminal law to bring it into line with that of Queensland, but Queensland led the way.

No amendment should be made to the Criminal Code without the exercise of adequate care and caution. As I said before, the influence of the Italian penal code on the drafting of the initial legislation was quite significant. It may interest some members to know that Sir Samuel Griffith spoke Italian fluently. In fact in his spare time he translated some of the works of Dante.

Mr. Hanson: Do you speak Italian?

Mr. LANE: Not very well.

Since the enactment of this legislation it has been copied, as I say, by other Australian States. In 1902 Western Australia introduced a Criminal Code similar to ours; in 1924 Tasmania followed suit; in recent times similar legislation was enacted in Papua New Guinea; and more recently still it has appeared on the Statute Book of the Northern Territory.

I have said that we should exercise special care and caution in amending the Criminal Code. Certain sections of it have, however, been found to be quite inappropriate to our present day and age. The first such section to which I refer is that concerning unsworn statements from the dock.

An amendment is being made to section 619 of the Criminal Code. In 1970 I was responsible for moving a motion at the Liberal Party State Convention in Queensland calling on the then Minister for Justice (Dr. Delamothe) to amend the code in the manner outlined on this occasion by the Minister. That motion was carried by an overwhelming majority. Later I wrote an article on that subject and it was published in the June-July 1970 issue of the Queensland Police Journal. I also made certain submissions in private to the Select Committee on Punishment of Crimes of Violence as well as to the Minister for Justice. So I would seek to claim some credit for the inclusion in the Bill of this particular amendment.

As the law presently stands, an accused person is permitted to make an unsworn statement from the dock. It seems to me that this practice has grown out of all proportion in recent years and gives to an accused person a grossly unfair advantage. I believe it is a principle of criminal law that the prosecution is entitled to the same degree of justice as that given to the defence.

In my submission to the Minister I suggested that section 619 of the code should be amended to eliminate this practice of allowing an accused person to make an unsworn statement from the dock without being required to enter the witness-box and take an oath and subject himself to cross-examination.

Briefly, the history of this practice is that prior to 1892 a person accused in Queensland of an indictable offence was not permitted either by law or by practice to give evidence on his own behalf. He had, however, the common law right or privilege to make an unsworn statement. This had grown up from the practice of judges allowing an accused person to do so because he could not give evidence on oath, except in certain cases, and was not permitted to be defended by counsel. When an accused person was permitted to be represented by counsel, a conflict arose over his right to make a statement when defended. He was eventually given this right.

In 1899, when the Queensland Criminal Code was first enacted, section 619 gave to an accused person a statutory right to make a statement to the jury, or, in other words, an unsworn statement. This practice is an anachronism and should have been eliminated years ago. That is what this Bill is

designed to do. In 1971, Mr. Justice Townley, in commenting on this in the Court of Criminal Appeal, said—

"One would have thought that once the reason for allowing a prisoner to make an unsworn statement, i.e. his not being permitted to make a sworn one, disappeared, the right to make, or privilege of making, such a statement would have also disappeared."

In commenting further on that occasion on the position since the enactment of the Criminal Code, Mr. Justice Townley said—

"This illustrates the anomalous position occupied by unsworn statements made by an accused person at his trial. The reasons which gave rise to the practice of allowing them vanished in this State almost 60 years ago, and it is probable that they are now made mainly in cases where the prisoner's previous history or character are such that he cannot take the risk of having them placed before the jury in cross-examination. It appears to me that a statutory abolition of the right to make such statements is eminently desirable, if it be accompanied by safeguards preventing cross-examination of a prisoner to establish previous convictions or bad character."

In 1961 these safeguards against a prisoner being questioned on his previous conviction were provided by amendment to the Criminal Code and the insertion of section 618A. An accused person cannot now be cross-examined in relation to his previous convictions unless he draws it upon himself by attacking the character of the prosecution witnesses. I submit, therefore, that he no longer needs the protection afforded to him by the right to make an unsworn statement from the dock free from cross-examination.

Mr. Justice Townley was not the only person who considered this system to be archaic. Professor Zelman Cowen, the Vice-Chancellor of the University of Queensland, in an article mentioned in the Queensland Law Reports in 1960, said—

"The criticisms of the expressed retention of this now anomalous privilege (of allowing unsworn statements) should be brought to the attention of the Legislature."

The "Australian" newspaper of 17 January 1970 carried an article which reported that the Victorian Statute Law Revision Committee was considering whether unsworn statements should be abolished and that it would be reporting to the Victorian Parliament. In New South Wales also, the Attorney-General, Mr. McCaw, was on record in those years as saying that he strongly believed in the abolition of unsworn statements. In practice, they are shown to be quite unfair.

A few years ago the notorious criminal Darcy Dugan was on trial in Sydney and proved this point very well. He made an unsworn statement from the dock during which he blatantly attacked the arresting police officers and the prosecution witnesses. This attack was heard by the jury and was very well reported in the Press of that day. He then entered the witness-box, took the oath and simply denied the events. He could not be cross-examined on the statements he made whilst in the dock, only on what he said in the witness-box. He could not be cross-examined on his character or previous convictions, so that any casual followers of the Press reports of this case, and even some of the less-informed jurymen, were prone to confuse the two stories, that is, the unsworn story which he gave from the dock, and that which he gave from the witness-box. Combined they made a very powerful story and denied justice to the prosecution and to the complainant.

I give another example of how this practice is used unfairly. The complainant may be a young girl who has been the victim of an outrage. She has to enter the witness-box, take the oath and stand intense cross-examination by defence lawyers. On the other hand, the accused person, who may be a hardened criminal, may stand relaxed in the dock, from where he is able to tell lies and besmirch the character of the victim without fear of being contradicted or having his statements tested by cross-examination. Many criminals are experienced liars and can handle this situation very convincingly. They are not subject to the penalties of perjury when speaking from the dock.

While I appreciated when putting forward my proposal that it would not find much support among some practising defence barristers to whom this is a useful tactic, I believe there is, at present, a complete imbalance between the rights of the accused person and the rights of the complainant and society. Wherever possible this should be rectified. It is in fact being rectified by this Bill's amendment to section 619, and I applaud the Minister for taking that action.

The persons mentioned, eminent as they may be, are not the only ones who favour such a change. As indicated by the Minister, this amendment is favoured by our Chief Justice, the Chief Stipendiary Magistrate, The Chief Crown Prosecutor and also the police. So there is quite a weight of educated and experienced opinion in support of this proposal, despite the points made by the Bar Association and the Law Society.

Another of these amendments seeks to allow some offences under the Criminal Code to be dealt with by a magistrate sitting in summary jurisdiction. Amongst those listed is the charge of assault occasioning bodily harm. That, too, is the result of a submission put forward by me to the Minister. For many years it seemed to me to be anomalous for the prosecution in practice to find it necessary to charge a person with assault occasioning bodily harm so that it had power of arrest under the Criminal Code; later to prefer a charge of common assault for which it did not have the power of arrest, and then allow the accused person to

be dealt with summarily on the minor charge; and later withdraw the more serious charge of assault occasioning bodily harm.

That device has been used by the prosecution for many years. It is one which should have been corrected some time ago. Under the provisions of this Bill, when sufficient evidence is disclosed to warrant a person being charged with the offence of assault occasioning bodily harm—that is, an assault which represents an interference with his health or comfort—that person can in fact be dealt with on the charge summarily without the necessity of proceeding to trial by jury; nor will it be necessary for the charge to be broken down to common assault. It will indeed be a very useful amendment in the administration of criminal law in this State.

Some of the amendments in the Bill provide for persons charged with offences of breaking and entering to be dealt with summarily by magistrates. With the large volume of breaking and entering offences committed these days, surely this, too, is a very useful amendment. I am very pleased that it has not been suggested that the principle be extended to breaking and entering offences involving a dwelling-house. I am sure all other honourable members believe, as I do, that the rule that a man's home is his castle is a very sacred one. I should hope that any lessening of an offence committed in a man's home would not be countenanced by us.

Another innovation in the Bill—perhaps a more positive one—relates to the offence of passing a valueless cheque—one that is not met on presentation. I am pleased that it is made an offence only when certain things are obtained by the tendering of the cheque. The words used in the Bill are "chattel, money or valuable security"—something that can be seen; something that can be grasped in one's hand; something that is real at the time of the tendering of the cheque. It is a very important principle that the criminal law shall never be used for debt-collecting purposes

I know that submissions were made at one stage that the new section should include an offence of passing a valueless cheque not met on presentation in respect of benefits or advantages. Those words have the widest possible interpretation and could lead the Criminal Code into an area of civil debt for which it was never meant. I had something to say in ensuring that that situation was not created.

Those people who have to deal with the criminal law understand quite clearly the elements which must be proven in cases of false pretences. There must be an obtaining of something at the time of the tendering of the cheque or, in the case of the offence of wilful false promise, obtaining something in the future. Never has it been an offence under the Criminal Code to pass a valueless cheque for something obtained in the past. Were that so, it could be held that the criminal law was being used for a debt-collecting purpose. That is not what the Criminal Code is all about.

I have some slight reservations about the qualification in this section which requires that prosecution shall not be commenced without the consent of a Crown Law officer. I do not believe this is a practical proposal. It will to some extent tie the hands of the people who seek to administer this legislation and, on many occasions, a criminal will escape justice.

The tendency of members on this side of the House is to under-legislate in these areas in order to safeguard the rights and liberty of the individual to the greatest possible extent. I can understand the reluctance on the part of my colleagues to institute this legislation concerning valueless cheques without providing some safeguard.

I would have preferred to have the authority placed in the hands of a superintendent of police or someone of similar rank. For instance, under the Vagrants, Gaming and Other Offences Act, a person who makes a false complaint to the police which requires an investigation cannot be prosecuted unless authority is obtained from an inspector of police. One would have thought that in this instance an officer of at least the rank of superintendent of police, who has 30 years' service and holds the Queen's Commission, would have been of sufficient standing to make the judgment. In some of the far-flung areas of the State a con man could perhaps escape justice while authority is being obtained from a Crown Law officer in Brisbane.

I welcome the comments of the honourable member for Rockhampton, who acknowledged that I had on previous occasions advocated some form of secondment of officers to the Police Department. I am sure he was referring to my comments that legal officers and other qualified people, such as accountants, be seconded to the Police Department so that there would be ready access to Crown Law officers at all times within the ranks of the police. This would obviate having to go through the complicated administrative structures of two departments to communicate the requests and receive the assent that would be necessary before each prosecution could be commenced under this new provision relating to valueless cheques not met on presentation.

I am sure that this Legislature will find in due course that it is necessary to bring the Criminal Code before Parliament again if only to amend this provision to give easier access to justice to those who have been defrauded by con men, particularly in the smaller and more remote towns. As time goes by, perhaps some members from country areas will begin to realise the need for such an amendment, and push for it also.

The only other matter on which I wish to comment is the amendment concerning the unlawful use of motor vehicles. From debates that have taken place in this Assembly, and from things that I have heard in other places, it is apparent that there is quite a lot of emotional and ill-founded opinion among some members, and a large section of the public, that offences involving the taking of motor vehicles should be regarded as stealing.

I should like to commend the Minister on the admirable amendments that he is bringing down in respect of the taking of motor vehicles. He has acted very sensibly in upgrading the offence of unlawfully using a motor vehicle by increasing substantially the penalties for it. It is an offence that is becoming more prevalent daily, and heavy penalties and the full force of the law are needed to stamp it out. The Minister has taken into consideration special circumstances of aggravation that may be found in some instances of unlawful use of motor vehicles, and even more stringent penalties are provided in such cases.

I think it would have been quite a bad thing for the administration of the criminal law if the Minister had been persuaded by some of the less-informed members of the community to regard the offence of unlawfully using a motor vehicle as stealing. Section 391 of the Criminal Code clearly defines stealing. This offence involves quite a number of elements that are clearly understood by those who have dealings with this type of law.

The offence of stealing is firmly based in legal history and case law. It runs right through the Criminal Code, and it is embodied in quite a number of offences. Breaking, entering and stealing, robbery with violence, and many other offences contain, as a basic element, the offence of stealing as defined in section 391 of the Criminal Code. To meet the definition of stealing, a person who takes a thing that is capable of being stolen must have an "intent to permanently deprive the owner of the thing of it." When the offender finally reaches the court, the prosecution then has the task of proving that he had such an intent. The public purpose would therefore not be very well served if, in order to obtain a conviction of a person who took a motor vehicle for a joy-ride, the prosecution had to prove that he intended to permanently deprive the owner of the vehicle of his property.

I am pleased that the discussions that took place among members of the Government parties, which resulted in this legislation, continued for some time. Despite the contention of some Opposition members that the Bill has been brought down hastily, it has in fact undergone close study and very thorough debate by the Minister's committee and Government members.

I believe that the House now has before it one of the best pieces of legislation that have been introduced in this Assembly for some time. Certainly it is the most important legislation that honourable members will have before them during this session of Parliament.

Debate, on motion of Mr. Hodges, adjourned.

The House adjourned at 5.31 p.m.