Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 24 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 paper was laid on the table, and ordered to be printed:—

Report of the Commission of Inquiry with respect to certain matters relating to the administration of the Rockhampton Fire Brigade Board.

The following papers were laid on the table:—

Regulation under the Motor Vehicles Insurance Act 1936–1974.

Report of the State Government Insurance Office (Queensland) for the year 1973–74.

PETITION

NOISE FROM TEMPORARY TRAFFIC BRIDGE AT UPPER ROMA STREET

Mr. YOUNG (Baroona) presented a petition from 55 citizens of Brisbane praying that the Parliament of Queensland will ask the Minister for Transport to immediately rectify the unnecessary noise pollution associated with the temporary traffic bridge at Upper Roma Street.

Petition read and received.

Honourable Members interjected.

Mr. SPEAKER: Order! Honourable members are starting to interject. I warn all honourable members that I will not tolerate persistent interjections.

QUESTIONS UPON NOTICE

DEALS WITH POLICE INFORMERS

Mr. Marginson for **Mr. Burns,** pursuant to notice, asked The Minister for Police,—

With reference to the reported statements of senior members of the Queensland Police Force in *The Sunday Mail* of April 20, that no deals were ever made with criminals or suspected criminals in which they were exempted from prosecution in return for "squealing" on other offenders and that police who made secret deals

with informers laid themselves open to charges of corruption and graft, will he assure the House that detective inspectors and non-commissioned officers do not engage in such practices?

Answer:—

"Neither the Commissioner nor his senior officers will tolerate deals as suggested. This policy is well known in the Police Force. Should evidence be available of unlawful conduct by any police officer, regardless of rank, appropriate action will be taken."

OPERATIONS OF CESSNA FLOAT PLANE ON MORETON BAY

Mr. Marginson for **Mr. Burns,** pursuant to notice, asked The Minister for Tourism,—

(1) What permits from the Marine Board are held by the operator of Cessna float plane VH-SFX for operation on various areas of Moreton Bay, including Day's Gutter and Tippler's Passage?

(2) Are there any restrictions placed on the operations under such permits?

(3) Is it proposed to restrict speed limits by such permits?

Answers:—

(1) "No permits from the Marine Board are held by the operator of this float plane and none are required by law. However, the operator must satisfy the Marine Board that he holds an appropriate Certificate of Survey for the float plane."

(2) "A float plane, when it is on the water, is a 'vessel' in terms of the Queensland Marine Act. As such it has the same rights and obligations as any other vessel. The Queensland Marine Act empowers the Marine Board to close any locality against any particular class of vessel. The Chairman of the Marine Board has recently had reason to discuss with this float plane operator some aspects of operations in the vicinity of Day's Gutter and Tippler's Passage. The chairman has also discussed the matter with the Regional Director of the Commonwealth Department of Transport, Air Transport Group, with whom liaison is maintained in such matters. The operator concerned has given certain undertakings and if he abides by them there should be no reason for the chairman to recommend to the Marine Board any closure against the float plane. I might add that this particular operator has operated a float plane service out of Southport for some years and no significant problems have arisen. He is regarded by both the Marine Board and the Commonwealth Air Transport Group, as a reliable and responsible pilot."

(3) "A float plane on the water, being a vessel, is subject to the same speed limits as any other vessel."

CONGENITAL MALFORMATIONS

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

As it appears that his department is having difficulty in ascertaining the numbers and types of birth malformations in babies born in North Queensland, will he ensure that the provision of the Health Act, in respect to keeping an accurate register of birth malformations, is enforced or again made compulsory?

Answer:—

"For the information of the Honourable Member, the number of congenital abnormalities noted in babies born in the public section of Townsville Hospital for the 18 months January, 1972 to July, 1973 was 35; for the 18 months July, 1973 to December, 1974, 15; and from the beginning of January, 1975 to April 16, 1975, 1. The visiting obstetricians to the Townsville Hospital advised that they had not noticed any increase in congenital abnormalities. Whilst the notification of malformations may have some merit, it would not in itself determine the causes of the malformations."

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?

Answers:—

(1) "Task No. 4 of the investigation is the study of infrastructure systems and plans. In this task, the existing infrastructure of the region, the current policies plans, programmes and commitments will be examined to see how they will influence short and long term development strategy. So far as major hospitals in the Moreton Region are concerned, information will be obtained on the location and size of existing and planned facilities."

(2) "No detailed examination of the internal workings of individual hospitals is involved."

(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?

Answers:—

(1) "The Growth Strategy recommended by the study will be very broad and not detailed. It will provide guidelines to local authorities within which they can draw up their policy plans and review their statutory plans at the appropriate time. It will also provide guidelines to Government departments for use in their long term planning. A Regional Growth Strategy Plan leads to consistency between the shorter term and more detailed plans of all planning authorities in a region."

(2) "Regional Planning in Queensland has been set up on an advisory basis. The recommendation of the study will be advisory only."

(3) "No. The aim of the study is to produce a broad long term strategy for the region within which any planning authority can draw up its short term plans and expect that it will be consistent with the plan of other authorities. The study is using a large amount of data provided by local authorities and Government departments."

OFFENCE OF BEING IN CHARGE OF MOTOR VEHICLE

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

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?

Answer:—

"The case of Bruce McDonald was one heard before a court of competent jurisdiction. The magistrate accepted the evidence that he was in charge of the vehicle. The defendant has a right of appeal. I am not in the position to make any further comment."

MORETON REGION EMPLOYMENT BASE STUDY

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

(1) Is a Moreton Region Employment Base Study being prepared for the Co-ordinator-General's Department and the Cities Commission?

(2) What is the purpose of the study and has it yet been completed?

(3) What part is P.A. Management Consultants Pty. Ltd. playing in the study?

(4) Who commissioned the study and what expenditure by the Queensland Government is involved in its preparation?

Answers:—

(1) "The Moreton Region Employment Base Study has been prepared for the Co-ordinator-General's Department and the Cities Commission."

(2) "The study was undertaken to provide information on population and employment characteristics, and on projected future population growth. This information is a necessary input for the Moreton Region Growth Strategy Investigations which are now being undertaken. The Moreton Region Employment Base Study is completed."

(3) "The study was undertaken by P.A. Management Consultants Pty. Ltd."

(4) "The study was commissioned by the Co-ordinator-General's Department and the Cities Commission. The cost was shared equally between these agencies. The State's share is $13,500."

COMMONWEALTH ATTITUDE TO FREEWAY CONSTRUCTION IN BRISBANE

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

What is the current position regarding the Commonwealth Government's attitude towards the continuation of the programme involving the construction of the Northern and Central Freeway?

Answer:—

"Only preliminary work associated with some aspects of these freeways is being undertaken at the present time with Commonwealth approval. Proposals for restricted property acquisition and construction of the Markwell Street Bridge across the Central Freeway still await Commonwealth approval. Discussions involving a programme for construction of the Northern and Central Freeway and possible alternative city by-passes are expected to continue between State and Commonwealth officers in the coming years."

NOISE CONTROL BILL, NEW SOUTH WALES

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

(1) Is he aware that the New South Wales Government recently passed a Noise Control Bill?

(2) What stage has the Queensland Government reached in taking similar action to prevent noise pollution in this State?

Answer:—

(1 and 2) "I am aware of the New South Wales legislation but similar legislation is not a matter coming within my ministerial responsibility. This will be a matter for consideration by the Honourable the Premier."

NEW DESIGN FOR HOUSING COMMISSION HOUSES

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

With regard to an article released in his name in *The Sunday Mail* of April 20, regarding new designs for Housing Commission houses with full-brick bases—

(1) Will he give an assurance that no more tenders will be let for brick-veneer houses, constructed on stumps, in the Albert Electorate, the Albert Shire or the Gold Coast City Council area?

(2) How many designs are there in the new series of houses?

(3) Will he consider building this type of house in the Albert Electorate, the Albert Shire and the Gold Coast City Council area?

(4) Will he accept tenders from contractors supplying their own designs in order to give a greater variety of designs in commission estates?

(5) Will the commission accept and apply the new building by-laws to its housing contracts?

Answers:—

(1) "It must be realised that the funds provided under the 1973-74 Housing Agreement may be utilised only for homes for persons who comply with a 'means test' stipulated by the Commonwealth. It must also be realised that if a tenant is on such a limited income that he cannot pay the economic rent, the commission has no option but to grant a rebate of rent, in other words to subsidise the family to live in the house. Consequently, the capital cost of a house is a major consideration concurrently with the need to provide adequate accommodation and good living conditions for the family. The houses to which the honourable member refers are of pier and beam construction with brick veneer external walls. These originate from contractors' designs and have a structural sufficiency backed by engineering standards. The prices are favourable and the designs are particularly suited to sloping sites where other foundation construction would be costly."

(2) "The commission's designs are not limited to a specific number and are constantly under review. Variations and developments in design arise from changes in constructional methods, materials and components. In any particular project consideration is given to layout, shape, size, orientation and site conditions."

(3) "Erection of some houses to the new styles is already being considered for new construction at the Gold Coast provided the resulting increased costs do not unduly affect economic rentals."

(4) "For very many years it has been the commission's general practice when calling tenders to include an invitation to contractors to submit alternative tenders based on the contractor's designs and materials nominated by them. A number of contractors have submitted such proposals and had them accepted."

(5) "The Housing Commission has been actively concerned in the preparation of the Standard Building By-laws and has been a strong advocate thereof. Like other Crown instrumentalities the commission will observe the technical requirements of the Standard By-laws."

PENSIONER RATE CONCESSIONS BY LOCAL AUTHORITIES

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

As the welfare of pensioners is a responsibility solely of the Commonwealth Government, will representations be made to that Government to recoup local authorities for the ever-increasing rate concessions granted to pensioners, which constitute a grave financial burden to the local authorities concerned?

Answer:—

"The responsibility for the welfare of pensioners lies, I feel, with all members of the community, and 'sole' responsibility cannot lightly be attributed to anyone. Local authorities have accepted some of the responsibility for pensioners over the years, and many grant rate concessions and assist with senior citizens centres and other facilities for pensioners. Both the State and the Commonwealth Governments are providing revenue assistance grants to local authorities, and a local authority could use such grants, if it so desires, towards the financing of rate concessions for pensioners. I would suggest that so far as pensioners are concerned, the best form of assistance they could obtain from the Commonwealth Government would be an increase in their weekly pension, to cover other rising costs as well as rates.

However, I will discuss this matter with other State Local Government Ministers to see whether we can agree on the basis of a joint approach to the Commonwealth."

JAPANESE LOT-FED BEEF

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

How many Japanese feed-lots are there in Queensland and is the beef being exported?

Answer:—

"I understand that until recently there were three feedlots in Queensland in which the Japanese are believed to have had some financial interest. None of these are operating at present."

ACCIDENT INVOLVING POLICE VEHICLE, INDOOROOPILLY INTERSECTION

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

Further to his Answer to my Question on April 16 concerning a collision between police vehicle OHV-968 and a private vehicle on April 13, as nine days have now elapsed since the accident, has the investigation been finalised and, if so, what was the result?

Answer:—

"No."

PRICE MARK-UP ON MYADEC TABLETS

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

(1) Is he aware that a bottle of 30 Myadec tablets retails at $2.49?

(2) Is he aware that on the purchase of a gross, one free bottle is received for each two bottles paid for?

(3) Is he aware that the cost of a bottle of the tablets is $1, on which Parke Davis gives a discount of 15 per cent., making the cost to the chemist 85 cents?

(4) Is not this mark-up of 194 per cent. blatant profiteering?

Answer:—

(1 to 4) "I am having this matter investigated."

PUNISHMENT FOR CRIMES OF VIOLENCE

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

With reference to a segment on the "This Day To-Night" programme on April 21 involving an interview with the Honourable Member for Murrumba, who urged the reintroduction of severe physical penalties similar to those used in the harsh convict days as a deterrent to crime such as rape, does the Minister and the Government subscribe to this view or do they agree instead with an expert on the traumatic subject of rape who said, on the same programme, that the views of the Honourable Member were barbaric, inane and outrageous and that there was no evidence at all to support his views?

Answer:—

"The Government's view is that the law as it stands presently will not be altered and the question of whether there should be punishments other than imprisonment is a matter for this Parliament."

TRAFFIC NOISE AND AIR POLLUTION

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

(1) In regard to noise pollution and air pollution, especially in metropolitan and provincial city areas, how many prosecutions were commenced during the six months ended March 31, under regulation 84 of the Traffic Regulations, relating to undue noise caused by a vehicle in a state of disrepair and under regulation 88 relating to driving a vehicle from which smoke is projected?

(2) Will he ensure that all reasonable action is taken to enforce the relevant regulations?

Answer:—

(1 and 2) "Enforcement of the Traffic Regulations is a matter for the Police and the Honourable Member should direct his Question to my colleague the Honourable the Minister for Police."

STRADBROKE WATERS ESTATE DEALINGS

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

(1) Is he aware of the dealings in approximately 700 subdivisions on Stradbroke Island, known as Stradbroke Waters Estate, by Stradbroke Waters Co-Owners Co-operative Society Limited and Co-Ownership Land Development Pty. Ltd., in apparent contravention of the law?

(2) Will he ensure that all appropriate prosecutions are commenced against offenders?

Answers:—

(1) "No."

(2) "Yes. If there is sufficient evidence."

MOUNT KOOYONG CONVALESCENT CHALET

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

(1) Is he aware that the Mount Kooyong Convalescent Chalet is in financial trouble and is to close?

(2) Is he also aware that approaches by the Commonwealth Government are being made with the object of purchasing the chalet for an Aboriginal hostel?

(3) As no accommodation is available in the Far North for war widows, returned soldiers and other patients who are in the chalet, will his department give immediate financial assistance to keep the chalet operating as a convalescent home?

Answers:—

(1) "My department has received telephone advice from an officer of the company which owns and conducts the Mt. Kooyong Chalet that the property has been offered on the public market for sale."

(2) "The advice also disclosed that several parties were interested in buying the property and tentative negotiations were under way. One of the parties was stated to be the Commonwealth Government—Aboriginal Hostels Section. The company officer was given verbal advice, later confirmed in writing to the secretary of the company, of the procedure involved in the transfer of the licence of this nursing home."

(3) "My department does not normally provide direct monetary assistance to private nursing home proprietors. Arrangements have been made to assist with interest repayments those convalescent home licensees who have extensive alterations to premises to meet requirements of fire prevention survey reports."

BILLS TO LIE ON TABLE OF HOUSE

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

As events connected with Parliament's consideration of amendments to the Auctioneers and Agents Act made it quite clear that the majority of Members believed that major legislation involving substantial policy changes should lie on the Table of the House for a reasonable period to enable greater public consideration of the legislation, will he make it an established practice to have all such legislation lie on the Table for a reasonable period?

Answer:—

"The course of action to be taken with regard to the passage of legislation through this House has been a matter of consideration in relation to each particular item and the Government will continue to adhere to this principle."

STATE HIGH SCHOOL, GARBUTT

Mr. M. D. Hooper, pursuant to notice, asked The Minister for Education,—

(1) Is he aware that, of a total area of 46 acres of land previously set aside for a State high school at Garbutt, Townsville, approximately half the area has been approved for the erection of a hostel to accommodate 150 youths who will undergo training as trade apprentices?

(2) If so, does his department still intend to proceed with the erection of a new high school at Garbutt and when will it be constructed?

(3) If the department has now changed its intention to erect a high school at Garbutt, where and when is it intended to erect a new high school, particularly to cater for secondary school children from North Ward, Pallarenda, Belgian Gardens, Garbutt and West End, especially as these children now have to travel several miles to the nearest high school at Pimlico where there are already 2,000 students enrolled?

Answers:—

(1) "Yes."

(2) "No."

(3) "A survey conducted by the regional office in Townsville indicates that the Garbutt site would not be needed for high school purposes in the foreseeable future. It is intended to use the Pimlico Campus as soon as possible to provide for senior and adult students; and to erect a high school at Kirwan (known as the Weir site) as funds permit and in the light of needs in other parts of the State."

QUARRYING OF ROCK FOR MARINE INSTITUTE, CAPE CLEVELAND

Mr. M. D. Hooper, pursuant to notice, asked The Minister for Lands,—

(1) Is he aware of a news item in *The Townsville Daily Bulletin* of April 18 wherein it was reported that the Thuringowa Shire Council had refused a permit to H. M. and G. J. Riley for the quarrying of 100,000 tons of rock for use in the construction of a breakwater at the Marine Institute at Cape Cleveland, as a consequence of objections lodged against the application?

(2) Is he also aware that the Department of Environment and Conservation in Canberra, when objecting to the proposal, stated that it was awaiting word of acceptance from the Queensland Government of finance to purchase the land where the rock is located, so that the land can be declared a National Park?

(3) If the statement by the Department of Environment is correct, what is the delay in finalising the settlement in these matters, as Messrs Riley and adjacent neighbours are being put to great inconvenience in not knowing to what use they can apply their lands?

Answers:—

(1) "I had not seen the item referred to until it was brought to my notice in regard to your Question."

(2) "I am not aware of the substance of the submission of the Department of Environment and Conservation in this regard."

(3) "As the Honourable Member is aware there is a proposal for a substantial National Park including Cape Cleveland peninsula and country to the south stretching along Bowling Green Bay. The proposal is a complex one involving freehold, leasehold and other Crown land. As is required in all national park proposals it is necessary to consider the needs of alternative land usages and to date it has not been possible to resolve these to a stage where acquisition can proceed."

LAND FRAUDS

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

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

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

Answers:—

(1) "Yes."

(2) "No complaints have been made in this State. However, two New South Wales detectives visited this State for the purpose of pursuing inquiries in relation to complaints made in New South Wales. I am unable to state precisely what investigations have been made in Queensland."

COLLECTION OF RATES BY LOCAL AUTHORITIES, WESTERN QUEENSLAND

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

With reference to his statement on return from his recent western tour, that western shires would collect only 10 per cent. of their rates during the current financial year—

(1) Is he aware that the Longreach Shire had collected over 80 per cent. of the 1974-75 rates as at February 11?

(2) Has his statement any statistical backing or is this another instance of him shooting from the hip?

(3) Was this inane statement meant to create panic in the western shires and to embarrass the Commonwealth Government?

Answers:—

(1) "Yes."

(2) "My statement was based on personal discussions with the people concerned, and referred to forecasted receipts for the second half of 1974-75."

(3) "The statement was aimed at directing attention to the very real plight of western and other local authorities due to the serious down-turn in the meat industry, which coupled with inflation, is having an increasingly adverse effect on local authority budgets."

Mr. HINZE: The honourable member for Sandgate should have thought twice before asking that question because he knows as well as I and everybody else in Australia that in 1972 the greatest bunch of economic bunglers took over the Commonwealth Treasury. People throughout Australia could pay their rates before then, but the A.L.P. Government set about bringing our wonderful primary industries to their knees. That is the reason why people in the western areas cannot pay their rates. If ever anything was calculated to bring the primary industries of Australia and particularly of Queensland to their knees, it was the policy of those put in command of the Commonwealth Treasury in December 1972. They will go down in Australia's history as the worst economic bunglers that this nation has ever seen.

FORESTRY JOBS FOR GRAZIERS, LINVILLE AND BLACKBUTT

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

In view of the situation in the cattle industry and the subsequent financial plight of people engaged in it in the Brisbane Valley, as illustrated in *The Courier-Mail* of April 23, will he consider making jobs available for a number of graziers in forestry undertakings at Linville and Blackbutt?

Answer:—

"I am very concerned with the difficulties of people in the cattle industry in the Brisbane Valley and throughout Queensland. The State Loan funds allocated to the Forestry Department do not permit increase in staffing—in fact they have enforced restriction of staffing. The Commonwealth Government has made funds available to employ a limited and specified number of unemployed workers for restricted periods in the Yarraman Forestry

District. To be eligible for such employment men must be registered—as unemployed—with the Commonwealth Employment Service."

BRANDING OF SCHOOL EQUIPMENT

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

(1) As some time ago his department undertook a programme of branding school equipment to counteract the losses suffered because of the large number of robberies which were taking place in schools throughout Queensland, is the branding of equipment still taking place?

(2) How successful has it been?

Answers:—

(1) "Yes."

(2) "It is not possible to say, unequivocally, that the branding of school equipment has reduced thefts, as the branding program was undertaken in conjunction with increased attention to schools by police. Certainly, the combined efforts of my department and the police have brought about a substantial reduction in losses of equipment from schools. In 1971-72 such losses amounted to $38,000. The branding kits were distributed late in 1973. In 1973-74 losses were reduced to about $23,000. There could be a slight increase on that figure in 1974-75 but I expect the total figure still to be well below that of 1971-72, even though there is now a great deal more equipment in schools. I am informed that the police have been greatly assisted in their work by the marking of school equipment which has not only led to recovery of stolen items, but has also helped in prosecutions where the identity of the owner is important. The deterrent effect of branding is also important but impossible to measure. However, the police feel that the marking of equipment is definitely a deterrent."

CANE TOADS

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

(1) Is he aware of the rapid spread of cane toads throughout Queensland?

(2) Have toads reached pest proportions in irrigated areas and what ill effects could they have in country areas?

Answers:—

(1) "Yes."

(2) "Cane toads are not a pest which affect crop production and therefore are not a hazard to irrigated agriculture. The only recognised production problem with cane toads is in the bee-keeping industry. However, this industry has taken appropriate measures to overcome this problem over a number of years."

REPORT ON RELIGIOUS EDUCATION IN STATE SCHOOLS

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

With reference to the Answer by Sir Alan Fletcher to my Question on March 21, 1974, that as the report was a departmental one it would be inappropriate to regard it as other than a domestic issue, has the domestic issue been considered or translated into some practical programme from which the children of consenting parents of this State will receive some basic training in christian doctrine by the clergy, trained lay people or teachers approved by the church?

Answer:—

"With the approval of Cabinet my department had discussions with representatives of the churches with the result that I was able to obtain Cabinet approval for: (a) secondment of a teacher with an interest and expertise in religious education to work in head office to develop a curriculum and resource material which will be acceptable for use by most of the churches; (b) development of a course of training for clergy, lay personnel and interested teachers; and (c) introduction of some trial programs on religious instruction. It will be the responsibility of the clergy and approved lay personnel to provide this religious instruction. However, teachers who are instructed in this work and who are approved by an established and recognised church will be encouraged to participate. The introduction of acceptable religious instruction programs in schools does not negate the responsibility of parents to provide a basic training in a Christian Doctrine by making use of church services, Sunday schools and other such facilities now available in the community."

SPOT CHECKS OF COMMERCIAL VEHICLES

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

What is the margin for error allowed by Transport Department vehicular test operators when carrying out roadside spot checks on commercial vehicles with portable scales, to allow for the discrepancies which are likely to arise with portable weighing equipment?

Answer:—

"As this matter does not come within my responsibility, I suggest that the Honourable Member should direct his Question to my colleague, the Honourable the Minister for Local Government and Main Roads."

ACCIDENTS TO CHILDREN

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

(1) Is he aware that the Health Commission in New South Wales is conducting a three-year research programme involving a widespread and detailed survey into the nature and causes of accidents to children?

(2) Has he any information in this State of figures tabulating accidents to children between the ages of four months and 15 years and of hospital treatment administered?

(3) As accidents cause more deaths of children than respiratory disease, cancer or congenital malformation and as the Commonwealth Government has made substantial funds available to the New South Wales commission, will he launch a similar research in this State or will he carefully follow the research programme in New South Wales so that he can act on its subsequent findings?

Answers:—

(1) "Yes. A grant of $11,000 a year for three years has been made to two research workers who are doing an indepth survey of 100 cases of burns and 100 fracture cases, as well as a survey of casualty cases of children who have inhaled or ingested poisons. There is also a multidisciplinary medical committee mainly looking at legislation."

(2) "The Royal Children's Hospital, Brisbane, can produce at short notice detailed figures showing all types of admissions, all causes of death, all divided into age and sex. Other hospitals do not yet have the facility to provide this information so readily but it could be obtained."

(3) "My department is in contact with the research workers in New South Wales and is closely following their survey. There are also continuing discussions between representatives of the Maternal and Child Welfare Division of my department, the hospitals, the Department of Children's Services, and similar bodies interested in the welfare of children."

BEEF CLASSIFICATION SCHEME

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

(1) Is an *ex gratia* payment available to beef producers who have tuberculosis reactors so that they do not suffer any loss in sending a beast to an abattoir for slaughter?

(2) Has a meat classification scheme been considered by him or his department?

(3) Is it necessary to have such a scheme before a home-consumption price for beef can be achieved?

(4) As the wide diversity of types and condition of cattle going through saleyards makes a home-consumption price virtually impossible and as a classification scheme would enable a home-consumption price to be set on carcass quality, is a home-consumption price possible?

Answers:—

(1) "Beef producers receive compensation in respect of reactors found under the National Tuberculosis Eradication Scheme at the rate of three-quarters of estimated market value. As values on which rates were set are higher than present cattle prices, producers are certainly not being penalised in regard to disposal of reactors."

(2) "A voluntary meat classification and grading scheme is presently in operation."

(3 and 4) "It is doubtful whether an effective home consumption price scheme could be operated in the absence of an Australia-wide objective classification and grading scheme for cattle."

REPAINTING, MORNINGSIDE STATE SCHOOL

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

Why cannot the painting of the Morningside State School be carried out now under the R.E.D. scheme?

Answer:—

"Similar to Yeronga State School and other metropolitan schools, this work is not provided for in the present programme as approved by Commonwealth Government."

STANDARD TENANCY AGREEMENT

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

(1) Has he seen a suggested standard tenancy agreement which was published in the January/February issue of the Real Estate Journal?

(2) As it would appear that this suggested tenancy agreement is an attempt to introduce controlled rentals, with disputes to be determined by the President of the Queensland Law Society or his agent, will he take action to re-establish the Fair Rents Court to ensure that rentals are properly determined and controlled by the Government?

Answers:—

(1) "Yes."

(2) "I indicated on April 17 last in my Answer to a Question by the Honourable the Member for Rockhampton that

the *Termination of Tenancies Act* 1970 will be repealed on and from December 1, 1975 and that prior to the latter date it is expected that separate legislation relating to and applicable only to tenancies of dwelling houses will be presented to the House."

TRANSFER OF HOUSING COMMISSION PROJECT FROM THE GAP TO MACKAY

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

(1) Has he seen a pamphlet, which was recently circulated in The Gap area of Brisbane, calling upon people to protest at a decision of the Queensland Housing Commission to build 60 houses in that area on the grounds that they would have corrugated iron roofs, fibro walls and concrete stumps?

(2) As it would appear from this pamphlet that the "snobs" of The Gap do not want low-cost housing in their area, will he transfer the financial allocation for the houses to Mackay, where there is a desperate need for additional low-cost housing?

Answers:—

(1) "Yes. However, the description of the proposed houses was not necessarily correct."

(2) "The houses to be erected at The Gap will be financed with Commonwealth funds provided expressly for housing Army personnel. The funds are not convertible to other commission activities. It is not possible therefore to re-allocate the money as suggested by the Honourable Member."

PURIFICATION OF DRINKING WATER

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

(1) Is he aware that in the United States of America the Federal Environmental Protection Agency recently released its findings on a survey of drinking-water supplies of certain cities and that reports indicate that the currently accepted methods of water treatment and purification, especially chlorination, may not be as safe as had previously been thought?

(2) Is he aware that the same agency has shown that there is a correlation between the incidence of cancer and chlorinated drinking water in the city of New Orleans?

(3) As the methods used by local authorities in Queensland to treat drinking water are basically the same as those in the United States, can he assure this House that the same problem does not exist in the State?

(4) If no such assurance can be given, will he take immediate steps to have alternative treatment methods investigated?

Answers:—

(1 and 2) "Neither the Department of Local Government, nor, I am informed, the Department of Health, has yet seen the report referred to."

(3 and 4) "When the report is available, it will be studied to determine the applicability of its findings to Queensland conditions."

SALE OF BEEF TO RUSSIA

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

(1) As it has been reliably reported that the Commonwealth Government has made a loan of $3 million to the Australian Meat Board to finance a sale of beef to Russia, does he know the rates of interest to be charged and the terms of repayment?

(2) Will he assure beef producers in Queensland that through the Australian Agricultural Council he will endeavour to have this $3 million converted to a Commonwealth grant to the Australian meat industry?

Answers:—

(1) "It is understood that the Commonwealth Government has provided a loan of $3 million to the Australian Meat Board to assist it in making export sales. The Federal Minister for Agriculture is reported to have announced that the terms and conditions of the loan have been fixed by the Federal Treasurer and are repayable over a period to be determined and will be met by an increase in the livestock slaughter levy when the beef market improves. It has also been reported that the loan may be used to finance purchases of beef against the sale of 40 000 tonnes to the U.S.S.R. Specific details of interest rates and terms of repayment in respect of the loan are unknown to me."

(2) "This is purely a matter for the Federal Government. The Queensland Government has already made available $10 million on very generous terms to assist the beef industry here and in addition has granted other concessions relating to deferral of stock assessment levy and freeholding instalments and payment of rates."

BALD HILLS–BURPENGARY BYPASS

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

What are the anticipated dates for the completion of the various stages of the Bald Hills-Burpengary bypass?

Answer:—

"First Stage—A two-lane two-way road from Bald Hills to Redcliffe Road is now expected to be open to traffic by March, 1976. Second Stage—A two-lane two-way road from Redcliffe Road to Burpengary should be completed by early 1977. Third Stage—It is planned that a four-lane divided road between Bald Hills and Burpengary will be completed during the year 1978."

USE OF TRAIL BIKES BY CHILDREN

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

(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) "Adequate provision exists under the Main Roads Act in respect to the use of unregistered motor vehicles on roads and under the Traffic Act in respect of unlicensed drivers of motor vehicles to deal with children riding trail bikes on roads."

SPEED GOVERNORS ON MOTOR VEHICLES

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

(1) With reference to his statements of April 23 in Answer to the Honourable Member for Bundaberg and his previous statements on television and in *The Courier-Mail* of April 22 concerning the proposed introduction of compulsory governors to limit car speeds, has he received technical data on the effect the loss of r.p.m. would have on vehicles overtaking, or in a tight traffic situation, where extra power may be required to avoid collision?

(2) If not, will he give full and careful consideration to all aspects of sudden loss of acceleration under all circumstances on the road, before the introduction of such measures?

(3) Will the innovation require referral to or the approval of the Australian Transport Advisory Council?

Answers:—

(1) "This is one of the aspects under examination."

(2) "Yes."

(3) "No, but regard would be had to the desirability of keeping Transport Ministers of the Australian Transport Advisory Council informed of the results of the examination into this suggestion."

EYE TESTS FOR DRIVERS

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

(1) Relative to his statements in *The Courier-Mail* of April 22 concerning eye tests for drivers, has any study been undertaken which connects traffic accidents, excessive speed and bad vision and, if so, to what extent are incidents attributable to the eyesight of victims?

(2) If not, what degree or proposed standard of vision will a driver need to hold a driver's licence?

Answer:—

(1 and 2) "This is a problem which is of international concern and I am awaiting a report on papers presented at the First International Conference on 'Vision and Road Safety' held in Paris as recently as February this year. The conference traversed the subject in some depth and its findings will be looked at while considering standards of vision required for a driving licence. Although licence testing is to be transferred to the Department of Transport in the near future, it is currently still the responsibility of my colleague, the Honourable the Minister for Police."

IRRIGATION AND WATER SUPPLY COMMISSION CAMP, PADDY'S GREEN

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

(1) Has he received representations from the Member for Barron River to close the Irrigation and Water Supply Commission's camp at Paddy's Green and, if not, who made the representations?

(2) Have political considerations influenced this approach and, if so, is he prepared to be a party to this rather shabby action?

(3) Will he give an assurance to the Irrigation and Water Supply employees occupying departmental housing on this site that they will not have their residential status or tenancies interrupted?

Answers:—

"The closure of the Irrigation and Water Supply Commission's construction camp at Paddy's Green near Mareeba has been under consideration for several years as the level of construction activity in the area reduces. With the depressed conditions in the beef industry it has been decided to defer indefinitely the completion

of further works in the 'Arriga' section and as a result new construction work on the Mareeba–Dimbulah project will virtually cease as from June 30, 1975. Because of this it has been decided to close Paddy's Green camp. The unions concerned and individual employees will be advised accordingly. Currently some 17 employees (14 married and 3 single) live in the camp. Eight of this number are employed in the commission's workshop in Mareeba. It is known that several of the employees have their own home in Mareeba. Within this general framework I would reply to the Honourable Member's individual queries as follows:—"

(1) "No."

(2) "No."

(3) "If individuals have difficulty in finding alternative accommodation they will be permitted to remain in their present quarters at Paddy's Green for a limited period."

POLICE DISTRICT, NORTH ROCKHAMPTON

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

As his department has established a new police district based at North Rockhampton—

(1) When will the new unit be operational and what complement of staff will be engaged and in what categories?

(2) For what period will the present renovated premises be utilised and are there any future plans for expansion of the facilities at the headquarters?

Answers:—

(1) "The establishment of the new Livingstone Police District will be: Inspector, 1. North Rockhampton: senior sergeant, 1; sergeants 1/C, 2; sergeants 2/C—uniform 7, detective 1; constables—uniform 16, detective 3; civilians —general assistant, 1; and typists, 3. Emu Park: constable, 1. Lakes Creek: constable, 1. Marlborough: constable, 1. Yeppoon: sergeant 1/C, 1; constables, 4; civilians—general assistant, 1; and typist, 1. Vacancies have been advertised in the *Police Gazette* and when staff appointments have received attention, the date of operation will be decided."

(2) "There are no plans at present to replace the recently renovated premises at North Rockhampton, but future accommodation needs there will be considered in conjunction with other urgent police building requirements."

MR. JOHN BELL, THEATRICAL AGENT

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

(1) Is Mr. John Bell, 57 Vale Street, Wilston, acting as a theatrical agent for Chequers' Night Club and Norths Rugby League Club in Brisbane?

(2) Does he hold a licence from the department?

(3) If not, is he in breach of any law policed by the department?

(4) Is he aware that Mr. Bell has criminal convictions?

Answers:—

(1) "A complaint has been received by my Department that Mr. John Bell has been acting in the capacity of a theatrical agent although not licensed as a Private Employment Exchange. Enquiries have been initiated by officers of my Department to ascertain whether the allegations made are correct or otherwise."

(2) "No."

(3) "If Mr. Bell is carrying on a Private Employment Exchange without a licence, then he would be in breach of the Private Employment Exchanges Regulations of 1963."

(4) "I suggest that the Honourable Member might address this Question to my colleague, the Honourable the Minister for Police."

COACH PASSENGER FACILITIES, ROCKHAMPTON

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

(1) Further to his Answer to my Question on April 18 relative to facilities for coach passengers moving into and out of Rockhampton, will he give more details regarding the endeavours of coach companies in the upgrading of the present non-existent facilities, as there is no evidence of any move to supply any facilities whatsoever?

(2) If the position regarding the facilities has been under review since March, 1974, can the prospective passenger using coach services expect any facilities before March, 1976?

Answers:—

(1) "No."

(2) "I am not in a position at this stage to add further to my Answer to the Honourable Member on April 18."

CHARGES, CONVALESCENT HOMES AND HOMES FOR THE AGED

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

(1) What control has he or his department over the accommodation charges made to residents of aged persons' and convalescent homes run by the State or by private or charitable organisations?

(2) Is it permissible for a home to charge residents an additional amount of eight dollars per day as a special holding fee while residents are on holidays, even when the accommodation is relet during the original residents' absence?

(3) If the additional charge is not permitted, what redress is available to the residents?

Answers:—

(1) "Control of charges for accommodation of persons resident in nursing homes conducted by private, religious or charitable organisations is a matter for the Commonwealth Department of Social Security. It has been the policy for many years that the amount payable by residents for their maintenance at Eventides under the control of my Department, is the amount prescribed from time to time under the Commonwealth's Social Services Act as the amount to be paid to the person controlling a benevolent home for the maintenance of an aged or invalid pensioner inmate who is in receipt of a maximum pension prescribed by that Act. Increases in charges are determined by amendments to the Commonwealth Social Services Act."

(2 and 3) "No charges are raised against a resident of a State controlled Eventide when such resident is absent on leave. In relation to private, religious or charitable organisations, see Answer to Question (1)."

EVENTIDE HOME, ROCKHAMPTON

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

(1) Further to my previous representations, will he undertake to have a study made of how best recreational facilities, in addition to the new lounge complex, can be provided at the Eventide Home, Rockhampton?

(2) Until such facilities are provided, will he give serious consideration to expanding the existing hall area by enclosing the adjacent verandahs to allow for recreational activities to be conducted?

Answers:—

(1) "The matter of recreational facilities at Eventide Rockhampton is currently under investigation by officers of my Department in conjunction with areas required for a proposed therapeutic and activities programme."

(2) "I am informed that construction of the new lounge room is proceeding and is scheduled for completion in June, 1975. No good purpose is seen in enclosing the verandah of the existing hall area as a temporary measure, as I am informed that the present recreation hall is more than adequate for the use it is called upon to provide."

ALCOHOL AND DRUG TREATMENT CENTRE, WESTWOOD

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

In view of the proposal under way to establish a special mentally-handicapped unit at the Base Hospital, Rockhampton, will he consider establishing an alcohol and drug treatment centre or farm at the existing Westwood centre, which apparently is well suited for such a purpose and which could be redundant when the mentally-handicapped unit is completed?

Answer:—

"The first priority is the development of an alcoholism and drug treatment centre in the metropolitan area which will serve as a model and training centre for the establishment of further centres in provincial areas in Queensland. The present shortage of qualified and experienced people in the treatment of alcoholism would preclude the development of services outside the metropolitan area at this point in time."

DESIGN OF HOUSES IN NORTHERN INLAND AREAS

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

(1) Will he ensure that all houses for northern inland areas have a large overhanging roof to protect the walls of the house from direct sunlight and prevent the degenerating effect this has on paintwork and walls?

(2) Will he further ensure that the roofs of the houses are attached to a metal framework and not a wooden one, as expansion and contraction of iron roofs loosens the nails which are secured in the wooden beams and the roofs rapidly deteriorate and the intense heat underneath this type of roof aggravates the rotting and splitting effect?

Answers:—

(1) "The views expressed by the Honourable Member are worthy of note, but I have to point out that these important considerations are already taken into account."

(2) "Provided the correct timbers are used in roofing battens, excessive rotting, splitting or loss in nail holding capacity should not occur. Metal roof framing would be more expensive and it is significant that, although Housing Commission contractors have to compete in regard to price, no contractor has come forward with a proposition to use metal roof framing."

QUESTIONS WITHOUT NOTICE

MEDIBANK HEALTH SCHEME

Mr. MELLOY: I ask the Deputy Premier and Treasurer: Can he tell the House as from what date he expects Queensland to participate in the Commonwealth-State Hospital Agreement concerning the implementation of Medibank?

Sir GORDON CHALK: The decision as to when the Queensland Government enters into the Medibank scheme is one which comes entirely within the ambit of members of the Government parties. Both the Minister for Health (Dr. Edwards) and I have been in consultation with the Federal Minister for Social Security (Mr. Hayden). When agreement is reached—if agreement can be reached—that agreement will be presented to the Government parties. At that stage a date will be determined.

Mr. MELLOY: I now ask the Premier: Can he tell the House from what date he expects Queensland to participate in the Commonwealth-State Hospital Agreement concerning Medibank?

Honourable Members interjected.

Mr. SPEAKER: Order! I have asked honourable members to refrain from persistent interjections. The next member who interjects will be dealt with under Standing Order 123A.

Mr. BJELKE-PETERSEN: The honourable member should have heard clearly the answer given by the Treasurer.

ARREST FOR BEING DRUNK WHILE IN CHARGE OF A MOTOR VEHICLE

Dr. CRAWFORD: I ask the Minister for Police: As there appears to be a reluctance on his part and on the part of the Minister for Justice to comment on the manner in which the Police Department interpreted the situation in which Bruce McDonald was arrested in his car for being under the influence of alcohol, even though he did not have his car keys in his possession, and as the Minister for Transport has stated in answer to a question asked by me that the matter does not come within the provisions of the transport Acts, will he state unequivocally what instructions are issued to police to deal with the situation in which a citizen who possibly is inebriated is arrested in a parked car?

Mr. KNOX: I rise to a point of order. In answer to a question asked this morning by the honourable member for Wavell, I brought to the attention of this House the fact that this matter is still the subject of an appeal and therefore is sub judice.

Mr. SPEAKER: Order! I accept the Minister's statement. The matter is sub judice.

Dr. CRAWFORD: On a point of order, Mr. Speaker—your ruling has no bearing on my question. I asked the Minister for Police to state in general what instructions are issued to police concerning any citizen who is found in a parked car and who is possibly inebriated.

Mr. SPEAKER: Order! I will allow that portion of the question to be directed to the Minister for Police. Mr. McDonald is not to be referred to in any way.

Mr. HODGES: With due respect, Mr. Speaker, I must abide by the advice of the Minister for Justice.

FISH STOCKING, LOCKYER CREEK WEIRS AND SOMERSET DAM

Mr. GUNN: I ask the Minister for Aboriginal and Islanders Advancement and Fisheries: What fish are available to stock the weirs on Lockyer Creek and the Somerset Dam?

Mr. WHARTON: The Queensland Fisheries Branch does not have any fish available for stocking purposes. Queensland has no fish hatcheries whatever, and there are only very limited sources of fish suitable for stocking available in Australia. In fact the only known source of such native fish is the New South Wales Government station at Narrandera. I assure the honourable member that I will give this matter my urgent consideration at the earliest possible opportunity.

OBJECTIONS TO BRISBANE TOWN PLAN

Mr. MILLER: I ask the Minister for Local Government and Main Roads: As members of the public were being informed even as recently as yesterday that the time for submitting objections to the Brisbane Town Plan will close on Monday, 28 April, will he make a public statement informing intending objectors that the period for objection has been extended by another 30 days?

Mr. HINZE: I think I made it very clear that I have received Cabinet approval to extend the time for lodging objections by another 30 days from 29 April. I made it clear also that I have no control whatever over the display by the Brisbane City Council of the town plan. However, in consultation with the Lord Mayor I obtained from him an undertaking that the plan will be kept on display for another 30 days. Yesterday he advised me that, as the area presently used for the display had previously been booked for other functions, the town plan will have to be transferred to another location for public inspection.

I think all honourable members will accept this. The town plan is still on public display, and it will be shifted to another location just as accessible as the Brisbane City Hall. However, the general

public should be advised officially that the town plan is still on display and that objections to it can still be lodged within the period of the 30 day extension from 29 April.

CAIRNS WEST PRE-SCHOOL CENTRE

Mr. JONES: I ask the Minister for Education and Cultural Activities: Is he aware that work on the Cairns West pre-school centre has ceased? Could he advise whether this is a temporary cessation or whether it will affect the opening date scheduled for mid-1975? Have pre-school teachers been appointed already? If so, will he undertake to have the need for recommencement of the work treated as urgent?

Mr. BIRD: In all fairness the honourable member could not expect me to have the information available. I therefore suggest that he either put his question on notice and wait for an answer till the House resumes in August, or do the correct thing and write to me for the information.

Mr. JONES: I shall do that. I got the telephone call only this morning.

OBSTRUCTION OF RAILWAY CARRIAGE DOORWAYS

Mr. JONES: I ask the Minister for Transport: Will he have investigated the difficulty and inconvenience being caused to suburban passengers entering and leaving stainless-steel corridor-type railway carriages by the stowing in doorways of briefcases and school ports, particularly on early-morning workers' trains.

Mr. K. W. HOOPER: Yes.

OFFERING OF INDUCEMENTS TO MEMBERS OF PARLIAMENT

Mr. JONES: I ask the Premier: Does he consider that the type of function which took place last night at the Parkroyal Motor Inn, to which all members of this Assembly were invited, could be in breach of section 60 (1) of the Criminal Code, which states in effect that any person who attempts to influence a member by conferring on him a benefit of any kind is guilty of a crime? Does he share my concern that the type of veiled inducement in the invitation—"to provide you with information regarding public support for registration"—is becoming far too prevalent and needs attention by all members?

Mr. BJELKE-PETERSEN: I do not think the honourable member mentioned what function it was or who was there. I was in Melbourne at the time and therefore am unable to answer the question.

EFFECT OF MEDIBANK ON PATIENTS IN PRIVATE SECTIONS OF PUBLIC HOSPITALS

Mr. DOUMANY: I ask the Minister for Health: Is he aware of a letter to the editor of "The Courier-Mail" by the president of the Australian Medical Association, Dr. Robert O'Shea, commenting on diagnostic services in the private wards of public hospitals after the introduction of Medibank? What is the correct position regarding patients in private sections of public hospitals after 1 July 1975?

Dr. EDWARDS: I read Dr. O'Shea's letter. The Queensland Health Department is well aware of this problem and some months ago drew the attention of the Commonwealth Department of Social Security to it. Section 17 or 18 of the Act—I cannot recall which—deals with the provision of diagnostic services in private sections of public hospitals. Under the Act patients in these sections cannot receive Medibank refunds for any diagnostic services rendered to them by private pathologists. It also calls on the State Government to provide those services free. The Queensland Government is aware that this is discrimination against patients who now have a choice in the matter of hospital accommodation. In effect they will be denied the private practitioner of their choice because they will not receive any refund from Medibank for pathology and radiology services. The Queensland Government, in negotiations with the Federal Government, has drawn attention to this fact repeatedly. It is one of the points on which we are negotiating.

It is quite clear that this is another attempt by the Federal Government to interfere with the operations of private hospitals. That is the provision which was written into the Act passed in 1974 at the joint sitting of the Federal Parliament. Unfortunately there is nothing that this Government can do about it except draw the attention of the Commonwealth Department to it and continue negotiations in the hope that there may be some way in which patients who go to private or intermediate sections of public hospitals can receive refunds under the Medibank programme for diagnostic services. I might add that this proposal does not refer to patients in private hospitals, which are not part of public hospital systems. This point is causing us concern and we are negotiating on it.

EFFECT OF INFLATION ON QUEENSLAND

Mr. HARTWIG: I ask the Deputy Premier and Treasurer: As the Prime Minister of Australia conned Australians into believing that inflation was on the decrease prior to the last Federal election and, unfortunately, as we are all now well aware, this was obviously another political gimmick to fool Australians, as the March quarterly figures reveal a record 17.6 per cent inflationary spiral——

Mr. SPEAKER: Order! The honourable member will ask his question.

Mr. HARTWIG: . . . what is the anticipated extent of damage to our Queensland State Budget and its effect on unemployment in Queensland?

Sir GORDON CHALK: It is true that the inflationary trend will have a tremendous effect on the Queensland Budget and, for that matter, on the Budgets of all other States of Australia. Yesterday I accompanied the Premier to a meeting held in Melbourne where the principal matter discussed was the financial requirements of the States of the Commonwealth for the year 1975-76. Irrespective of the political philosophies of the Premiers and Treasurers who attended that meeting, there was complete unanimity that inflation had reached the stage where, unless the Commonwealth Government curbed its spending, the States would certainly have to receive considerably greater funds in the coming year than in the present year.

The Commonwealth Government has certainly made reference to a figure of $5,800,000 that might be made available in the coming year to meet inflationary trends. That figure is far too low to meet the requirements of the States. I think it was my colleague the Minister for Local Government and Main Roads (Mr. Hinze) who mentioned in the North a figure of 20 per cent. I agree that at least a 20 per cent increase on the funds that were made available to the States last year would be required if we are to engage the same number of employees and carry out the same amount of work as we have in this 12 months.

The point most people do not realise is that a 10 per cent increase in wages results in a 19.8 per cent increase in taxation paid to the Commonwealth Government. Consequently, although there is a 10 per cent increase in costs to the State for the payment of wages, the over-all receipts by the Commonwealth rise by 19.8 per cent. That is one of the points discussed yesterday. That is also an indication of the need to defer a large amount of unproductive Commonwealth spending if we are to grapple in any way with the inflationary trend.

My answer to the honourable member is that, unless a method can be found to curb inflation, it will be necessary for the Commonwealth to make more funds available to the States if there is not to be considerable unemployment in the second or third quarters of the next financial year.

ARREST FOR BEING DRUNK WHILE IN CHARGE OF A MOTOR VEHICLE

Dr. CRAWFORD: I ask the Premier: In an effort to clarify the position, will he give an undertaking to have the whole matter of arrest of citizens in their parked cars investigated and a public statement issued to allay anxiety in the community?

Mr. BJELKE-PETERSEN: It is fairly difficult to give a clear-cut statement about the circumstances in which a man who is sitting or sleeping in a car may be arrested. The Cabinet and the Government generally have given careful consideration to the matter, which has been reviewed again recently. Last Monday, Cabinet discussed the problems that sometimes arise. It has been made clear that a citizen who sits in the back set of his car is not under any suspicion or any likelihood of arrest. On the other hand, naturally in all circumstances the exercise of discretion rests with those responsible, namely, the police. There may be certain cases in which the honourable member feels that an injustice has been done. I assure him that the Government is trying to do the right thing in the interests of everyone.

REPAINTING, MORNINGSIDE STATE SCHOOL

Mr. HOUSTON: I ask the Minister for Works and Housing: Further to my question upon notice this morning and his answer to it, did his department ask that the painting of Morningside and other schools mentioned in his answer be covered by the Commonwealth Government's R.E.D. scheme?

Mr. LEE: No.

FISH BOARD SALES TO PUBLIC

Mr. YEWDALE: I ask the Minister for Aboriginal and Islanders Advancement and Fisheries: Following his department's introduction of a system to permit members of the general public to purchase seafoods from fish boards along the Queensland Coast, can he advise the House whether he has received complaints from retail fish shops and, if so, what was the general tenor of the complaints and is the system still functioning and likely to continue functioning?

Mr. WHARTON: Yes, there have been complaints from resellers; but the other side of the story must also be considered. Increased sales of fish have followed the introduction of selling direct from the fish boards to local consumers. The resellers have made some requests and there has been fairly wide criticism throughout the State. I am to meet a group representing resellers next Monday. I will be pleased to listen to their documented case and see if there is any cause for complaint. On the other hand, the fishing industry is being reorganised at the moment. When I receive and consider an assessment of the situation applying to resellers and look at the advantages gained by the fishing industry generally, I shall be in a position to make a decision.

POLICE STATION HOURS

Mr. ROW: I ask the Minister for Police: Are any hours prescribed for which police stations are required to remain open to render normal service to the public?

Mr. HODGES: In certain circumstances and in certain areas, yes.

RETRENCHMENT OF COUNCIL EMPLOYEES

Mr. MOORE: I ask the Minister for Local Government and Main Roads: As there is every indication of the retrenchment of

workers employed by the Brisbane City Council and by the Gold Coast City Council, which will mean these honest, decent workers will lose their jobs while still having to meet repayments under hire-purchase contracts, will he confer with the Municipal Officers' Association to seek a way of preserving the jobs of these decent people who are caught in the net of inflation brought about by the Federal Government?

Mr. HINZE: A few moments ago the Treasurer gave an excellent answer covering any possibility of retrenchment in any departments under my control. We have funds available till the end of June and that is the period about which we are making our statements. I think that the Treasurer answered the honourable member's question.

ASSISTANCE TO PARENTS OF EPILEPTIC CHILDREN

Mr. WRIGHT: I ask the Minister for Health: What assistance is available to parents of children who suffer from epilepsy?

Dr. EDWARDS: Various forms of assistance are available to parents of children who suffer from epilepsy, including a special clinic at the Royal Brisbane Children's Hospital which investigates fully, through the neurological department, all forms of epilepsy in children. We also have social workers who assist parents through the Queensland Epileptic Association. If the honourable member has any particular family in mind and lets me know the details, I will investigate the matter.

REGISTRATION OF CHIROPRACTORS

Mr. WRIGHT: I ask the Minister for Health: Is it correct that legislation has been prepared or is being prepared to officially recognise and register chiropractors in this State? If so, is it intended to introduce a measure to this effect during the next session?

Dr. EDWARDS: This is a matter of Government policy and I am not prepared to comment on it.

LOAN ANNOUNCEMENT BY FEDERAL MINISTER FOR MINERALS AND ENERGY

Mr. LOWES: I ask the Deputy Premier and Treasurer: Does he consider that the injection of a further $2,000 million petrodollars into the economy will lead to further inflation? Is he aware of the doubtful validity of the loan, and will he therefore consider challenging it?

Sir GORDON CHALK: The announcement made yesterday by Mr. Connor was certainly a surprise to every Premier and Treasurer in the Commonwealth. I doubt very much that either of the Labor Premiers who attended the conference in Melbourne had any knowledge of this matter, either. It is one that is being looked at by a number of State Premiers.

The normal procedure in periods between meetings of the Australian Loan Council is that, if there is an extreme emergency and what might be described as a reasonable sum is desired by any State, application is made to the chairman of the Loan Council, who is the Federal Treasurer of the day. He, in turn, acquaints the Premiers and Treasurers of the various States with the application, usually by telegram, and asks if they will agree to the raising of such a loan. At the final meeting of the Loan Council for the year, usually held in June, confirmation of the action taken is recorded in the minutes of the meeting. It is far beyond the imagination of anyone to regard a loan of $2,000 million as a loan of an emergency nature, or to say that it is required for finance to carry on.

I myself learned yesterday that the Federal Treasury apparently knew little or nothing of this matter. Again we see in Canberra a situation in which Federal Ministers take it upon themselves to involve the Commonwealth of Australia in matters that have always been the prerogative—and, I believe, the right—of the Treasury. Certainly action is being taken to indicate to the Federal Treasurer that this statement by Mr. Connor, if it has received the approval of the Executive Council, is inconsistent with the procedure that has been adopted previously, and I can also say that the possibility of a challenge is being considered.

AUSTRALIAN CONSTITUTIONAL CONVENTION

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

"That whereas by resolution of 20 October 1972 the Fortieth Parliament of Queensland acknowledged that it was expedient it should appoint delegates of that Parliament to attend a convention to review the operation of the Constitution of the Commonwealth of Australia; and that it should appoint twelve members of that Parliament as its delegates; and provide for alternate representation from a further twelve named members; and whereas the convention to review the operation of the Constitution of the Commonwealth of Australia has not concluded its business; therefore this Parliament now resolves:

(1) That for the purposes of the convention—

(a) Twelve members of this Forty-First Parliament be appointed as delegates to the convention to review the operation of the Constitution of the Commonwealth of Australia and to continue the work already undertaken in this regard;

(b) The twelve members appointed by the Parliament of Queensland shall be the Honourable J. Bjelke-Petersen, M.L.A., the Honourable Sir Gordon

Chalk, K.B.E., LL.D., M.L.A., the Honourable W. E. Knox, M.L.A., Mr. T. J. Burns, M.L.A., Mr. J. Melloy, M.L.A., Mr. D. J. Frawley, M.L.A., Mr. J. W. Greenwood, M.L.A., Mr. W. D. Hewitt, M.L.A., Mr. R. C. Katter, M.L.A., Mr. D. McC. Neal, M.L.A., Mr. C. R. Porter, M.L.A., Mr. E. C. Row, M.L.A.

(2) That each appointed member of the delegation continue as an appointed member whilst a member of this Parliament or until this Parliament otherwise determines.

(3) That the Honourable J. Bjelke-Petersen, M.L.A., be leader of the delegation and that the Honourable Sir Gordon Chalk, K.B.E., LL.D., M.L.A., be deputy leader.

(4) That where, because of illness or other cause, a delegate is unable to attend a meeting of the proposed convention, the leader may appoint an alternate member being either the Honourable J. D. Herbert, M.L.A., the Honourable N. T. E. Hewitt, M.M., A.F.M., M.L.A., the Honourable W. D. Lickiss, M.L.A., Mr. S. S. Doumany, M.L.A., Mr. J. A. Elliott, M.L.A., Mr. W. A. M. Gunn, M.L.A., Mr. J. W. Houston, M.L.A., Mr. D. F. Lane, M.L.A., Mr. H. B. Lowes, M.L.A., Mr. L. W. Powell, M.L.A., Mr. R. Jones, M.L.A., Sir Bruce Small, M.L.A., and the member so appointed shall be a member of the delegation for that meeting.

(5) That the leader, from time to time, make a report to this Parliament of such information and matters arising out of the convention as he thinks fit, such report and/or its supporting documents to be laid on the table of this House.

(6) That the Honourable the Attorney-General provide such suitably qualified assistance for the delegation as it may require.

(7) That the Honourable the Premier inform the Governments of other States and the Commonwealth of this resolution."

Motion agreed to.

REVOCATION OF STATE FOREST

Hon. K. B. TOMKINS (Roma—Minister for Lands, Forestry, National Parks and Wildlife Service) (12.5 p.m.): I move—

"(1) That this House agrees that the proposal by the Governor in Council to revoke the setting apart and declaration as a State forest of all that piece or part of State Forest 611, parishes of Beerwah, Canning and Toorbul, described as portion 589, parish of Beerwah, as shown on plan Cg. 1073 deposited in the Survey Office and containing an area of 14·498 hectares, be carried out.

(2) That Mr. Speaker convey a copy of this resolution to the Minister for Lands, Forestry, National Parks and Wildlife Service for submission to His Excellency the Governor in Council."

Those honourable members who have read the explanatory note and examined the map which I tabled with the formal proposal will have learned that the substance of this resolution is a proposal for the excision of an outlying area from Beerburrum State Forest so that the land concerned may be used as part of the Crown settlement in an exchange involving freehold land located within the State forest boundaries.

Messrs. T. J. Kelly and G. F. Pike of Glasshouse Mountains, who own subdivision 2 of portion 102V, Parish of Beerwah, approached the Forestry Department and offered to exchange that freehold block for portion 589, Parish of Beerwah, and another larger area, both of which are parts of Beerburrum State Forest. The total areas of the land concerned in this initial approach are—freehold 46·34 hectares, and State forest 61·949 hectares.

As is usual in these cases, Crown valuation assessments were made to enable the proposal to be fully considered. Values as subsequently determined are—freehold land $34,525, and State forest land (two parcels) $47,270.

In the light of these valuations, Messrs. Kelly and Pike were interviewed to ascertain their intentions and, following negotiations, they made a firm offer to surrender the whole of subdivision 2 of portion 102V, Parish of Beerwah, in exchange for the section of Beerburrum State Forest described as portion 589, Parish of Beerwah, together with a cash payment by the Crown of $12,558. I mention here for the information of honourable members that portion 589 is valued at $21,967 for 14·498 hectares, against the freehold valuation of $34,525 for 46·34 hectares. Finalisation of the exchange on this basis is considered to be in the best interests of all concerned.

The area recommended for excision from the State forest is good agricultural land with a high potential for a use such as pineapple-growing, and while in other circumstances it would have been an excellent softwood site, its irregular shape and separation from the remainder of the State forest presents management and protection difficulties.

The freehold land being offered in exchange lies wholly within the State forest and will be suitable for planting with softwoods after some drainage work is carried out. It is not considered to have potential for cultivation. Under its present tenure, this freehold land prevents completion of a drainage system within the State forest designed to upgrade a large area of poorly drained black loam soils abutting its western boundary where planted trees become waterlogged in rainy periods, with attendant losses from root-rot fungi.

After making allowance for the area lost by the excision, plantable country on the State forest will be increased by some 50 hectares as a direct result of the acquisition of the freehold and by utilisation of firebreaks made redundant by reduction of the over-all length of boundary to be protected.

My Conservator of Forests has assured me that the small excision proposed will have no detrimental effect on the management and protection of Beerburrum State Forest and will reduce management costs and improve production from an extensive area on the existing State forest. I strongly endorse this proposal as I consider it has been promoted in the interests of better land use, and, accordingly, commend it for approval by the House.

Mr. JENSEN (Bundaberg) (12.9 p.m.): The Opposition does not intend to oppose the motion. However, it did want further details, and I think that the Minister has given them in his explanation of the proposal. We were a little concerned about the type of land that was going to be exchanged and the cash payment by the Crown.

I understand that the white area on the map that has been presented to us will belong to the person concerned, Kelly. Is that correct?

Mr. Tomkins: Yes.

Mr. JENSEN: It was not available for take-over?

Mr. Tomkins: It was a firm offer.

Mr. JENSEN: I notice that under the original proposal the Crown was going to give away portion 871. That is the way it appears to me. Under the original proposal the land required to be exchanged was coloured blue on the map. That appears to be portions 589 and 871. Apparently the Minister's departmental heads would not accept that, and portion 871 will continue to be owned by the Crown. Only portion 589 will be exchanged. Is that correct?

Mr. Tomkins: Yes.

Mr. JENSEN: And a cash payment of some $12,500 into the bargain.

Mr. Tomkins: The large area I am pointing to on the map has been retained.

Mr. JENSEN: That is portion 871. According to my map that is being retained. I could not understand why the Minister could not take over the white part of portion 102. Of course, that might be the person's home and farm. Is that correct?

Mr. Tomkins: Yes.

Mr. JENSEN: We were a little concerned about giving away part of a State forest. In any exchange of land of this nature the Opposition always likes to get some details. The Minister has now supplied the details and I think the Opposition will be satisfied with the Minister's submissions.

Mr. AHERN (Landsborough) (12.12 p.m.): I support the principle involved in this proposal. My electorate contains a considerable area of State forest. It is associated with a closely settled farming area.

This type of proposal is coming up from time to time. I am very pleased that the State Department of Forestry has not adopted a blind, completely inflexible attitude towards State forests in such a situation. I am sure the Legislature does not want that. It wants the State forests to be permanent, but where they can be improved, as is the case with this proposal, it would want that.

This is one of the proposals I have been canvassing with the Minister. I am very pleased that he has been extremely reasonable about it. It means that the Crown has been able to improve its position considerably. It has added to the State forest in the area some 50 hectares for the payment of $12,558. It has improved the continuity of the State forest. The fire protection is substantially improved because of the areas that have to be cleared and maintained as firebreaks. The State forest will be much better off from the point of view of management generally. The farmers concerned are known to me. Their bona fides is beyond question. They offered to participate in this exchange, which is a very good one.

There will be similar proposals for the area, including at least one that I am associated with. I make it very clear that such proposals are initiated only when they mean a net gain to and an improvement in the State forest generally. That has been the policy behind this proposal, and I am very happy to support it.

Hon. K. B. TOMKINS (Roma—Minister for Lands, Forestry, National Parks and Wildlife Service) (12.14 p.m.), in reply: I thank the honourable members for Bundaberg and Landsborough for their contributions. No opposition was expressed to the proposal. As I indicated, it has been a carefully thought out proposal for better land usage. If a complete study is made of the map and note is taken of the firebreaks, honourable members will agree that this was a very good deal for the Crown.

The honourable member for Landsborough lives in an area where land usage is becoming a real problem. Whatever is done with land in his area, people are very interested in it. I assure the honourable member that the Forestry Department and, in due course, the National Parks and Wildlife Service will take a very close look at all such proposals. We have reached the stage where we have to ensure that the best use is made of land in the light of the conditions under which we live. At times freehold land is involved and it is possible

that in some exchanges leasehold land could be involved. But, as always, the department pays close attention to these exchanges and is keen to ensure that apart from being a good deal to the Crown such an exchange is a sensible proposal.

Motion (Mr. Tomkins) agreed to.

GLADSTONE AREA WATER BOARD BILL

SECOND READING

Hon. J. BJELKE-PETERSEN (Barambah —Premier) (12.16 p.m.): I move—

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

In introducing the Bill, I indicated that the proposed legislation was required for the following three basic reasons:—

(1) To permit the transfer of the existing water supply scheme, operating in the Gladstone area, from the Gladstone Town Council to the Water Board. Such is necessary as the Local Government Act will not permit a local authority to pass its property and liabilities to any other body other than another local authority or a joint local authority;

(2) To empower the board to control the use and the manner and the intensity of use of land and water within catchment areas of board storages in order that the board may protect its storages and the catchments of these storages against pollution; resulting from agricultural, pastoral, urban and recreational activities;

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

The Bill has been constructed in four parts. Part I provides information on the title and structure of the Bill and defines the meaning of terms used in the Bill.

Part II relates to the transfer from a local authority to the board, of property, liabilities and obligations required by the board in order that it may proceed to augment water supplies and supply water in bulk within the Gladstone area. In clauses 4 to 6 and clause 9 a procedure is outlined whereby once agreement has been reached between the board and the local authority regarding the transfer of assets and liabilities, notice is to be given to the Minister of the agreement and the particulars of the agreement. The Governor in Council may then, by Order in Council, divest as agreed upon the property from the local authority and vest such in the board. In a situation where agreement cannot be reached on the terms of the transfer, the Governor in Council may decide upon the apportionment of assets and liabilities.

Board-owned land is not rateable under clause 7, and in clause 8 it is provided that the board not pay stamp duty or other fees on documents effecting the transfer of property from the local authority to the board.

Part III of the Bill deals with the preparation and implementation of dam catchment control schemes for the purpose of preserving catchment areas and water storages under the board's control against pollution. Under clause 10 the board is required, before seeking the Minister's approval to prepare a scheme, to invite comment regarding the proposal from local authorities within whose jurisdiction areas proposed to be affected by the scheme fall.

Once the Minister has approved the preparation of the scheme, the board may, under the provisions of clause 11, regulate development in the area of the proposed catchment scheme by by-law, pending the coming into force of the scheme. The scheme once prepared must consist, under the provisions of clause 12, of a delineation of the area of the scheme together with specifications regarding the use or the intensity or manner of use of land, the classes and quantities of fertilisers, weedicides and other chemicals which may be applied and the degree of subdivision to be permitted within the catchment area.

Clauses 13 to 15 deal with the advertisement and public display of the scheme, the receipt and consideration of objections and the seeking of the Governor in Council's approval of the scheme.

Clause 16 requires compliance with the provisions of the scheme whether they be expressed by way of permission or prohibition, and clause 17 determines penalties for a breach of the provisions of the scheme.

Clauses 18 to 26 relate to the issue by the board of notices requiring the remedying of a breach of a provision of the scheme. It is provided that a person may object to the receipt of such a notice. The Co-ordinator-General or his delegate is empowered to inquire into and decide upon the objection in all situations except where the objector is a statutory body, where the Governor in Council shall inquire into and determine the case.

A dam catchment control scheme may be amended but the Board must, under the provisions of clauses 27 to 30, follow a similar procedure to that followed in having a scheme prepared.

The remaining clauses in Part III relate to the payment of compensation for injurious affection arising from the implementation of a dam catchment control scheme or a by-law of the board. It is provided that compensation is not payable unless the applicant establishes that he was legally entitled to use the land and did, in fact, use the land for the purpose prohibited immediately before the coming into effect of the scheme or by-law.

Part IV of the Bill contains powers ancillary to the effective application of provisions contained in the Bill. Accordingly, clause 36 gives the board control over the use of water from board storages for any purpose and clause 37 permits the board to make by-laws concerning matters necessary for the administration and proper functioning of the board's undertaking. In making these by-laws, the board is required to advertise, receive and consider objections and seek the Governor in Council's approval.

Honourable members, the provisions of the Bill are essential if the Gladstone Area Water Board is to proceed effectively with its task of supplying water in bulk quantities in the Gladstone area and to preserve catchment areas and water storages under its control against pollution.

I commend the Bill to the House.

Mr. HANSON (Port Curtis) (12.22 p.m.): In my speech at the introductory stage I outlined to the Committee the thoughts and views of the public of Gladstone on this measure. I tried to convey the impression then (and I shall spell it out now, loud and clear), that the people are vitally interested in this board.

On the working of the water board, or any other authority controlling the future water requirements of Gladstone and district, I am concerned firstly that the people shall get water consistently and, secondly—and perhaps more importantly—that it shall be available at a fair and reasonable price. People today are very price conscious about what they have to get from a local authority or any similar body. It has been widely canvassed that in the light of the huge sums of money spent on augmenting the water supply in the area, it is just and reasonable that the public, either by paying rates or State taxes, should obtain water at a fair and reasonable price.

In his second-reading speech, the Premier explained the clauses in the Bill, but I should point out that Bills containing many clauses have been presented to us by Ministers without a full explanation. The Premier is not the worst offender in this respect. In view of the present imbalance in the House it is physically impossible for Opposition members to scrutinise legislation as well as they have been able to in the past before addressing themselves to it.

If the Government continues to pursue the course it has followed this session of introducing Bills containing as many as 40 clauses—and many measures brought before the House have contained more than that—and thinks that it can set down legislation on the Business Paper willy-nilly and by weight of numbers can force it through, it is in for some shocks in the future. Although we number only 11, I say to the Premier that, if he thinks he can treat the House with unreasonable contempt, he is in for a very busy time in the future.

Mr. Hinze: Are you threatening the Premier?

Mr. HANSON: I'll threaten you, too. I'll take you on any day of the week.

Mr. SPEAKER: Order! I will have to warn all honourable members who do not behave themselves. I ask the honourable member to keep to the principles of the Bill.

Mr. HANSON: There is nobody I have greater respect for than you, Mr. Speaker. I am grateful for your many courtesies. It is to your credit that you at least do not treat members of the Opposition contemptuously.

Several matters in this measure merit attention. I repeat that the time factor and the limitations of human capacity place restrictions on the amount of research we are able to undertake. Clauses 12 and 13 of the Bill relate to the ramifications of setting up the board and opening the project to public scrutiny. I hope for the sake of the public at large that encouragement will be given for public scrutiny and for the water board administration to establish good public relations. Far too often do we see public authorities—having been given a degree of autonomy by this Parliament (and shamefully so in this state of parliamentary democracy)—clothing themselves with powers, establishing themselves in their little castles, building their little empires and, as it were, spitting on members of the public who come meekly and humbly seeking information.

How many times as members of Parliament do we see instances of the creation of an authority such as the Gladstone Water Board where people who have had little formal education make an approach for some information about the scheme that has been advertised and receive no satisfaction?

This authority has not actually begun yet. The legislation gives it the start; gives it the power. As the district's representative, I sincerely hope that I will not have to listen to criticism by constituents about inadequacies of the water board. I hope that in a true spirit of service of the public, they will do a reasonable job and give a reasonable answer to the many questions that will be directed at them. This is the way to build up a wonderful community. This is the way to build up a healthy and happy group of people. We want to see this as a public service in the true sense. Under the Bill, the members of the board have a very definite responsibility. From the point of view of establishing good public relations, they are charged with the responsibility of seeing that the dam area itself is suitable for recreational pursuits. I hope that eventually the area will be a broad waterway.

As to the secrecy surrounding this legislation, the Gladstone townspeople have no knowledge—indeed, the adjacent landholders

have no knowledge—of how high the dam wall will go. There are all types of rumours and conjecture, with people hearing snippets of information from this one and that. "Take the public into your confidence" should be the motto of this organisation. Its members should not sit in an ivory tower and cast scorn on people who make a gentle and humble approach. As I said initially, I believe that the authority is charged with the responsibility of employing a landscape architect to ensure that the area under the water board's control will become a place of beauty where people will be able to spend many a happy Sunday afternoon in peace and contentment enjoying the pleasures of the natural environment of this very beautiful area.

The Bill contains certain provisions on compensation. They will require study by legal advisers. Despite the forecast of two or three years for the scheme, the fact that it has been 18 months on the drawing boards and that many public servants have rushed in and out of the town dropping a little word here and there to the Press and other media, the general public has not been given a full serve.

Mr. Hartwig: You don't like public servants?

Mr. HANSON: No member of this House has greater respect for public servants than I have. I enjoy good fellowship and a good relationship with every one of them. If ever the honourable member has any difficulty, I will help him out because I am a generous man. However, he rubbishes them on occasions. In the true spirit of a parliamentarian, I will try to assist him. I always like to be nice and helpful to my political opponents, especially at election time, when I will be over in Callide.

The compensation provisions in the Bill will require legal scrutiny. Wide power is provided, particularly in clause 35. I intend during the parliamentary recess to obtain clarification of certain matters from legally trained people. I owe a responsibility to my electors to do more than simply debate this matter in a few minutes in the dying stages of this session. This will become law but in a democracy it is always open to amendment. I have a responsibility to my electors to ensure that the compensation provisions do not in any way conflict with their ideas or mine.

As a townsman, I wish the measure success. I hope that the creation of the water board, which will have great power, will meet the requirements of the ordinary person in the street and me. The ordinary citizen does not want to be spat on at any time. He is entitled to all the courtesy due to him as a member of the public. He wants water supplied to both the public and industry at a fair and reasonable price.

Rumours are rife in Gladstone about the attractive rates negotiated between large concerns and the council or whoever is responsible for the price of water. Very little information is available to the public, who do not seem to be able to learn the score. The cards should be placed fair and square on the table. Only by making the matter open will the public lose its sense of grievance.

If any matters of contention arise and I make a submission, despite the fact that it comes from a member of the Opposition Cabinet should give reasonable consideration to an amendment.

Hon. J. BJELKE-PETERSEN (Barambah —Premier) (12.34 p.m.), in reply: I thank the honourable member very sincerely for his strong support of the Bill and the way he backed up what I am seeking to do for the people of Gladstone. He would have a deep appreciation of how much the Government has done for Gladstone and the effect it has had on his personal fortune. I thank him very much indeed for his strong support of this Bill, which will do so much for the people of Gladstone.

Motion (Mr. Bjelke-Petersen) agreed to.

COMMITTEE

(Mr. Gunn, Somerset, in the chair)

Clauses 1 to 41, both inclusive, as read, agreed to.

Bill reported, without amendment.

THIRD READING

Bill, on motion of Mr. Bjelke-Petersen, by leave, read a third time.

SUPERANNUATION ACTS AMENDMENT BILL

SECOND READING

Hon. J. BJELKE-PETERSEN (Barambah —Premier) (12.37 p.m.): I move—

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

When introducing the Bill, I indicated that these amendments have been designed to keep the State Service Superannuation Scheme in the forefront of similar governmental schemes. The House will by now have appreciated that the proposed amendments, although few in number, are put forward so that the small number of contributors who could possibly have been disadvantaged by the present provisions of the Act will no longer be placed in such a position.

It will be evident to honourable members on both sides of the House that the amendments to the relevant sections of the Public Service Superannuation Act and the State Service Superannuation Act are more or less of a machinery nature. I do not wish therefore to prolong the passage of the Bill. Should honourable members have any questions to ask, I shall be only too happy to answer them. I again commend the Bill to the House.

Mr. MELLOY (Nudgee) (12.39 p.m.): The Opposition has had a look at the amendments introduced by the Premier, and we have no objection to them.

Motion (Mr. Bjelke-Petersen) agreed to.

COMMITTEE

(Mr. Gunn, Somerset, in the chair)

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

Bill reported, without amendment.

THIRD READING

Bill, on motion of Mr. Bjelke-Petersen, by leave, read a third time.

THE CRIMINAL CODE AND THE JUSTICES ACT AMENDMENT BILL

SECOND READING—RESUMPTION OF DEBATE

Debate resumed from 23 April (see p. 1005) on Mr. Knox's motion—

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

Mr. AIKENS (Townsville South) (12.42 p.m.): I wish first to make a passing comment on the statement made by the honourable member for Murrumba in this Chamber yesterday about criminal acts being performed in Parliament House. He should have gone a bit further and told honourable members that when Mr. Hanlon was Premier, he found so many criminal acts being committed by the staff of Parliament that he transferred them from Parliament House to the Department of Public Works. So, Mr. Deputy Speaker, if we are going to have an exposé of all that went on in Parliament House relative to "lifting" furniture and doing other things, let us deal with them all—not only the former parliamentarians and former Speakers, and so on, but also the former tradesmen in this building.

Mr. DEPUTY SPEAKER (Mr. W. D. Hewitt): Order! That has nothing to do with the Bill.

Mr. Wright interjected.

Mr. AIKENS: I know it hasn't, Mr. Deputy Speaker. I wish you would tell the honourable member for Rockhampton that.

Mr. Wright: That would not be true of Fletcher's time?

Mr. AIKENS: No, and it is not true of present politicians, the present Speaker or the present Chairman of Committees, who is the epitome of integrity and honesty—

Mr. DEPUTY SPEAKER: . . . and who is insisting on relevance.

Mr. AIKENS: I will now, if honourable members will allow me, continue my comments on the Bill.

I wish to refer first to the adulatory statements made by the honourable member for Rockhampton and other honourable members who sang loud hosannas, flew big banners, banged drums and blew trumpets and said, "What a wonderful Bill this is! Look how it increases the penalties that judges can impose for certain criminal acts! We hail the Bill as being something desirable."

Mr. DEPUTY SPEAKER: Order! There is too much audible conversation in the Chamber.

Mr. AIKENS: To be quite candid, Mr. Deputy Speaker, if we were honest we would burn the Bill. I say that not because I object to anything that is in it, but because I know that Parliament has not the power to impose the sentences that it writes into an Act. The only people who can impose those sentences are the members of the judiciary, and we know what their attitude is to Parliament.

Let me read to the House something that I think will be accepted as authoritative even by the members of the legal profession in the Chamber. It was written only a couple of months ago by Lord Justice Scarman of the High Court of England. He said—

> "Momentous legal events have a way of happening in our society without anyone troubling much about them at the time . . . It is not always appreciated that the courts are an institution of government, and that their quality can make the difference between good and bad government."

I hope honourable members will get that into their heads. It is true that courts can make the difference between good and bad government. That is why we have bad government in this State: because our courts, which frequently, oleaginously and hypocritically say, "The courts must be concerned with the opinions of the Legislature", metaphorically speaking, thumb their noses at the Legislature and do what they like in the imposition of penalties.

I could, if I had the opportunity, talk for some days on the attitude of the judiciary to the law as passed by Parliament, but I will deal with only one law in particular. For many years, if a person was killed on the road by a drunken or dangerous driver, the driver would be charged with half a dozen offences, the main ones being manslaughter, dangerous driving, reckless driving and speeding. Then this Parliament submitted to certain pressures and amended the law. Now the offender who kills an innocent person on the road—in a motor-car, on a bike or as a pedestrian—is charged with three offences, namely, manslaughter, dangerous driving causing death—an entirely new provision we wrote into the Criminal Code—and dangerous driving.

Because we made the penalty for dangerous driving causing death a stiff one, everyone thought it would have some effect on the awful toll of the road. It didn't. For a while, anyone convicted of dangerous driving causing death—even a drunk—was at least sent to gaol for eight or nine months. That

was the order of the day. Then a university student, the son of a very prominent professional man in Brisbane, killed two people in South Brisbane. He was found guilty of dangerous driving causing death. That threw the judiciary into a bit of a quandary because it could not send a university student to gaol, particularly when that university student was the son of a very prominent professional man in Brisbane. In order to break down the gaol sentence for that very serious offence, the judge fined that young man $1,000, and suspended his licence for three years.

I ask honourable members to think of the deterioration from that day of the sentences imposed for that very serious offence. Not so long ago we got to the stage where anybody convicted of dangerous driving causing death was let off on a bond or put on probation. He was not even sent to gaol for a day or fined 1c. Yet the law is still the same. He could have got five years' gaol, and been fined a substantial amount of money in addition.

In Townsville a little boy who was riding his bike was knocked down and killed by a drunken driver. That drunken driver was found guilty of dangerous driving causing death, but he was fined a paltry $300 by the District Court judge. I prevailed on the Minister for Justice to launch an appeal to the Court of Criminal Appeal. In due course the Court of Criminal Appeal, headed by Mr. Justice Hoare, said, "This is a very serious case. Drink is involved in this killing." It increased the penalty—to a lousy $600 fine! The fellow just paid the extra $300 and went on his way, laughing his head off.

I am convinced, and so is every sensible man and woman in Queensland, that if there were no mandatory gaol sentence of life imprisonment for murder, not one murderer in 12 would be sent to gaol.

Recently the honourable member for Brisbane said that it was the job of this Parliament to make the law, but it was not the job of this Parliament to administer the law. He said that was the close preserve of the judiciary. It is indeed. We have not the belly to do anything about it. Say the honourable member for Brisbane had the money (very few members of the legal profession are blessed with very much of that!), employed a man to build a house according to plans he gave him, and in due course, when he looked at the house that had been completed by the builder, found it to be a broken-down old shack that was out of alignment and so on. He would say to the builder, "That is not the house I employed you to build. That is not built in accordance with the plans I laid down."—just as we lay down plans in the Criminal Code—"You built the house the way you wanted to build it." What would he say if the builder said, "Pull your head in, mug. I've built this house as I wanted to build it, not as you wanted me to build it. All you've got to do is pay me and shut up."? What would the honourable member say to that builder? I ask him to say the same thing to the judiciary because that is what the judiciary is doing to this Parliament.

We have been told how wonderful it is going to be to have the increase in penalties that will be imposed on those who steal motor-cars. I do not go along with the casuistry of "unlawfully using" a car. What is going to happen if a woman steals a car after the Bill becomes law? Will she be treated in the same way as the toss-pot in Baralaba was treated by the Minister for Justice? Will he introduce a special law and have her charged with some other offence simply because she is a woman? Let us have an end to this adulation of this Bill. We are told that it will ensure that harsher penalties are imposed; that it will reduce the toll of the road; and that it will implement certain recommendations made by our select committee. Like hell it will!

If anyone wants to know anything about the law, he should not ask a barrister. We all know that when a man is called to the bar he knows no law. He knows all about court proceedings, but the only law he knows as he goes through life, at the expense of his clients, is that given to him in the briefs supplied by the solicitors. They know the law, and they pass their knowledge on to him. They tell him where he can find any particular law in our Criminal Code.

Once again I refer this Assembly to a shocking case of rape that occurred in Townsville. The honourable member for Townsville is well aware of it because he was the medical practitioner called upon to carry out an examination of the victim, a young girl who was, before this shocking offence, a virgin.

She was taken out onto the Town Common and raped by nine hoodlums. After that she was forced into a car and driven out to Aitkenvale, where another pair of hoodlums placed their penis in her mouth, clamped her jaws shut, and injected their semen into her mouth, forcing her to swallow it.

These criminals were brought before the court, but the only charge that could be laid against them was one carrying a maximum penalty of two years' imprisonment. To the credit of Judge Cormack, on sentencing them he said, "For this crime the law provides a maximum penalty of two years' imprisonment, and you will get the lot." They were given the lot, but, as I say, it was a lousy, measly two years' imprisonment.

I raised that matter in this Chamber and made an appeal for a harsher penalty to be imposed. A then Labor member, Mr. Col Bennett, and others said that the charge laid against these fellows was the wrong one, that they should have been charged with

some other offence. They were, however, charged correctly and, as I say, were sentenced to a paltry two years' imprisonment.

I understand that the Bill increases the penalty for such an offence to seven years or to 10 years. I have not bothered to read the particular provision. What is the use of doing so? I know that, even if the maximum penalty is increased, two years' imprisonment is all that the courts will impose for an offence of this type.

No matter what we provide in the Bill, if two other hoodlums, or 10 other hoodlums, commit similar shocking acts on a girl, they will not be sentenced to longer terms of imprisonment than that. In fact they will be unfortunate if they are not let off with a bond or on probation.

Mr. Lowes: Have you heard of the dictum of Mr. Justice Stanley, who once said that if a lion-tamer insisted on putting his head in a lion's mouth the lion had a remedy?

Mr. AIKENS: God, what a statement! What a monstrous, callous and brutal statement! But I would expect it from a member of the legal profession. Is he saying that this young girl, who was held by the ears and the hair, actually put her mouth around the penis of this monster and closed her jaws on it so that she could swallow his semen? Is that the suggestion he is putting forward? I have no doubt that if he appeared for those monsters in court he would have made such a suggestion in his defence of them. The statement of the honourable member for Brisbane is so shocking and monstrous that I will treat it with the contempt it deserves.

For years I have advocated that a vandal who wilfully damages property, instead of being patted on the head and released on a bond or fined a paltry sum, should be made to pay restitution to the owner of the property damaged by him. It has taken me 20 years to get that provision written into the Criminal Code. And I suppose it will take me another 20 years to convince some judge to order that restitution in such a case be made. I have no doubt whatever about that; I suffer from no illusions.

I shall acquaint the House, particularly the new members, with some aspects of the law of which it may not be aware. If a judge, by accident or design, misconducts a trial and the accused person is found guilty, he can, and undoubtedly will, appeal to the Court of Criminal Appeal. The higher court will quash the conviction, reduce the sentence or order a new trial. That is, of course, only right and fair. But if a judge, by accident or design, so misconducts a trial—I have seen it done—as to influence the jury to bring in a verdict of not guilty, neither the crown prosecutor nor, for that matter, the Attorney-General has any right of appeal to a higher court or tribunal. The two vultures on the Government benches, the honourable member for Brisbane and his learned junior, the honourable member for Ashgrove, cannot deny that.

Mr. Wright: There will be.

Mr. AIKENS: I hope there will be.

Mr. Wright interjected.

Mr. AIKENS: The honourable member should not be confused. The matter of having a bad law or good law on the books is entirely different. I have just read what Mr. Justice Scarman said. It is the interpretation and administration of the law that is at fault. There is nothing wrong with our laws. They are very good.

I feel sure, Mr. Deputy Speaker, that you are the only member in the House who would know, thanks to your erudition in these matters, that we have a law relating to office of profit under the Crown. Any member of this Parliament, even the solicitor——

Mr. DEPUTY SPEAKER (Mr. W. D. Hewitt): Order! I am not susceptible to blandishments. I want the honourable member to be relevant.

Mr. AIKENS: Indeed I will. I knew very well that I was casting pearls before swine.

If any member of this House, including the honourable member for Brisbane, who is a solicitor, takes one cent from the Crown in fee, or in payment, his seat is automatically declared vacant. But the barrister member of this House can, and probably will, take thousands of dollars in fees from the Crown, if he can get them. Every barrister we have had in the House has done so. Because barristers are not paid—they are officers of the court—members who are barristers are not bound by the law governing an office of profit under the Crown.

Barristers may go into court—this is germane to the Bill, Mr. Deputy Speaker—and be under no obligation to take instructions from their clients. They are under no obligation to defend them. They can sell them down the river or even cross-examine them to the benefit of the opposing side. They can do anything at all. I once saw a barrister fall down dead drunk in the Supreme Court. All that the presiding judge could do was adjourn the case until the next day. Barristers are a law unto themselves. They are the elite. Until we deal with them we are merely wasting our time and fooling the people by passing such laws.

I am sure that very few members knew that barristers were exempt from the law concerning an office of profit under the Crown; but I assure them that what I have said is true. Now that I have told them, I am sure that some of them will look it up.

To ensure that the full facts concerning any of the offences covered by the Act are brought before the jury and everybody else,

we have a counsel for the defence and the crown prosecutor. One of them has an open go while the other is bound, gagged and handcuffed. But there is also a judge on the bench. It is traditional—it is written into some of our laws, I believe—that the judge has a right and duty to cross-examine every witness he wants to cross-examine in order that every fact in the case may be brought before the jury. Today, if any judge has the temerity, the colossal presumption, to cross-examine a witness, counsel for the defence immediately jumps to his feet and violently and scurrilously attacks the judge and tells him that it is not his duty to do so.

Mr. Marginson: Do they do that?

Mr. AIKENS: Of course they do.

In the Isisford arson case when the judge was scurrilously attacked, he defended himself very meekly by saying, "I think I have the right to cross-examine this witness." Of course he had that right; he had a duty to do it! At one time that was a common practice, but how often today do we hear of a judge cross-examining a witness as he should? Today, judges are required by law—not by us—to be benign referees between counsel on one side and counsel on the other, to listen to their submissions, read the law books or the Acts quoted, and then make a benign decision.

Mr. Greenwood: You would have Judge Jeffreys, the hanging judge.

Mr. AIKENS: I would rather be on Judge Jeffreys' side than on Mr. Justice Mack's side, if that is what the honourable member wants; he was a great mate of his. We cannot do anything about this until we stimulate public agitation to get something done. The honourable member for Ashgrove referred to Judge Jeffreys. At one time we had a judge on the Supreme Court Bench who, because he was a committee member of the Queensland Turf Club and wanted to attend his committee meetings, would not work on Friday. The honourable member for Ashgrove cannot deny that.

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

Mr. AIKENS: When the House adjourned for lunch, I was dealing with Mr. Justice Mack. I will clean the matter up fairly quickly. "The Courier-Mail" could not publish anything about it; the publishers were afraid of being dealt with for contempt. Because of a ruling of the then Speaker, which was quite unconstitutional, I could not use it in the House, but I managed to get it in through a very loud interjection on one occasion. "The Courier-Mail" picked it up and published it and, as a result of the publication of that interjection and the public revulsion at the thought that Mr. Justice Mack would not work on Friday because he wanted to attend the committee meetings of the Queensland Turf Club, he was forced to work on Friday. If we do not air these facts and give the public a chance to indicate their revulsion, we will not get very much done by our judiciary or our court procedures.

I want to deal with a couple of matters in the Bill that are praiseworthy and that can be put into effect because judges will have no discretionary powers on them. One is that in future an unsworn statement will not be accepted from the dock. Naturally, the lawyers fought that tooth and nail. I congratulate the Minister for Justice (it is one of the few things about him that merit congratulation) for brushing aside the objections of the Law Society and the Bar Association.

Let me give honourable members an example of how this business of unsworn statements from the dock used to work. I remember one occasion in Townsville when a particularly scrofulous individual, who was charged with a very serious crime, borrowed a woman to pose as his wife and borrowed a baby about four months' old to pose as his daughter. While he was in the dock, of course, he could not see the people in the public gallery behind him and they could not see him. He asked permission to make an unsworn statement from the dock. He was a better "magsman" and a better showman than Gough Whitlam. He said, "Gentlemen of the jury, I would like you to have a look at my poor little wife in the red dress there in the gallery." She had stuffed a pillow up her dress. She gave the impression that she was gravid—that she was at least seven months' pregnant. As the baby she had borrowed and was cradling in her arms was only about four months' old, it would have been a biological impossibility for her to be so advanced in pregnancy; but obviously it swayed the jury and the accused was found not guilty. The Bill will stop that sort of thing. The judges will not be able to change it in the interests of the lawyers. Of course, a lawyer's idea of justice is a verdict for his client, no matter how he gets it. That is one reason why I think this Bill is worthy of the support of this House.

Another matter I put forward is that we should have substitute jurors. I have to be quick on these because I do not have all day, although I could talk about courts, the legal fraternity and the judiciary for days. When a jury of 12 is sworn, we should adopt the American system and swear in two or three substitute jurors as well so that if a juror has to retire through illness or sickness in his family, the continuation of the trial will not depend on the permission of the defence counsel to carry on with 11 jurors. Usually the sick juror is "arranged" by the defence counsel. Usually he fixes it for a juror to be sick or to get a telegram from some of his relatives in a distant centre telling him that his mother's pet poodle is dying, or something, and he is required to fly out on the

next plane. The judge then asks the defence counsel if he is agreeable to having the case continue with 11 jurors. Naturally the defence counsel, having rigged it, says, "No." and the case has to be adjourned. There is no reason why substitute jurors should not be selected so that the moment one juror goes off the jury for any reason at all a substitute juror takes his place.

If honourable members want to know how putrid the law is—and this is parliamentary legislation—they should look at section 302 (2) of the Criminal Code, which deals with murder. I raised this once before. I moved a motion that killing by rape constitutes murder. The Minister for Justice was good enough to have a big report prepared on that and have it circulated. I adjure every member of the House, particularly the young members, to read that report, because it backs and fills all over the place.

Our Criminal Code has been in operation for nearly 75 years. It ran for 51 years without any let or hindrance and then, only 24 years ago, the High Court of Australia handed down one of its most monstrous decisions. Of course, it has been responsible for many such decisions.

I shall read section 302(2) of the Criminal Code. I ask honourable members to take note of it and see if they can arrive at an interpretation different from that which Parliament intended when it was passed. And remember that it operated for 51 years! It reads—

> "If death is caused by means of an act done in the prosecution of an unlawful purpose, which act is of such a nature as is likely to endanger human life;"

it is murder. It blew up in 1951 when a man, in a series of beltings, killed his wife. He was found guilty of murder. He appealed to the High Court, which decided that it was not murder.

If the Whisky Au-Go-Go murderers had wanted to do so, they could have gone to the court and said, "Yes, we set fire to the Whisky Au-Go-Go because we were paid to do it by a man who was interested in collecting insurance; in other words, we freely admit that we committed the crime of arson at the Whisky Au-Go-Go." Then, because of the monstrous decision of the High Court, they could not have been convicted of murder. The Minister for Justice was good enough to investigate it, but still the Criminal Code has not been amended to deem death in those circumstances murder.

Then there was the monster in Mt. Isa who raped his own ward, a little girl of about 3 years of age. She died from the raping. He was brought to trial before the Criminal Court in Townsville and found guilty of manslaughter. To the credit of Mr. Justice Kneipp, he was sentenced to life imprisonment, but he could not have been found guilty of murder.

Mr. Frawley: Shouldn't he be flogged as well?

Mr. AIKENS: Don't talk to me about flogging. I would rather have them castrated; I have been advocating that for years.

That is the rotten situation that exists. We are bound by the decision of the High Court. It is Queensland's Criminal Code and I hope that honourable members, particularly the newer members, will see that something is done about it.

For instance, if a person set fire to a building (as was done at Isisford, where an innocent woman and her child were burnt to death) the judge would have to rule that that person could not be found guilty of murder because arson of itself does not constitute an unlawful purpose that can cause death. However, he could be found guilty of murder if he went up and stabbed, shot, choked or bashed the woman and child to death. He would have to commit a separate individual act in addition to the unlawful purpose. It is a monstrous state of affairs. It is no credit to either the Government or the Minister for Justice that this situation is allowed to remain.

The honourable member for Rockhampton quite rightly, after making inquiries into the law on alibi as administered by our judges, said he could not understand why this provision was written into the Criminal Code. I again congratulate the Minister for including it. The alibi system is absolutely putrid.

Again I quote a specific case in Townsville of a lout who was driving a car at excessive speed. He killed a young boy and kept on driving. The police chased him to his home and arrested him. He was brought to trial before a magistrate. He said nothing about alibi. He was brought to trial before the Supreme Court. At first he said nothing about alibi; but when he entered the witness-box at the Supreme Court when the case was nearly completed he said, "I was not driving the car at all. It was my mate who was driving." He put his mate into the witness-box, who said, "Yes, I was driving the car, not the bloke who is charged with unlawful killing." The police had no indication that this alibi would be raised so, in the short time allowed, they could not refute it. Consequently that monstrous killer got off scot-free. I could cite many other cases.

I shall deal again with our friends of the legal profession. There is a very old saying that where there is a rift in the lute the business of the lawyer is to widen the rift and gather the loot. There is such a case in this Bill. I refer to the ex-gratia payments awarded by judges to people who have been injured as a result of criminal acts. I appeal again to the Minister to have these matters determined there and then by the trial judge. What happens now? A man goes on trial for inflicting grievous bodily harm on another person. He is found guilty and sent to gaol—that is, of course, if the

judge happens to be suffering from a hangover. If he is not suffering from a hangover, he will let the accused off with a bond.

Approximately three months later, the unfortunate victim has to engage a solicitor and barrister and make a separate appeal to the judge for compensation for his injury. This has to be a separate action before a judge. As I have mentioned before, an unfortunate man in Townsville was awarded $1,800 as the result of an illegal attack on him, and he finished up getting $68; barristers, solicitors and court costs accounted for the rest. Why cannot compensation be determined at the time of the trial as part of the duties of the trial judge? Let us stop lawyers from sticking their long, sticky fingers into every award made to honest, decent citizens. If we do that, we can claim to represent the people.

Mr. Wright: Do you think that the taxing of costs is inadequate today?

Mr. AIKENS: They can be appealed against. People come to me with accounts from solicitors and barristers. I take them up to the Registrar of the Supreme Court and sometimes he knocks 75 per cent off them. There is no villain like a villain of the legal profession, particularly in money matters.

I make another appeal to the Minister to consider alterations to the Court of Criminal Appeal. Some of the decisions of that Court have been absolutely monstrous. That is the only way to describe them. I could quote in detail some shocking decisions that are so monstrous as to be almost beyond belief. An appeal is made from the decision of a Supreme Court or District Court judge to three of his brother judges. If a person is appealing against severity of sentence, he goes before three judges who themselves, as trial judges, probably have imposed similar sentences. A truly democratic Court of Criminal Appeal should consist of two non-legal laymen (by that I mean persons with no connection with the law at all) and a judge to advise on points of law. We would have a wonderful Court of Criminal Appeal in Queensland if we could appoint to it two laymen like the honourable member for Sandgate and a lawyer to advise on points of law. The decent, law-abiding citizens of Queensland might then get some semblance of a fair go. At present, they do not get anything like a fair go.

The Court of Criminal Appeal in Queensland ruled in recent years that if a man has a list of convictions for drunkenness, vagrancy, and similar offences he can be bashed and robbed with impunity, because no jury should convict anyone, no matter how big a thug or monster he might be, for bashing and robbing a man who has such convictions. By the same token, according to the three judges who constituted that Court of Criminal Appeal, no Queensland jury should ever convict anyone for bashing and robbing a woman who has convictions for immorality or similar offences. It was an absolutely monstrous decision. The same Court of Criminal Appeal ruled that even when a man is convicted of manslaughter for killing a person whilst driving a motor car, no greater sentence than 18 months' gaol can be imposed.

When we talk about solicitors and the money that they get, how many members listening to me can quote, as I can, dozens of cases in which solicitors have sent clients to members of Parliament in order to obtain a Ministerial ruling on a particular matter? When the Minister gives a ruling to the local member, who passes it on to the solicitor's client, the solicitor will charge the client up to $50 for sending him to his local member.

Mr. Jensen: They're rogues all right.

Mr. AIKENS: Of course they are.

I now come to Dr. Paul Wilson. I have a letter that he wrote to me on 12 November 1973 in which he said many things but added—

> "But please, Tom, don't criticise me for agreeing with your own view about this particular problem."

The particular problem, of course, was drunken driving, and he agreed wholeheartedly with my view that there should be massive increases in penalties for it. I wrote a note in reply and said, "Well, if you think that increased penalties for drunken driving are a solution to the problem of the toll of the road, why don't you agree with increased penalties for all forms of criminal conduct?"

In a way, I am amazed that the Minister for Justice should have more or less boasted to the House that he consulted with the Queensland Law Society and the Bar Association before introducing the Bill.

Mr. Knox: And quite a number of other people, too.

Mr. AIKENS: I give the Minister full credit for not agreeing with some of the submissions made to him by the Bar Association and the Law Society so that some of the amendments contained in the Bill are contrary to their opinions. A Minister for Justice or anyone else who claims to represent the ordinary, decent, law-abiding, honest people in the community consulting with the Law Society and the Bar Association as to what should be passed in this Chamber is, to my mind, akin to consulting with the burglars' union or the murderers' association. If anyone tells me that a lawyer, a solicitor or a barrister is in any way concerned with the welfare of the ordinary, decent, honest citizen, I am prepared to listen to him, but I will take some convincing.

I hope that honourable members have paid some attention to what I have said. If they have not, they can read it in "Hansard". But there is much to be done in the field of justice in this State. I return to the point that I made at the beginning of my speech—that very frequently judges will say, quite hypocritically, "We must be bound by the opinions of the Legislature on this particular matter." Having said that, they follow a totally different course. The idea that they—the exalted, the anointed of God, these people with a little clique of their own—should take any notice of what the Legislature thinks is, of course, absolutely repugnant to them.

Mr. PORTER (Toowong) (2.32 p.m.): I do not intend to speak at any length at this stage or to repeat general comments made at the introductory stage. Equally, I do not intend to ride any particular hobby-horses, as the honourable gentleman who preceded me did. We may agree with some of the directions in which he is heading, but I think that at least some of us doubt very much whether he is taking the right course to achieve his objectives. Certainly, over the years, we have watched some very tired old hobby-horses being ridden up and down the aisles of this Chamber.

It is quite obvious that all honourable members welcome the measure, even if some of us are more inclined to support certain aspects of the reforms than others. In general terms, all of us want to see a situation in which citizens can walk the streets safely, or more safely than they can at present, and regard themselves as being safe in the fastnesses of their own homes.

It is true that all systems of law are necessarily incomplete, and it is the role of the judicature to fulfil the outlines of legislative law. When the judicature seems to be falling behind what the community expects of it in a certain area, it is the Legislature's responsibility to fill in these outlines more completely. That is precisely what is being done here in the field of violent crime and the safety of the ordinary, law-respecting citizen.

Mr. Aikens: The point is that the judiciary does not follow the lines we lay down.

Mr. PORTER: The honourable member for Townsville South makes that point; but I submit that in this measure we are giving to the judiciary the strongest indication of the attitude of the Parliament, which we think reflects the attitude of the community at large. I will be very surprised if that attitude is not noted and accepted.

As I said, I do not wish to retrace all the general remarks made at the introductory stage. However, I wish to look at the strange paradox that I have no doubt historians will emphasise when they look back at the 20th century. In the 20th century we have had higher living standards than the world has even known; we have had the highest peaks ever achieved in scientific and technological capacity; yet, concurrently, we have had more crime, worse crime, more crime among young people and more bestial crime. This surely must be an extremely strange paradox, particularly to those people who hold the theory that most crime is the result of people finding themselves unable to cope with inferior socio-economic conditions.

Mr. K. J. Hooper: Gladstone wrote the same speech last century.

Mr. PORTER: I did not know the honourable member was able to read Gladstone. I assumed that he thought it was some sort of bag to carry things around in.

The fact is that this is a period when amongst the overwhelming majority of people there is no abject poverty. There may be little pockets of it, but certainly not in the sense that it was known two, three or four generations ago. It is a period where matrimonial law permits easy dissolution of marriage. If the Commonwealth A.L.P. Government has its way, dissolution of marriage will come about merely by going into the market place and saying, "I divorce you!", or something like that. Certainly it is an age when the standard of universal education has been increasing. One would expect that with all these ameliorating influences the violent crimes of a cruder age would markedly diminish, but in fact crimes of violence, often involving weapons, and certainly involving the most dreadful, senseless violence, have increased. One wonders if this sort of criminality is not a modern substitute for the mayhem that was common in past decades.

There can be no doubt that crime is increasing everywhere. By "crime" I mean the violent crime which the amendments to the Criminal Code contained in the Bill are designed to reduce to some degree. From 1949 to 1969 the rate of violent crime in the United States increased by 68 per cent while that country's population rose by only 20 per cent. In the United Kingdom the situation is quite dreadful. The number of violent crimes increased from 4,800 in 1949 to 36,600 in 1969. Such figures for violent crime in a country like England, which for centuries prided itself on its capacity to keep crime and criminality to reasonable levels, indicate a dreadful and abysmal descent.

In Queensland in the same period violent crime increased by just on 200 per cent at a time when our population rose only 65 per cent. The plain statistical fact is that the growth of violent crime is nearly four times—certainly over three times—the rate of growth of the population. It is very obvious to everybody—even to the honourable member for Archerfield who, I think, could do simple sums if he used his fingers—that if the rate of violent crime continues at this progression, within a very short time

society will be destroyed by a criminality which has become the norm rather than the abnormal.

Mr. K. J. Hooper: You are just an old-fashioned prophet of doom.

Mr. PORTER: I would remind the honourable member that the attitudes I espouse and the stances I take have been endorsed by the electorate at elections year after year after year. The attitudes that his side of politics espouses have been rejected by the people out of hand, the last time being in December last year. I have no doubt whatever that the general attitudes I take are indeed indicative of what most decent people want. If the honourable member wants to say he stands here as the advocate for indecent people, well let him do so. That is his prerogative.

The amending Bill provides two worthwhile versions of the ancient biblical and tribal concept of personal retribution. There is first of all the matter of reparation. Under the Bill reparation is to be made by the Crown. We are to have a criminal injuries compensation scheme. I think all of us welcome this. The upper limit is to go from $2,000 to $5,000. But we must look at this as only an interim step. We have to achieve a situation where the victims of violent crime receive the same type of compensation as victims of industrial and other civil accidents. That is an essential. It is necessary that criminals should be required to contribute to the cost of reparation for the victim.

It is an impossible situation when the criminal languishes in gaol—no-one can convince me that he is harshly treated—and contributes nothing to the cost of rehabilitating or assisting his victim to achieve in life some sort of situation comparable with that enjoyed before the crime was committed. I have in mind particularly the case of Mr. Linfoot, a man who is now a paraplegic after having been shot in a totally senseless manner by two young criminals on the loose. Without doubt they should be required to pay.

Whether we can eventually implement a scheme in which, with union assent—it seems to be very difficult to get the Left-wing unions to assent to any sensible move—criminals in prison are paid some version of the basic wage and have syphoned from it some portion to their victim and some to their family. I do not know. But I suggest it is something at which an enlightened society should aim.

The other reparation aspect of the Bill is that dealing with vandalism. This is an excellent provision, under which the sentence to be imposed upon a vandal will be considered in the light of what he has done to try to replace or rectify the damage caused by him. In other countries less enlightened than ours—some might say more enlightened—vandals are forced for a period to wear around their necks a sign, "I am a vandal." Something has to be done to stop this senseless effacement of private or public property, resulting on some occasions in its total destruction.

Mr. K. J. Hooper: You should wear a sign around your neck, "I'm a relic from the last century."

Mr. PORTER: I wear the sign of my stances around my neck. No-one is in any doubt as to what I stand for. I do not think anyone would believe that I take equivocal stances. I am happy to put myself in the electoral market-place at any time against the honourable member. If he believes I am such a relic, let him come to Toowong, and we will see what happens to him.

In terms of summary jurisdiction, we have now reached the stage where the lower courts can deal with a number of offences that previously could not be dealt with by them. This move will ensure that justice will be seen to be done much quicker than if the cases had to be dealt with by a higher court.

One of the prime requirements of justice is that it is not only just but speedy as well, that it is not a long and delayed procedure in which the offender is waiting for the expiration of his sentence after a protracted trial. Anything that extends sensibly the limits of summary jurisdiction is very useful indeed.

Another extremely important provision in the Bill is that which eliminates from our legal system the practice of accused persons making unsworn statements from the dock. I was most surprised to learn that one section of the legal fraternity opposed this reform, because in its submission to the parliamentary select committee another section of the legal fraternity strongly advocated it.

It seems to me that the right of an accused to make from the dock all types of damaging statements that cannot be tested by cross-examination is a relic from past ages. Such statements are made particularly in rape cases, and this device has been used to enable the accused to make the most scurrilous charges against the antecedents of the victim. Mind you, we are all aware that the charge of rape is a very easy one to lay but a very difficult one to disprove. Therefore, our procedures must not be such as to reduce the capacity of an innocent person to prove his innocence.

I believe that it is a travesty of justice to have a system in which the ordeal of the victim is so terrible and so protracted as to lead her to decide she will not entertain the idea of entering a court-room to give evidence against the rapist. Rape is one of the vilest crimes in the criminal code, particularly when it involves, as it often does, a totally innocent victim, a girl entirely unknown to the aggressors. When such an act is accompanied, as it often is, by violence, by sickening acts of bestiality

designed to humiliate and debase the victim, I believe that the girl or woman involved suffers a traumatic experience which, I believe, will probably affect her for the rest of her life—affect her capacity to be a wife, mother and whole person.

Any type of sentence passed on creatures who do that is warranted. The people who indulge in these crimes deliberately opt out of the human race to which the rest of us belong. They have chosen where they stand, and should be treated as non-human members. That is their decision and they should expect to abide by it. I have no sympathy with those who give maudlin attention to people of that ilk.

Under our present system we have reached the stage where most of the expert witnesses who appeared before the Select Committee on Punishment of Crimes of Violence said that probably not more than three in 10 rape cases are reported to the police—and they doubted whether the figure was as high as that—and, of the three that were reported, probably not more than one or two were successfully brought to trial. Literally, that means that in the area of rape probably not 10 per cent of rapists are convicted of their crime. It is no wonder that a wonderful inducement is provided to those debased creatures who want to commit this type of crime, when they feel they can get away with it safely.

Something must be done in this field. The creation of the new Rape Squad in the Police Force is an excellent step forward. The elimination of unsworn statements from the dock is another. But much more needs to be done to ease the dreadful ordeal that the victim must face. There are a whole host of areas in terms of the conduct of the trial, the necessity for personal appearance before the lower court to ensure that a case is made out, and so on, in which we can substantially reduce the ordeal for the victim without in any way injuring the capacity of the accused to prove his innocence.

The other principle in the Bill that I wish to comment on concerns the unfettered right of the Crown to deal with a case where the sentence is obviously wrong. Formerly the Crown had to prove that the trial judge was manifestly wrong and that the sentence was therefore manifestly inadequate. The Crown can now appeal in those cases—and there have been a number of them—where the proper course of justice has been circumvented because acquittal came on some legal technicality. There was no question of whether the accused was guilty or not guilty. That did not enter into it; the technicality got the accused off scot-free. It is absolutely essential that the Crown be given this right.

On the matter of the alibi and the necessity of the Crown knowing this aspect of the defence (which has been attacked in some quarters), I can only say that many people feel that, under today's system, too much favours the crook. The scales are tilted too much in favour of the wrongdoer. There can be no shadow of doubt about it; the figures are inexorable and speak for themselves. There is no shadow of doubt that violent crime is escalating year by year at a frightening level. That is a fact, and we must recognise it. To ensure that society gets the protection it needs in these circumstances, we must without doubt do things which 10, 20 or 50 years ago we may not have done. This is one move in that direction.

I was recently very much impressed when I read a statement by the London Commissioner of the Metropolitan Police, Sir Robert Marks, in which he said quite flatly that the crook or the wrongdoer is definitely in a stronger position than the police. He felt that members of the legal fraternity were very much astray in looking on the legal process as the only thing that concerned them. In fact of course, what society should do is approach the criminal process as a whole. That includes the complete gamut of it—the investigation, the detection, the trial and eventually the punishment.

If society persists in looking at each of these in watertight compartments, it will go astray in each one of them. Without doubt, we must look at the process as a whole and a total process. Therefore, the police must not be unduly hampered in their role of endeavouring to apprehend the evil, wicked people in our midst—and there are some—and no improvement in socio-economic conditions will ever rid us of the rotten applies in the barrel.

The police must be helped. If some of us believe—and some undoubtedly do—that some police misuse their present powers and that for that reason we should not give them more, my answer to that contention is that we should have a better Police Force. We should have a Police Force which is trained in manners, trained in approach to the public, and which looks on its full role in a complete way and does not consider that being brusque, uncouth and aggressive to every person approached is the hallmark of an efficient policeman. I am bound to say, of course, that over recent years things have change enormously, but I believe there is still room for improvement. Without doubt, we must see the problem of bringing people to trial and punishing them for breaking the law as a whole process.

The question of society's being able to cope with this cancer in its midst is for me a very grievous one and a very urgent one, and to ensure that society receives the protection that the rising crime rate clearly proves it requires I would certainly support further moves than those that are in this Bill. But in the area of sexual crimes, which show the greatest rate of increase of all areas of violent crime, there is very much

that we must do. We must do it quickly; otherwise the very strands of society which bind us all together in our common purposes will be so frayed that in vital areas they will part. There are some in our community who would want this to happen, but I think the great majority of us want to see a society in which decent people are encouraged to be decent and wrongdoers are clearly punished for doing wrong.

Mr. LESTER: (Belyando) (2.53 p.m.): Mr. Speaker——

Mr. K. J. Hooper interjected.

Mr. LESTER: Just shut up and let me get going. We haven't much time.

Mr. SPEAKER: Order! I ask the honourable member to get going right now.

Mr. LESTER: I am sorry, Mr. Speaker.

Might I respectfully suggest that in country areas at least, many instances of rape, unlawful carnal knowledge and aggravated physical assaults upon young girls are not reported to the police, because of the ordeal that the female complainant is put through. In sexual cases, it is highly desirable that a policewoman be made available to interrogate the female. After all, male policemen do not enjoy the ordeal either. I believe that definitely calls for careful consideration. Moreover, there is a definite need for more women justices of the peace to sit on the bench for the hearing of cases involving sexual assaults.

An Opposition Member interjected.

Mr. LESTER: I am not talking hot air on this matter, as I have nominated my wife and my electorate secretary to become justices of the peace. I am fair dinkum about what I am saying.

For the crime of occasioning bodily harm, I think first offenders should be heavily penalised. At the same time it would be worth while prescribing preventive medical treatment with a view to reducing their desire to commit the offence again. So often somebody in a sharp fit of temper impulsively hits another person. Something happens; something snaps before he can control himself, and before he knows where he is somebody is badly injured. Perhaps medical treatment could be of enormous benefit in those circumstances. Before imposing sentence, however, the court should have a very thorough knowledge of the background of the charge and take into account the reason for the assailant's actions. The age, sex and type of person assaulted should all be taken into account before sentence is passed.

Australia can well do without people who beat up wives, other women and, worst of all, defenceless young children. Even in my limited experience I have heard of some shocking cases of little children having bones broken, and occasionally being killed by an ill-tempered person. It would do all of us the world of good to visit some of the children who have been so badly belted by older people. It would not be a very pleasant experience for us but we would learn how much these little children have been knocked about. Many people who assault children have a tendency to hit out, of course, against those who are inferior in strength; hence the need for both punishment and medical treatment.

It is all very well to say what should be done. At the same time there is a definite need to introduce into sentences some type of fair dinkum work to be carried out by convicted persons. A method should be evolved to enable them to earn a living and, in so doing, partly support their families. This would be of enormous help to the State's revenue.

If the crime rate continues to rise, our gaols will be full to overflowing. This will create enormous problems for the State.

It is unfortunate that the time factor has cut into the debate on this Bill. I have not the time to say all I would like to and unfortunately I have had a couple of interruptions from one Opposition member.

Mr. K. J. Hooper interjected.

Mr. LESTER: I have already told him to mind his own business.

Mr. BYRNE (Belmont) (2.58 p.m.): Intrinsic in the priorities of this Government is a concern for the rights of the individual. This concern takes into account the position of the free citizen, the accused and the convicted. This Bill is not intended to work wonders. It is intended to try to bring a greater degree of equity within society in the treatment of people before the law.

It contains three concepts aimed at achieving a far better and happier state within our society through the agency of the Criminal Code. The three areas of stress are: deterrence, restitution and mercy. In the context of deterrence, I point out that a learned Greek gentleman by the name of Aristotle many years ago said—

> "The generality of men are naturally apt to be swayed by fear rather than by reverence, and to refrain from evil rather because of the punishment that it brings than because of its own foulness."

That was a fact then and it still is. I urge the Minister to realise, as I have mentioned on previous occasions, that increases in punishment can only really act as deterrents if they are spread broadly through the public; in other words they must be advertised.

Sydney Smith, on the same topic, said—

"The only true way to make the mass of mankind see the beauty of justice is by showing to them in pretty plain terms the consequences of injustice."

It is a principle of deterrence that the guilty shall be punished. Unless the general public, unapprehended criminals, and those who choose to commit crime or are tempted to commit crime are aware of the punishments that exist, they indeed may not be deterred.

The second concept that rests in the Bill deals with restitution. It is a very commendable aspect of clause 3 that restitution is put before prosecution. In its concern for the rights of the individual, the Government puts the good of society before punishment of the offender. In other words, there is no necessity to punish the offender at the expense of society. The offender has already committed an offence which has hurt society. The Criminal Code should then ensure that the good of society is seen to by the removal and punishment of the offender and by restitution and compensation.

It has become apparent from recent debate on this matter that some people think that increasing penalties for the unlawful use of motor vehicles would make the public feel that the Government was doing more to cope with this problem. It is far easier to obtain a conviction for unlawfully using a motor vehicle than for stealing. For those who still do not seem to appreciate the position fully, I point out that the Criminal Code will now provide a seven-year penalty for unlawful use of a motor vehicle, and more severe penalties for those who, in addition to unlawfully using motor vehicles, use them in committing other indictable offences, or cause, or intend to cause, damage to the vehicles. There is therefore an increase in the punishment for the unlawful use of motor vehicles not only to seven years' imprisonment in the base factor but also to as high as 12 years for persons who intend to damage or destroy the property.

On the point of valueless cheques, it is important to realise that the cheque is a recent innovation in modern society. If society cannot be assured of the trust and honesty of its members, the person who passes valueless cheques hurts not only those to whom he gives the cheques but society as a whole. He ensures that people will no longer have trust in others, and causes inconvenience in the use of a modern and necessary utility. If the penalty provided for passing valueless cheques is widely advertised, it may well bring about a change in attitude and lead to a reduction in the number of dishonest cheques, so preserving a valuable business convenience.

It has been said by many that justice delayed is justice denied. Clause 19, which gives a person the right to be tried in accordance with his request, permits a far higher level of justice in the community. This, together with the increased jurisdiction of the Magistrates Courts to deal summarily with offences, means that the concept of justice being delayed, and therefore being denied, will in some measure be overcome. Delay in justice is indeed injustice.

One of the most important facets of the Bill is the power given to courts not to convict. In trial by jury, certain factors will now be taken into account. This is the third element contained in the Bill—the element of mercy. It is in the cause of mercy that the Government has provided for an accused person's character and age, and various other antecedents and factors surrounding the offence to be taken into account prior to conviction. This is indeed a further indication of the Government's intention of ensuring equality of the people not only within society but also before the law.

In conclusion, I point out that the Bill expresses, on behalf of the Government, and indeed on behalf of the Minister who has presented it, a very basic fact—that in Queensland there is a concern for the rights of the individual as a free citizen, as an accused, and as a convicted person. It states that in Queensland there is a modern, civilised society in which people possess an appreciation and understanding of the situations in which other members of the community find themselves.

The three concepts of the Bill are deterrence, restitution and mercy. The latter two are essential to good law and to justice. As to the first—deterrence—I repeat my original statement: that if deterrence is not taken into account as a concept that must be publicised, not only passed as law, it will not be effective in ensuring a decrease in crime within our society.

Motion (Mr. Knox) agreed to.

COMMITTEE

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

Clause 1—Short title and citation—

Hon. W. E. KNOX (Nundah—Minister for Justice) (3.7 p.m.): I have circulated the proposed amendments, and honourable members have had them for 24 hours.

I move the following amendment—

"On page 1, line 4, omit the words—

'and citation'

and insert in lieu thereof the words—

', citation and commencement'."

It is proposed that the date of operation of the Bill be 1 July. As the Bill makes substantial changes in procedures in the laws, I think it is reasonable that all those involved should have adequate notice.

Amendment (Mr. Knox) agreed to.

Hon. W. E. KNOX (Nundah—Minister for Justice) (3.8 p.m.): I move the following further amendment—

"On page 1, after line 9, insert the following new subclause—

'(4) This Act shall commence on 1st July 1975.' "

Amendment agreed to.

Clause 1, as amended, agreed to.

Clauses 2 to 6, both inclusive, as read, agreed to.

Clause 7—New section 229A; Indictable offences against morality that may be dealt with summarily—

Hon. W. E. KNOX (Nundah—Minister for Justice) (3.9 p.m.): I move the following amendment—

"On page 3, omit all words comprising lines 22 and 23 and insert in lieu thereof the words—

'then, if the girl at the time of the alleged offence was of or above the age of fourteen years and the age of the accused person at'."

A grammatical error is being corrected.

Amendment agreed to.

Hon. W. E. KNOX (Nundah—Minister for Justice): I move the further following amendment—

"On page 4, line 3, omit the words—

'Chapter XLIII'

and insert in lieu thereof the words—

'section 444'."

Amendment agreed to.

Hon. W. E. KNOX (Nundah—Minister for Justice) (3.12 p.m.): I move the following further amendment—

"On page 4, line 5, omit the word—

'Chapter'

and insert in lieu thereof the word—

'section'."

I should explain that there are two sections involved, sections 443 and 444. In the new section 229A the whole of the provisions of section 443 have been inserted, with the exception of one of the conditions going to jurisdiction, namely "The value of the property in question does not exceed twenty pounds." As the subsection stands, the defendant's lawyer might argue that the provisions of the new section 229A are inoperative because the justices have not been able to establish that the value of the property, namely, the private parts of the girl, cannot be shown to be less than $40 in value. It is only intended that the summary jurisdiction conferred by section 229A be exercised according to the procedure laid down in section 444.

Amendment (Mr. Knox) agreed to.

Clause 7, as amended, agreed to.

Clauses 8 to 10, both inclusive, as read, agreed to.

Clause 11—Repeal of and new s. 408A; Unlawful user or possession of motor vehicles, aircraft or vessels—

Mr. WRIGHT (Rockhampton) (3.14 p.m.): At the second-reading stage I pointed out that we had somewhat of a problem with this clause. The new section 408A refers to the unlawful use or possession of motor vehicles, aircraft or vessels. The Opposition supports the extension to cover aircraft and vessels. There are three aspects here. First of all there is the normal offence when someone unlawfully uses a motor vehicle, aircraft or vessel without consent, or he uses it with the intent to deprive the owner of possession. For this he can get up to seven years' hard labour. If the person uses or intends to use the motor vehicle, aircraft or vessel for the purpose of facilitating the commission of an indictable offence, the penalty increases to 10 years' imprisonment.

The Bill provides that if the offender wilfully destroys, damages, removes or otherwise interferes with the mechanism (or part thereof) or other part of or equipment attached to the motor vehicle, aircraft or vessel, he is liable to imprisonment with hard labour for 12 years. Admittedly, that is the maximum term and it is not likely that all judges will impose such a sentence. I think it is understood that as a general rule judges do not impose maximum terms of imprisonment.

The point I am making is that there is an anomaly here, in that a person who steals a motor vehicle can be sentenced to seven years, or to 10 years in certain cases, whereas if he takes the hub cap or some other part of the vehicle he can be sentenced to 12 years' imprisonment. I cannot see why this offence should be regarded as being more serious in nature than that of stealing.

Mr. Frawley: It's a wreck.

Mr. WRIGHT: I accept that point, but I wonder whether this new section will be open to abuse and misuse.

Mr. Marginson: Ask Mr. "Fraudley".

Mr. WRIGHT: Perhaps that is just a mispronunciation.

The matter calls for some clarification, because I think members would agree that a large number of young offenders steal car batteries or other parts of vehicles. From the Bill I gather the impression that this is regarded as being a more serious offence. As I say, the point needs to be clarified.

Hon. W. E. KNOX (Nundah—Minister for Justice) (3.16 p.m.): I do not think there is any anomaly here; it is merely a question of interpretation of the particular circumstances surrounding each offence. A judge must take the circumstances into account. The honourable member used the word

"stealing". A number of persons advocated that it should be stealing, but it is still unlawful use or possession.

Mr. Wright: But we have done away with joy-riding in that sense, haven't we?

Mr. KNOX: No, we haven't. "Joy-riding" is not a legal term, but we all know what it means. We have not changed the sense of unlawful use or unlawful possession. The use of a vehicle unlawfully or the taking unlawfully of a hub cap is still not stealing. This is one of the arguments that we have had throughout the debate on this Bill. It has been contended that an offence of this type should be regarded as stealing.

In relation to this section, someone must unlawfully use to create the offence. The stripping of a car, for instance, is unlawful use of that vehicle. Possession does not go that far; it does not become stealing. The offender could, of course, be charged with stealing, but that is another offence under a different section of the Criminal Code. Under this section it is unlawful use or unlawful possession.

Mr. WRIGHT (Rockhampton) (3.17 p.m.): I do not think the Minister's comment has completely clarified the issue. I am glad, however, that he has explained the difference. I was hoping that we would be looking upon this as stealing.

Mr. Knox: There is another section.

Mr. WRIGHT: I realise that. I am at fault in that I did not look more closely at the Bill. But I thought that, as we are getting rid of unlawfully using, we had accepted the fact that this is stealing.

Mr. Knox: No.

Mr. WRIGHT: I still foresee this problem arising, but we will have to leave the matter to the discretion of the judges. The Opposition is concerned at the possibility of abuse of this section, but we will see what happens in practice.

Clause 11, as read, agreed to.

Clauses 12 and 13, as read, agreed to.

Insertion of new clauses—

Hon. W. E. KNOX (Nundah—Minister for Justice) (3.19 p.m.): I move the following amendment—

"On page 5, after line 45, insert a new clause as follows:—

'14. Repeal of s. 423. The Criminal Code is amended by repealing section 423 and the heading immediately preceding that section.'"

Mr. WRIGHT (Rockhampton) (3.20 p.m.): The Opposition accepts this amendment mainly because we are now bringing it under the general term "place". When checking through the Criminal Code it crossed my mind that we have no definition of "place" or "places". The Minister might advise me if there is such a definition. I should think that as we have had difficulty with the term "building" and we are now saying——

Mr. Knox: I explained yesterday that we are accumulating all the different categories and putting them under the one heading.

Mr. WRIGHT: You are doing that later?

Mr. Knox: No, that is already in the Bill; that is one of the amendments.

Mr. WRIGHT: In that case, it is all right.

Amendment (Mr. Knox) agreed to.

Hon. W. E. KNOX (Nundah—Minister for Justice) (3.21 p.m.): I move the following further amendment—

"On page 5, after the new clause last inserted, insert the following new clause—

'15. Repeal of s. 424. The Criminal Code is amended by repealing section 424 and the heading immediately preceding that section.'"

Amendment agreed to.

Clause 14, as read, agreed to.

Clause 15—new s. 427A; Obtaining property by passing valueless cheques—

Hon. W. E. KNOX (Nundah—Minister for Justice) (3.22 p.m.): I move—

"On page 6, line 25, omit all words comprising lines 25 and 26 and insert in lieu thereof the words—

'section to prove that the accused person—

(a) had reasonable grounds for believing that the cheque would be paid in full on presentation for payment; and

(b) had no intent to defraud.'"

Subsection (2) of this new subsection 427A provides the defence for a person charged with obtaining property by passing a valueless cheque. In all the other States of Australia and the Australian Capital Territory, the defence to the offence of obtaining property by passing a valueless cheque is, firstly, that the defendant had reasonable grounds for believing that the cheque would be paid in full on presentation for payment and, secondly, that he had no intention to defraud. This amendment will make the offence uniform throughout Australia. I might say it arose from representations made to me by the Bar Association.

Mr. WRIGHT (Rockhampton) (3.24 p.m.): The Opposition supports the amendment moved by the Minister. It obviously clarifies the defence that a person charged with such an offence can use.

During the second-reading debate I made a couple of other points that I believe should be clarified. While we are talking about

chattels, money and valuable securities, this provision does not overcome the position created by a person who passes a valueless cheque for accommodation in a motel. I was hoping that the Minister might have had an opportunity to speak to some of his legal advisers about this matter which was raised by me by a legal adviser. It is suggested that under this section of the code we would not be able to charge a person (if he is getting only accommodation) who passes a cheque knowing quite well that it will not be met on presentation. What happens if a person stays at a motel—receives that benefit—knowing full well that his cheque will not be honoured? I am wondering how this can be clarified.

The Opposition has looked at the provision with a view to moving an amendment. However, in the limited time we have had since the Minister's second-reading speech last night, it has not been possible to consider it fully. I would like to hear the Minister's view on it, because I think we may be leaving ourselves wide open. The practice is becoming more prevalent in the community. Local people have complained to me about the number of salesmen who give references, using all sorts of credit cards as their guarantee that the cheque will be honoured.

The matter was raised with our own consumers' association. We had no answer for it. We said, "It is a matter of trust. If you are prepared to accept the cheque, you take the risk." One would hope that if the person continually did this, he could be charged; but it seems that he will not be covered by this provision. The member for Brisbane was tentatively of the same opinion. The benefit of obtaining accommodation does not come within the description of "chattels, money or valuable security". I think the Minister should give us some clarification of the position.

I am concerned about another matter. During the second reading I mentioned the problem of people stopping cheques. That is certainly a common practice in the commercial field when people are not happy with the service rendered or the property purchased. They simply ring the bank and say, "Don't honour this cheque. There is some problem over it. Will you please stop payment?" One would think that that would be an offence.

I note that the proposed subsection 4 says—

> "A prosecution for an offence defined in this section shall not be commenced without the consent of a Crown Law Officer."

I would certainly hope that that provision could be used to protect such people. While it would be an advantage in these circumstances, I am a little concerned about the principle we are adopting. We are giving a discretionary power—one might say a fairly onerous discretionary power—to a Crown Law officer to decide whether or not a person could be charged with some offence. It could act both ways. It could certainly act to the advantage of the consumer—the decent person who is dissatisfied—but I think that the delay in having to contact Crown Law officers and having to go through this procedure could be detrimental.

We need clarification on three points: accommodation, the stopping of cheques, and the Minister's reason for including the provisions relating to "Crown Law Officer".

Hon. W. E. KNOX (Nundah—Minister for Justice) (3.27 p.m.): The provision giving a Crown Law officer a discretion has been inserted because of some of the matters that have been mentioned in this debate. It is a very difficult area when one begins to think about the occasions on which cheques are passed. In fact, at face value the situation might seem to fit the Criminal Code's intention as to a valueless cheque, when in fact there are other circumstances which come to light later.

Normally, of course, in a police prosecution the Crown Law officer does not have discretion. He has it if it is specifically mentioned, which is why we have included it in the Bill. The provision is similar to that applying in one other State—I have forgotten which it is—but Western Australia has provision for the Police Commissioner only to have this authority. We felt it desirable that it should be a Crown Law officer.

Mr. Wright: Wouldn't it be better to have it as a ministerial discretion, to keep it within the realm of Parliament?

Mr. KNOX: The Crown Law officer happens to be the Attorney-General.

Mr. Wright: We are not talking about an officer of your department?

Mr. KNOX: Not at all. We are talking about the Attorney-General when we speak about this.

Mr. Wright: We would have no argument with that.

Mr. KNOX: As to accommodation and other things of that nature, I think it is Victoria and South Australia that have actually gone further than we propose. Those States have circumstances where people would obtain benefit or credit, which would cover "accommodation". After discussion with my colleagues, I felt that we should not go as far as that on this occasion.

Amendment (Mr. Knox) agreed to.

Clause 15, as amended, agreed to.

Clauses 16 to 19, both inclusive, as read, agreed to.

Clause 20—New s. 590A; Notice of alibi—

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

"On page 9, line 18, omit the word—
'seven'

and insert in lieu thereof the word—
'fourteen'."

I think honourable members are familiar with my earlier remarks on this matter. In the Bill, the period prescribed for giving notice of alibi is seven days after the date of committal of the accused person for trial. The amendment will extend the period to 14 days. This will give the accused person adequate opportunity to consult his solicitor before giving notice. In England and Tasmania the period is seven days and in New South Wales it is 10 days.

Mr. WRIGHT (Rockhampton) (3.31 p.m.): It was the original intention of the Opposition to oppose this clause for the reason which I think I outlined fairly fully. We see the amendment as a somewhat unacceptable compromise. I would have preferred possibly 21 days. We do not intend to argue about it. We know that other States allow seven or 10 days and we are prepared to accept 14 days. I hope there will be no problems, and that if any do arise the Minister will take it upon himself to adjust them.

Amendment (Mr. Knox) agreed to.

Clause 20, as amended, agreed to.

Clauses 21 to 24, both inclusive, as read, agreed to.

Clause 25—Repeal of and new s. 618; Evidence in defence—

Mr. WRIGHT (Rockhampton) (3.32 p.m.): This is the other main area of contention in the Bill. We have had a fair amount of argument on it. I have read the comments made by the Queensland Law Society and the Bar Association. The Opposition gave considerable thought to this matter and in fact held a special meeting to discuss it. We are of the opinion that the repeal of this section is unnecessary.

We understand the advantages and disadvantages for the prosecution; but the defendant has certain rights. In fact, we should preserve his maximum rights. It worries us that we are removing what one could call the last-ditch stand of the defendant.

We are quite mindful, however, that it has been used by many a defence counsel as a last effort to gain the sympathy of the jury by letting the accused put his case across in his own somewhat simple and innocent way. We accept that that may well be to the special advantage of the defendant.

We also believe that the advantage is countered, or overcome, by the rights of the judge to direct the jury. In dicussing this matter with people in the profession, we were told that if the judge desires to do so he can virtually refute what the defendant has said. He can certainly make is very clear to the jury that it is an unsworn statement, not given on oath, and that the prosecuting counsel has not been able to cross-examine; therefore the jury has to take cognisance of those two aspects and decide accordingly.

We hold the view that, although we are concerned about the number of fellows who do get away with things, it is far better that nine guilty people go free than that one innocent person be punished.

Mr. Gunn: I've heard that before.

Mr. WRIGHT: I know it is not new, but I think it coincides with the attitude of most people; we must safeguard the rights of the individual. By repealing this, we are removing part of these rights.

We realise that it could be antiquated, and totally unnecessary in some circumstances. But there could be, and there have been, circumstances in which it has been in the interests of the defendant to be able to get up at the last moment to make his statement from the dock. We therefore oppose the clause repealing this section.

Mr. GREENWOOD (Ashgrove) (3.35 p.m.): If it were not for the fact that there is now in this State a Public Defender to provide accused people with a very comprehensive service, I would be inclined to agree with the remarks of the honourable member for Rockhampton. But the fact that there is a Public Defender, and that public defences are available, alters the situation.

Question—That clause 25, as read, stand part of the Bill—put; and the Committee divided—

AYES, 55

Akers	Lamond
Alison	Lamont
Armstrong	Lee
Bird	Lester
Bjelke-Petersen	Lickiss
Camm	Lindsay
Campbell	Lockwood
Chalk	McKechnie
Crawford	Miller
Deeral	Moore
Doumany	Muller
Elliott	Neal
Frawley	Newbery
Gibbs	Porter
Goleby	Powell
Greenwood	Row
Gunn	Simpson
Gygar	Small
Hales	Sullivan
Hartwig	Tomkins
Herbert	Turner
Hinze	Warner
Hodges	Wharton
Hooper, K. W.	Young
Katter	
Kaus	*Tellers:*
Kippin	
Knox	Ahern
Kyburz	Byrne

NOES, 10

Burns	Melloy
Dean	Wright
Hanson	*Tellers:*
Houston	Jensen
Jones	Hooper, K. J.
Marginson	

Resolved in the affirmative.

Clause 26, as read, agreed to.

Clause 27—New s. 657A; Power to permit release of certain persons charged—

Hon. W. E. KNOX (Nundah—Minister for Justice) (3.43 p.m.): I move the following amendment—

"On page 11, line 31, after the word 'sureties' insert the words—

'in such sum as the Court thinks or the justices think fit'."

The amendment will make it clear that the court or justices have power to discharge the offender on entering into a recognisance in such sum as the court or justices think fit. If the amendment were not inserted, it might be argued that the court has no power to bind the defendant for a surety in an amount of money. This is the normal provision in all legislation relating to the entering into of a recognisance.

Amendment (Mr. Knox) agreed to.

Hon. W. E. KNOX (Nundah—Minister for Justice) (3.44 p.m.): I move the following further amendment—

"On page 12, line 10, after the word 'may' insert the words—

'forfeit the recognizance and'."

The amendment will enable the court or justices to forfeit the recognisance and then issue a warrant for the arrest of the offender. Again, this is a normal provision in relation to estreatment of a recognisance. Without the amendment, a recognisance would really have no force or effect.

Amendment (Mr. Knox) agreed to.

Clause 27, as amended, agreed to.

Clause 28—Amendment of s. 663A; Interpretation—

Hon. W. E. KNOX (Nundah—Minister for Justice) (3.46 p.m.): I move the following amendment—

"On page 12, line 23, omit the word—

'passing'

and insert in lieu thereof the word—

'commencement'."

Clause 1 has been amended so that the Act will operate not upon its passing but upon its commencement on 1 July. This amendment will be consequential to that one.

Amendment (Mr. Knox) agreed to.

Clause 28, as amended, agreed to.

Clauses 29 to 37, both inclusive, as read, agreed to.

Clause 38—Transitional provision—

Hon. W. E. KNOX (Nundah—Minister for Justice) (3.48 p.m.): I move the following amendment—

"On page 15, line 29, omit the word—

'passing'

and insert in lieu thereof the word—

'commencement'."

The amendment is proposed for a similar reason to the amendment to clause 28.

Amendment (Mr. Knox) agreed to.

Clause 38, as amended, agreed to.

Clauses 39 and 40, and schedule, as read, agreed to.

Bill reported, with amendments.

THIRD READING

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

SPECIAL ADJOURNMENT

Hon. A. M. HODGES (Gympie—Leader of the House) (3.50 p.m.): I move—

"That this House, at its rising, do adjourn until 11 o'clock a.m. on a date to be fixed by Mr. Speaker in consultation with the Government of this State. Mr. Speaker shall, not less than seven days prior to the meeting date so fixed, give notification of such meeting date to each member of the House."

Mr. SPEAKER: Order! Before I put the question, I advise honourable members that in due course they will be advised of the agenda and time-table of the meeting of the Commonwealth Parliamentary Association.

I thank all honourable members for their co-operation and assistance throughout this session. We have seen that with such co-operation a great deal of business can be completed. Any fault found with our parliamentary institution rests entirely in the hands of honourable members. Any weaknesses and problems in the conduct of this Parliament can be rectified by them, working in co-operation.

Finally, I extend to everybody an invitation to join me in the dining-room for some refreshments.

Motion (Mr. Hodges) agreed to.

ADJOURNMENT

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

"That the House do now adjourn."

Motion agreed to.

The House adjourned at 3.52 p.m.

BILLS ASSENTED TO AT CLOSE OF SESSION

The following Bills, having been passed by the Legislative Assembly and presented for the Royal Assent, were assented to in the name of Her Majesty on the dates indicated:—

(1 *May* 1975)—

Description of Women (Reference to Condition in Life) Bill;

Legal Assistance Act Amendment Bill;

Sporting Bodies' Property Holding Bill;

Farm Water Supplies Assistance Acts Amendment Bill;

Water Act Amendment Bill;

Rural Fires Act Amendment Bill.

(15 *May* 1975)—

Building Bill;

Land Act and Another Act Amendment Bill;

Traffic Act Amendment Bill;

(15 *May* 1975)—continued—

Queensland Institute of Medical Research Act Amendment Bill;

Public Accountants Registration Act Amendment Bill;

Nundah Library Validation Bill;

Hen Quotas Act Amendment Bill;

Swine Compensation Fund Act Amendment Bill;

National Parks and Wildlife Bill;

Local Government Act Amendment Bill;

City of Brisbane Town Planning Act Amendment Bill;

Margarine Act Amendment Bill;

Magistrates Courts Act Amendment Bill;

The Scout Association of Australia Queensland Branch Bill;

Gladstone Area Water Board Bill;

Superannuation Acts Amendment Bill;

The Criminal Code and the Justices Act Amendment Bill.

PROROGATION

On 3 July 1975 the following Proclamation was issued by His Excellency the Governor:—

A PROCLAMATION by His Excellency Sir COLIN THOMAS HANNAH, Air Marshal on the Retired List of the Royal Australian Air Force, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Honourable Order of the Bath, Governor in and over the State of Queensland and its Dependencies, in the Commonwealth of Australia.

[L.S.]
C. T. HANNAH
Governor

In pursuance of the power and authority vested in me, I, Sir COLIN THOMAS HANNAH, the Governor aforesaid, do, by this my Proclamation, prorogue the Parliament of Queensland to Tuesday, the Nineteenth day of August, 1975.

Given under my Hand and Seal at Government House, Brisbane, this third day of July, in the year of Our Lord one thousand nine hundred and seventy-five, and in the twenty-fourth year of Her Majesty's reign.

By Command, J. BJELKE-PETERSEN.

GOD SAVE THE QUEEN!