

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**WEDNESDAY, 3 SEPTEMBER 1975**

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## WEDNESDAY, 3 SEPTEMBER 1975

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 Police Superannuation Board for the year 1974-75.

The following papers were laid on the table:—

Regulations under—

Health Act 1937-1974.

Hospitals Act 1936-1971.

### QUESTIONS UPON NOTICE

#### 1. QUEENSLAND PERMANENT BUILDING SOCIETY

Mr. Burns, pursuant to notice, asked the Minister for Works and Housing—

(1) Is he aware that the Queensland Permanent Building Society has just increased its operating margin from 1½ per cent to as much as 2¾ per cent by introducing different interest rates for loans under and over \$30,000?

(2) Is he aware that the society lends funds on land, with no commitment from the buyer to build his own home, and on commercial projects such as flats and units?

(3) Are these real estate and commercial loans made at the expense of the ordinary home-seekers, who should get priority for home loans?

(4) Does he realise that there is a danger of this society concentrating on high-volume loans to obtain higher interest-rate returns and bigger operating margins?

(5) What action will he take to ensure that the genuine home-buyer is not disadvantaged by this society concentrating on high-volume loans?

Answer:—

The Government is at present examining interest rates prescribed by Order in Council under the Building Societies Acts and an announcement will be made in this regard in the near future.

#### 2. EFFECT OF PESTICIDES ON FISH

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

(1) Is he aware of the growing number of reports of ulcerated bream and other fish by fishermen from Caloundra to the New South Wales border?

(2) In view of the report by Water Science Laboratories to the Gold Coast City Council that fish have been destroyed

by pesticides in Gold Coast waters, has he caused any inquiry into the toxic effect of pesticides?

(3) Does the Government propose to regulate the sale and use of non-degradable pesticides? If not, what is the reason?

Answers:—

(1) Yes.

(2 and 3) The problem of ulcerated fish (especially bream) is not new. It is one of quite long standing, with reports on its incidence extending back at least to 1935. The cause or causes of such ulcerations are not well established. In south-eastern salt waters, some incidence of ulcers can be attributed to large parasites known commonly as sea-lice. There is no direct evidence that pesticides of themselves lead to ulceration in fish. However, research into this matter is continuing. The report by Water Science Laboratories indicates merely that pesticides could have been related to the fish mortality in Tallebudgera Creek in May 1975. The level of chlorinated hydrocarbons determined by the laboratories on the one fish they examined cannot be regarded as extremely high, and in fact can be compared with similar analyses made throughout the world. In no way does this test suggest that pesticides were responsible for the death of the fish. Neither the occurrence of ulceration nor the tests made by the Water Science Laboratories provide any basis for the regulation of the sale and use of non-degradable pesticides.

#### 3. ROADWORTHINESS CERTIFICATES

Mr. Burns, pursuant to notice, asked the Minister for Industrial Development, Labour Relations and Consumer Affairs—

(1) Is he aware of *The Sunday Mail* article of 18 May headed "Certificates No Protection", which quoted a Government official as saying that it is obvious that the roadworthiness-certificate system is not giving the public the protection which it was meant to?

(2) How many complaints has his department received in relation to the wrongful issue of roadworthiness certificates?

(3) How many prosecutions have proceeded from the complaints and what action has the Government taken to tighten up the system so that dangerous cars are not provided with roadworthiness certificates?

Answers:—

(1) Yes.

(2) Since the inception of the legislation in October 1972, 1,095 complaints have been received. The number of certificates issued up to 25 August is 580,197.

(3) There have been 19 prosecutions with regard to wrongful issue of certificates of roadworthiness; four cases were dismissed by the court. There are 34 pending court proceedings and one prosecution was withdrawn in view of the demise of the defendant. In addition, four examiners' licences have been cancelled; six examiners' licences have been suspended; two examiners' licences have been surrendered following investigations; three approved inspection station certificates have been cancelled; six approved inspection station certificates have been suspended; two approved inspection station certificates have been surrendered following investigations. The division is continuing to make snap checks of approved inspection station activities, and where breaches are detected action is taken against offenders through court proceedings and suspension of licences. Experience has demonstrated the effectiveness of the legislation in assisting to remove unsafe motor vehicles from the road and it has been supported by written opinions from the Motor Trade Association of Queensland and the Queensland Automobile Chamber of Commerce following the appearance of the Press article to which the honourable member refers. It is also the unanimous opinion of the Motor Trade Committee of which the R.A.C.Q. is a member, that the legislation is achieving its objective.

#### 4. PEDESTRIAN CROSSINGS OUTSIDE SCHOOLS, MARYBOROUGH

**Mr. Alison**, pursuant to notice, asked the Minister for Local Government and Main Roads—

(1) Is he aware that the Maryborough-Granville Branch of the A.L.P. is blaming the State Government for the removal of pedestrian crossings outside certain Maryborough schools?

(2) As this alleged planned removal of pedestrian crossings from outside schools is causing serious concern to Maryborough parents, what variations have been made regarding the installation of pedestrian crossings and what are the effective results of the variations?

(3) What are the types of pedestrian crossings which may be installed outside schools and what are the circumstances and conditions under which each crossing is installed?

(4) Will the Maryborough City Council administer the Main Roads Department requirements regarding pedestrian crossings?

*Answers:—*

(1) I am aware of the matter to which the honourable member refers.

(2) There have been no recent variations in the Main Roads Department's policy regarding installation of pedestrian crossings at schools.

(3) The Manual of Uniform Traffic Control Devices includes provision for the following pedestrian crossings (that is, zebra markings) outside schools (a) where pedestrians and vehicles exceed specified numbers, and (b) where this warrant is not met, but where numbers of school-children cross a carriageway. In this situation an undertaking is required that "Children Crossing" and "Children Crossing Stop" flags will be displayed during the periods when school-children are likely to be crossing the carriageway, proceeding to and from school. Under certain circumstances involving high numbers of pedestrians and vehicles, pedestrian-actuated traffic signals may be installed adjacent to a school.

(4) The Manual of Uniform Traffic Control Devices is issued by the Commissioner of Main Roads under the Traffic Act. It provides that local authorities may install official traffic signs on undeclared roads. Pedestrian crossings at schools are within this category and Maryborough City Council therefore administers these crossings.

#### 5. SEX CLINICS FOR TEENAGERS

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

(1) Is he aware that Dr. Everingham, Commonwealth Minister for Health, has announced that his Government will be setting up a teenage sex clinic in Brisbane which will counsel young people, including pre-teenage school-children, on such matters as pre-marital sex, the use of contraceptives and sexuality, including homosexuality, and that contraceptives will be made available to children free of charge?

(2) Was such a move expected from a basically atheistic socialist Government which does not recognise Christian principles and morals and will these sex centres be another blow against family life and the family structure?

(3) Is this yet another example of the Commonwealth A.L.P. Government exceeding its authority under the Constitution?

*Answer:—*

(1 to 3) When the Federal Health Minister, Dr. Everingham, announced that the Commonwealth Government was establishing contraceptive and sex clinics, I said that I was concerned that many young people could be exposed to sexual freedoms because of the "supermarket" type of clinics that were proposed under the Federal scheme. These new style clinics could lead to the breakdown of family relationships between parents and their children because of the easy accessibility of the new clinics, and therefore must be deplored. I believe that the Commonwealth Minister has acted prematurely on

the matter of the so-called Federal Guidance Clinics for contraceptive information. I have already pointed out to Dr. Everingham that the State Government supports financially family-planning programmes being conducted by the Family Planning Association of Queensland and the Catholic Family Welfare Bureau. I believe that this is the way that a properly formulated programme should be established before plunging into a full scale sex clinic as is proposed by the Commonwealth. I am disappointed to think that this venture has been undertaken without due regard to the existing situation in this State and without consultation with people already operating in his highly specialised and personal field. I am concerned that these clinics will lead youngsters to bypass their parents in seeking counselling on family planning and sex education in general. Parents will be unaware of the children's activities; they could be guided to a sex clinic on a spur-of-the-moment whim. The resultant situation could lead to over-all degradation of family life and responsibility on this over-all vital question. The Queensland Government is deeply concerned at the attitude being displayed by the Federal Government in its disregard of family life and acceptable moral code within the community. With this recent announcement which must encourage further deterioration in family relationships, and the possible implementation of Federal regulations concerning total acceptability by the Federal Government of homosexual marriages, legalisation of incest, etc., the Queensland Government wishes to place on record its total abhorrence of the continuing efforts by the Federal A.L.P. to destroy the family unit and break down the established moral code. Honourable members should be extremely concerned and disturbed at the non-Australian way of life being promoted by the Federal Government and should make every effort to destroy such attitudes.

6. SCHOOL CADET CORPS

**Mr. Alison**, pursuant to notice, asked the Minister for Education and Cultural Activities—

Will he investigate ways and means of retaining the Cadet Corps at schools as a temporary measure pending the eagerly awaited defeat of the Commonwealth Government, which really is not interested in any movement to train the youth of this country in citizenship and leadership?

*Answer:—*

I will look into the matter, but the honourable member is no doubt aware that the school Cadet Corps is totally financed by the Commonwealth Government. No

funds are available from my department to finance the preservation of the Cadet Corps in Queensland.

7. MAINTENANCE OF RURAL AND DEVELOPMENTAL ROADS

**Mr. Armstrong**, pursuant to notice, asked the Minister for Local Government and Main Roads—

Did he attend the meeting of State Ministers for Transport, Highways and Main Roads with the Commonwealth Minister for Transport in Sydney on 29 August? If so, did he approach the Commonwealth Minister for funds to maintain the rural and developmental roads which are deteriorating very rapidly in the wet area of my electorate and are required to carry essential traffic?

*Answer:—*

Yes, I did attend the A.T.A.C. Conference and talked with the Federal Minister for Transport, Charlie Jones. But I may as well have spoken to the wall; I got no satisfaction whatever from him. It is useless trying to put up to the Federal Government or to the Federal Minister for Transport a case on behalf of Queensland. It took me hours to try to convince him that he fleeced the motorists of Australia of \$260,000,000 and gave back a lousy \$64,000,000, of which Queensland receives only \$13,100,000. I put up to him a case in support of allocations to roads such as those in the electorate represented by the member for Mulgrave, which for a large part of the year are wet roads. The honourable member for Mulgrave will recall that when Charlie Jones drove from North Queensland to Brisbane—for the first time in his life—he said he wanted to do something for the wet roads. But as soon as he got back to Canberra he forgot all about them and began talking about the east-west roads. Now he has forgotten them, too. I am getting nowhere at all with Charlie Jones. He is sick in the head, and his condition will never improve.

**Mr. Hanson:** Watch your blood pressure.

**Mr. HINZE:** We will fix the honourable member's blood pressure at our meeting this afternoon. He will need to have a consultation with my colleague Dr. Edwards.

**Mr. SPEAKER:** Order! If honourable members do not refrain from cross-firing, I will fix their blood pressure.

**Mr. Hinze:** Chuck him out.

**Mr. SPEAKER:** Order! I draw the Minister's attention to the fact that Standing Orders apply to all honourable members.

**Mr. Aikens** interjected.

**Mr. SPEAKER:** Order! The next member who interjects will be dealt with under Standing Order 123A. I have given honourable members sufficient warning. I will not tolerate any further interjections.

#### 8. BRUCE HIGHWAY AT BABINDA

**Mr. Armstrong,** pursuant to notice, asked the Minister for Local Government and Main Roads—

Has a decision been reached on the realignment of the Bruce Highway through Babinda? If so, when is construction scheduled to commence and what is the estimated cost?

*Answer:—*

No. However investigations covering a number of routes are continuing with the objective of determining the most desirable alignment, having regard to all socio-economic considerations.

#### 9. STATE EDUCATION SYSTEMS

**Mr. Aikens,** pursuant to notice, asked the Minister for Education and Cultural Activities—

(1) Has his attention been drawn to Press articles on 1 September wherein the Commonwealth Minister for Education was reported as saying that the Queensland system of education was superior to that in other States, where students were not taught the three R's and left school unable even to spell simple words correctly, as teachers were too busy trying to cope with extraneous matters and newfangled ideas?

(2) As the education system in other States is almost completely controlled by the universities in those States and the majority of teachers there are unable or unwilling to combat this, will he assure the House that this pernicious influence will be resisted in Queensland, despite the determined attempts of some teachers to supinely embrace it?

*Answers:—*

(1) Yes, the Press report of Mr. Beazley's comment was drawn to my attention. However, I believe the honourable member for Townsville South, himself a master of the verbal thrust, would agree that if Mr. Beazley's remark be taken at face value, the value would be nil. Mr. Beazley is reported as suggesting Queensland's education is superior for being . . . "perhaps more old fashioned" than that of other States. Thus, if we allow ourselves to be seduced by the connotations of "superior", we confess ourselves undone by accepting the term "old fashioned". I should point out that if Mr. Beazley chooses to interpret as old fashioned such innovations as the Radford scheme; as the total elimination of public examinations; as our leadership in a free pre-school scheme unique in

its implications for all four and five-year-olds; as our specialised educational services for handicapped and for indigenous children—to mention only a few—then clearly his view is not shared by those many educationists who applaud these innovations; nor is it shared by those few critics who consider our progress a pilgrimage into the unknown.

(2) The honourable member for Townsville South has my assurance that all pernicious influences which pose any kind of threat to the Queensland education system will certainly be resisted.

#### 10. COMPOSITION OF COURT OF CRIMINAL APPEAL

**Mr. Aikens,** pursuant to notice, asked the Minister for Justice and Attorney-General—

In view of the grave concern of North Queensland people following the dismissal by the Court of Criminal Appeal, comprising three brother judges of the judge who imposed the sentence, of an appeal by the Minister for Justice against the manifest inadequacy of a sentence imposed by Mr. Justice Kneipp on a 19-year-old man who entered the home of a 68-year-old woman and raped her—(a) is it proposed to constitute a separate Court of Criminal Appeal similar to that which operates in other States and so obviate any suggestion of what has been termed a "mutual reluctance to embarrass" and (b) will the separate Court of Criminal Appeal comprise at least one non-legal member of acknowledged repute and with a profound realisation of public conscience on the subject of adequate penalties for serious offences?

*Answer:—*

(a and b) No. The constitution of the Court of Criminal Appeal is governed by the provisions of section 5 of The Supreme Court Act of 1921 and section 668A of The Criminal Code.

#### 11. AUSTRALIAN CAPITAL TERRITORY CRIMINAL CODE

**Mr. Aikens,** pursuant to notice, asked the Premier—

(1) Has he seen the draft Criminal Code for the Capital Territory tabled in the Commonwealth Parliament on 5 June, which was drafted by a group commissioned by the former Attorney-General in the Whitlam Government, who is now Mr. Justice Murphy of the High Court, and recommends, inter alia, the legalisation of homosexual marriages, by defining a spouse as any person, whether male or female, living in voluntary cohabitation with another person regardless of the legal status of that relationship and the legalisation of homosexual acts between males over 18 years?

(2) As this new conception of ordinary Australian conduct has been endorsed by the Australian Labor Party and will become law in Canberra, the Northern Territory and other areas of Australia under Commonwealth jurisdiction, will he exert all his influence towards preventing this and other obnoxious practices to be legalised by the Code from becoming regarded as ordinary conduct in Queensland?

(3) Is he aware that all A.L.P. politicians, both State and Commonwealth, are pledged to their utmost endeavours to have these practices legalised in this State and, if so, will the widest publicity be given, including the naming of Queensland A.L.P. politicians in both State and Commonwealth spheres, in order to expose their activities to the people?

Answers:—

(1) I have not seen the draft Criminal Code as such.

(2) The proposal in relation to homosexual marriages is a perversion of fact and law. There is no present intention to alter the law in Queensland in respect of the matters referred to in the publicity given to the draft Criminal Code.

(3) While I have consistently opposed the policies of the Australian Labor Party, and will continue to do so, I cannot believe that a majority of its parliamentary representatives could really consider in their own hearts that they wish to see practices of this nature, condemned sooner or later by all nations down the ages, actually endorsed and encouraged by Australian Territory Law. Surely they realise that any such action on their part must lead to the ultimate degradation of Australian society and reflect for ever on them, their political philosophy and indeed their personal lives.

#### 12. CATHEDRAL SQUARE PROJECT, BRISBANE

**Mr. Turner**, pursuant to notice, asked the Minister for Works and Housing—

(1) For what purpose are excavations taking place around the building occupied by the Forestry Department in Ann Street?

(2) Will the Government vacate this building so that the Cathedral Square project may proceed?

(3) If so, when will the Forestry Department move out of these premises and where will it be relocated?

Answer:—

(1 to 3) This work is not being carried out by my department. I understand that it is a Brisbane City Council project. The Government is planning to vacate the

building occupied by the Forestry Department in due course having regard to its office accommodation programme. At this point in time it seems unlikely that the Forestry Department building will become vacant for several years to come.

#### 13. JUSTICE DEPARTMENT ARTICLES IN COUNTRY NEWSPAPERS

**Mr. Turner**, pursuant to notice, asked the Minister for Justice and Attorney-General—

In view of the publications appearing in city newspapers and also the *Queensland Country Life*, outlining the public position in relation to law and legal matters in a series called "The Law's in your court", will he consider placing these particular advertisements in country newspapers so that people in country towns will have the opportunity of reading the articles?

Answer:—

Since the introduction of the advertising referred to by the honourable member, numerous requests have been received to include the series in country newspapers. It has not been possible to accede to these requests, because of the number of newspapers that would be involved and the additional cost that would be incurred. The fact that the advertisements appear in both Sunday newspapers and the provincial morning dailies ensures that the widest possible coverage is given to "The Law's in your court" series.

#### 14. NEW BURNETT RIVER TRAFFIC BRIDGE AND ROAD WORKS, BUNDABERG

**Mr. Jensen**, pursuant to notice, asked the Minister for Local Government and Main Roads—

Further to his answer to my question on 21 August 1973 with reference to the construction of a four-lane highway from the Bundaberg Aerodrome to the intersection of Talkavan and Bourbong Streets, what is the present position regarding this highway?

Answer:—

The answer to the honourable member in response to his previous inquiry in the House in 1973 indicated that construction was dependent on funds becoming available under the forthcoming Commonwealth-States Road Agreement. Under the provisions of the new Roads Acts there are serious shortfalls in the rural arterial category, which includes the Isis Highway, and although a planning report is well advanced, unfortunately no funds can now be programmed for construction of the section referred to during 1975-76.

## 15. MEDIBANK REFUNDS

**Mr. Jensen**, pursuant to notice, asked the Minister for Health—

As constituents of mine have complained that Medibank refunds only a percentage of large medical accounts and pays the balance at a later date, is this correct and, if so, what are the reasons?

*Answer:—*

The honourable member will be well aware, of course, that arrangements for payment by Medibank of refunds to patients attending private medical practitioners were not negotiated by the State Health Department. I would suggest therefore that the honourable member direct his inquiry to the head office of Medibank, Brisbane. I am advised however, that it is usual for Medibank to make a refund in respect of the total claim made by the patient unless certain items in the claim have been extracted pending further examination.

## 16. HOUSING COMMISSION PROGRAMME FOR BUNDABERG

**Mr. Jensen**, pursuant to notice, asked the Minister for Works and Housing—

In view of his answer to my question on housing and pensioner units on 26 August, will he press the Treasurer to take up urgently with the Commonwealth Government, and particularly the Commonwealth Treasurer, the need for an additional \$50 million for housing in Queensland, as this would be the catalyst to revive all building trades and manufacturing industries connected therewith, and the sum would be of little consequence in a deficit Budget of over \$2,000 million?

*Answer:—*

Every effort will be made, as in the past, to convince Canberra of the urgent need for more money for welfare housing in Queensland. It is well known that a prosperous home-building industry creates a high measure of employment in all the supporting and allied industries. I need only mention local manufacturers of stoves, sinks, roofing tiles and so on, to say nothing of furniture. The need for housing is so self-evident that it should be outside party politics. However, I suggest that the honourable member might exert his undoubted influence on his political friends and comrades at Canberra in the interests of this State.

## 17. FEDERAL BUDGET HOUSING ALLOCATIONS

**Mr. Young**, pursuant to notice, asked the Minister for Works and Housing—

(1) What allocation did Queensland receive for housing in the Commonwealth Budget recently announced?

(2) How does this allocation compare with last year's allocation?

(3) How does the allocation compare with that received by other States?

(4) Has he any comments to make in this regard?

*Answers:—*

(1) \$31,010,000.

(2) Very badly. It is a reduction of \$12,800,000 or 29.2 per cent.

(3)—

State	1975-76 \$million	Comparison with 1974-75
New South Wales	123.4	Equal to 1974-75
Victoria ..	98.2	Equal to 1974-75
South Australia	56.4	Equal to 1974-75
Queensland ..	31.0	Reduced by \$12.8 million
West Australia	33.4	Reduced by \$4 million
Tasmania ..	22.2	Reduced by \$4 million

(4) The reduction of \$12.8 million is exactly double the additional amount which the State received in June 1975. I am not at all impressed with the Commonwealth argument that we should be cut back because we received \$6.4 million in June 1975. Other States received additional amounts during 1974-75. For example, N.S.W. received \$52 million and Victoria \$36.8 million and they have not been cut back in 1975-76. Queensland's additional amounts totalled \$22.9 million and we have now been penalised to the tune of \$12.8 million. The effect in Queensland will be fewer houses purchased or built through the terminating societies and a decrease in the letting of building contracts by the Queensland Housing Commission. The Housing Commission in particular will not be able to provide work to the volume required to enable its regular contractors to keep their work-forces in employment. In 1974 the Prime Minister had said that his Government would pay for every Housing Commission house for which the Queensland Government could let a contract.

**Mr. Alison:** He is a liar, though.

**Mr. LEE:** Yes.

*Answers (contd.):—*

This year's cut in welfare housing funds is a complete negation of the promise that was used as an election gimmick to hoodwink the people of Queensland. To debit last year's funds against this year's is nothing more than a play on words. I feel some sympathy for the Commonwealth

Housing Minister, who is placed in the position of justifying a situation with which he cannot possibly agree. He is undoubtedly a victim of his political masters and their Trades Hall bosses, who condoned the irresponsible actions as far back as the purchase of "Blue Poles", Germain Greer's sex film, allocation of money to people to go overseas to study how to spend recreation leave and many other socialist gimmicks. This has now resulted in the neglect of one of the main social conditions of our time—that is, the right of all Australians to have proper homes for themselves and their children.

18. WARCAM MINERALS PTY. LTD.

**Mr. Frawley**, pursuant to notice, asked the Minister for Mines and Energy—

(1) Has he any knowledge of a firm known as Warcam Minerals Pty. Ltd. of New South Wales and, if so, who are the principals of the company?

(2) How many applications for mining leases have been taken out by this firm in Samford, Highvale, Cedar Creek, Mount Nebo, Clouseburn and Samsonvale?

(3) What are the descriptions of the properties and what are the names of the property owners?

(4) What minerals are being sought by the company, as it appears that the mining leases are part of a plot to force people to sell their land cheaply and, in the process, blame another developer?

(5) Will he cause an investigation to be made into this company to ascertain if it is a genuine mining firm or only a dummy being used to deprive people of their rights?

*Answers:—*

(1) The company, Warcam Minerals Pty. Ltd., was formerly known as Ellman (3) Pty. Ltd., which was registered with the Commissioner of Corporate Affairs, Brisbane, on 28 May 1974. Subscribers to the company were:— Brian George McPhee, Chartered Accountant, 20 Crestview Street, Kenmore, and Grahame Ellman Brown, Chartered Accountant, 36 Percival Terrace, Holland Park. On 11 June 1975 Duncan Edward Ian Thompson, solicitor, of 48 Gelgandra Street, Indooroopilly, and Brian Thomas Halligan, solicitor, of 25 Yabba Street, Ascot, were appointed secretaries to the company. On 19 August 1975, a change of name of the company to Warcam Minerals Pty. Ltd. was registered by the Commissioner of Corporate Affairs.

(2) Six.—Mining Lease Applications Nos. 1195, 1197, 1198, 1202, 1203 and 1204, Brisbane. An application for an Authority to Prospect has been refused.

(3) M. L. Application No. 1195, Brisbane: Portion 82, Parish of Whiteside, County of Stanley, owned by A.P.M.

Forests Pty. Ltd.; Portion 83 (Lot 1), Parish of Whiteside, County of Stanley, owned by A.P.M. Forests Pty. Ltd.; Portion 29, Parish of Whiteside, County of Stanley, owned by E. B. and E. I. McSweeney. M.L. Application No. 1197, Brisbane: Part of Portions 37 and 7v, Parish of Parker, County of Stanley, owned by E. P. and V. E. Taylor; Part of Sub. 1 of Portion 40, Parish of Parker, County of Stanley, owned by L. J. and B. M. Mayfield; Part of Resub. 2 of Sub. 2 of Resub. 1 of Sub. 1 of Portion 33A, Parish of Parker, County of Stanley, owned by L. J. and B. M. Mayfield; Part of Resub. 2 of Sub. 2 of Resub. 3 of Sub. 1 of Portion 33A, Parish of Parker, County of Stanley, owned by H. E. Corbould. M.L. Application No. 1198, Brisbane: Part of Resub. 2 of Sub. 2 of Resub. 1 of Sub. 1 of Portion 33A, Parish of Parker, County of Stanley, owned by L. J. and B. M. Mayfield; Part of Lot 1 on R.P. 120960, Portion 33A, Parish of Parker, County of Stanley, owned by L. J. and B. M. Mayfield; Part of Resub. 1 of Sub. 2 of Resub. 3 of Sub. 1 of Portion 33A, Parish of Parker, County of Stanley, owned by L. J. and B. M. Mayfield; Part of Resub. 2 of Sub. 2 of Resub. 3 of Sub. 1 of Portion 33A, Parish of Parker, County of Stanley, owned by H. E. Corbould; Part of Sub. 1 of Resub. 2 of Sub. 4 of Portion 33A, Parish of Parker, County of Stanley, owned by W. K., J. H., T. J. and R. C. Curtis; Part of Resub. 4 of Sub. 4 of Portion 33A, Parish of Parker, County of Stanley, owned by W. K., J. H., T. J. and R. C. Curtis. M.L. Application No. 1202, Brisbane: Part of Resub. 4 of Sub. 4 of Portion 33A, Parish of Parker, County of Stanley, owned by W. K., J. H., T. J. and R. C. Curtis; Part of Resub. 2 of Sub. 2 of Resub. 3 of Sub. 1 of Portion 33A, Parish of Parker, County of Stanley, owned by H. E. Corbould; part of Resub. 1 of Sub. 2 of Resub. 3 of Sub. 1 of Portion 33A, Parish of Parker, County of Stanley, owned by L. J. and B. M. Mayfield; Part of Resub. 3 of Sub. 1 of Resub. 3 of Sub. 1 of Portion 33A, Parish of Parker, County of Stanley, owned by W. J. and V. E. Gregg; Part of Portion 8, Parish of Parker, County of Stanley, owned by Samford Valley Country Club Ltd. M.L. Application No. 1203, Brisbane: Part of Lot 1 on R.P. 114236, Portion 2, Parish of Parker, County of Stanley, owned by Highvale Pastoral Pty. Ltd.; Part of Lot 2 on R.P. 114236, Portion 2, Parish of Parker, County of Stanley, owned by A. E. Ward and D. C. Curnow. M.L. Application No. 1204, Brisbane: Part of Lot 1 on R.P. 114236, Portion 2, Parish of Parker, County of Stanley, owned by Highvale Pastoral Pty. Ltd.; Part of Lot 2 on R.P. 114236, Portion 2, Parish of Parker, County of Stanley, owned by A. E. Ward and D. C. Curnow.



(4) M.L. Application No. 1195—copper, lead, zinc, gold, feldspar and silica; No. 1197—silica, serpentine, gold and copper; No. 1198—silica, serpentine, gold and copper; No. 1202—silica, serpentine, gold, copper, lead and zinc; No. 1203—silica, serpentine, gold, copper and zinc; No. 1204—silica, serpentine, gold, copper, lead and zinc.

(5) The company appears to be qualified to apply for mining leases.

#### 19. DOG-POISONING IN CABOOLTURE

**Mr. Frawley**, pursuant to notice, asked the Minister for Police—

(1) Is he aware that a dog poisoner is operating in Caboolture and over the past few weeks has caused the deaths of eight dogs?

(2) As this person has used some baits covered with bubble gum, which means that he may not only be after dogs, will he consider sending an undercover policeman to Caboolture to assist the local force, which is doing its very best to discover the identity of this person?

*Answer:—*

Yes. Adequate police attention has been, and is continuing to be, given to this matter. It is not considered that the use of an undercover police officer is required.

#### 20. CO-OPERATIVE BUILDING SOCIETY ALLOCATIONS

**Mr. Frawley**, pursuant to notice, asked the Minister for Works and Housing—

(1) Is money allocated to co-operative building societies solely for the purchase of new houses or are second-hand houses included?

(2) If second-hand houses are included in the allocation, what percentage of the money is required to be used for new houses, or is no restriction placed on the use of the money?

(3) What amount has been allocated to co-operative building societies for 1975-76?

*Answers:—*

(1) Funds provided to terminating housing societies under the 1973-74 Housing Agreement may be used for the purchase of a new or previously occupied dwelling. Funds provided from the old Home Builders Account, which is now limited to the money revolving therein, may be used for new dwellings only.

(2) No such percentage is stipulated in the 1973-74 Housing Agreement. It is the view of the commission and myself that as many homes as possible should

be constructed, as money spent on new houses is a direct help to the home-building industry. However, to impose limitations on the purchase of existing houses could deprive families (who are subject to a means test) of an opportunity to acquire a home with large accommodation or in a more convenient location than they would obtain from a new house.

(3) The Housing Agreement allocation to Queensland for 1975-76 is \$31,010,000. The agreement provides for societies to receive not less than 20 per cent (\$6,202,000) and not more than 30 per cent (\$9,303,000). The decision rests with the Commonwealth Minister for Housing. I have advised him that this State desires to retain the same proportion as in 1974-75, which was 28.5 per cent. This would provide \$8,837,850 to terminating societies. The old Home Builders Account will provide a further \$1,200,000.

#### 21. ENGLISH TEACHERS, BRISBANE STATE HIGH SCHOOL

**Mr. Wright**, pursuant to notice, asked the Minister for Education and Cultural Activities—

(1) How many teachers competent to teach English at Grade 10, 11 and 12 levels are at present on the staff at the Brisbane State High School?

(2) Is he aware of the concern of parents of students attending this school that sufficient English teachers are not available to meet the teaching needs, especially at the Grade 10 and 12 levels, and that some parents have even taken steps to personally employ private English tutors to overcome the present vacuum?

(3) Will he investigate the situation and take the necessary steps to see that sufficient English teachers are available at the school to meet teaching needs?

*Answers:—*

(1 and 2) The present staff of the Brisbane State High School includes 13 teachers competent to teach English at Grade 10, 11 and 12 levels. To meet the teaching commitment of 35 English classes, it has been necessary to schedule the majority of these teachers for three classes in English, in addition to their commitments in other subject areas. This scheduling, however, has not been able to provide fully for the extra commitment placed on this staff by the loss of some two teachers in the latter part of second term. Whilst the teaching needs of Grade 10 have been met, some assistance is required at the Grade 12 level.

(3) Arrangements have been made for the appointment of two additional English teachers to the Brisbane State High School. It is expected that they will commence duty next week.

22. TYRES ON GOVERNMENT MOTOR VEHICLES

**Mr. Wright**, pursuant to notice, asked the the Premier—

(1) With regard to motor vehicles purchased by the Government for use by public servants and other employees such as National Fitness officers, is there a set policy as to the type and grade of tyres supplied for and used on the vehicles?

(2) Are all new vehicles shod with four-ply tyres and are replacement tyres to be of a similar quality?

(3) Have records or log books been kept on the durability of these tyres and, if so, do the records commend or condemn the use of this grade of tyre?

*Answers:—*

(1) Unless otherwise specified, vehicles are supplied with the standard original equipment provided by manufacturers. Most passenger vehicles are equipped with four-ply tyres, as these give a softer ride than six-ply tyres and, moreover, such vehicles are designed for four-ply tyres. All tyres supplied must meet safety limits laid down by legislation, and it is generally accepted that four-ply tyres are considered adequate for the carrying capacity of passenger vehicles.

(2) Replacement tyres are generally the same as the original tyres.

(3) From records maintained there is no evidence to suggest that six-ply tyres give greater mileage than four-ply tyres; they are, however, stronger, and are designed to carry greater loads.

23. ALLEGATIONS BY PETER MONAGHAN, CAIRNS

**Mr. Wright**, pursuant to notice, asked the the Premier—

(1) Is he aware of roneoed letters being circulated to members of Parliament by Mr. Peter Monaghan of Cairns?

(2) In view of the seriousness of the accusations against top ministerial personnel and members and ex-members of the Police Force, what action does he intend to take on the matter?

(3) Has he read the copy of the statutory declaration made by Peter Monaghan and, if so, will he comment on the allegations made?

*Answer:—*

(1 to 3) Many people in public life are the recipients of untrue, scurrilous and defamatory communications. Mr. Monaghan, a person with a lengthy criminal history, details of which were tabled by the Minister for Police in this House on 1 September 1971, has frequently engaged in this type of activity since he first arrived in Australia a number of years ago. During that period his allegations against the

police and other persons in authority have been investigated and found to be completely without substance. I am somewhat surprised to find the honourable member, who has some claims to legal expertise, falling for the tripe contained in the documents to which he has referred.

24. SCHOOL CADET CORPS

**Mr. Row**, pursuant to notice, asked the Premier—

In view of the many public protests and letters written to members of Parliament deploring the retrograde decision of the Commonwealth Government to disband school Cadet Corps, thus adding another facet to the denigration of our young Australian manhood, will he convey the strongest possible protest to appropriate Commonwealth sources in an endeavour to have this unpopular decision reversed?

*Answer:—*

While I am fully conscious of the fact that the financing of the School Cadet Corps is a matter for the Federal Government, I am appalled at the decision made for its discontinuance. I will certainly be making a strong protest to the Prime Minister because I can see in this action of his Government, however trifling it may appear to some people, a further manifestation of his intention to dismantle the whole apparatus of Australia's defence system. This nation would then have nothing with which to counter a take-over by the Communist friends of the Prime Minister and his Government.

25. CRIME INTELLIGENCE UNIT

**Mr. Lindsay**, pursuant to notice, asked the Minister for Police—

(1) Is there an organisation within the Queensland Police Force termed the Crime Intelligence Unit?

(2) If so, do the duties of the C.I.U. include investigations into charges of bribery and/or corruption by police officers?

(3) Have members of the C.I.U. been referred to as spies by the Queensland Police Union executive?

(4) In view of the Police Union executive's publicly stated expression of concern about allegations of bribery and corruption, and the need to clear the names of honest police, can he explain the union's attitude to the C.I.U.?

*Answers:—*

(1) Yes.

(2) Yes.

(3) Press reports have suggested that a spokesman for the union executive has claimed that spying organizations have been set up within the Queensland Police Force.

(4) No. However as the Queensland Police Union states that it is concerned about allegations of this kind, it would be reasonable to expect that it would support the Police Department's endeavours to clear the names of honest police officers.

26. POLICE UNION REPRESENTATION BY MR. PAT NOLAN, SOUTHPORT

Mr. Lindsay, pursuant to notice, asked the Minister for Police—

(1) Was Mr. Pat Nolan the defence solicitor in the Southport S.P. case?

(2) Does Mr. Pat Nolan often represent the Queensland Police Union in legal proceedings and, if so, is he in any way related to any executive officer of the Queensland Police Union and, if so, what is the relationship?

Answers:—

(1) Yes.

(2) (a) I understand that a Mr. Pat Nolan has a close association with the executive of Queensland Police Union and has represented members of that Union. (b) I understand that Mr. Nolan is a nephew of the General Secretary of the Queensland Police Union, Mr. M. J. Callaghan.

27. MR. M. CALLAGHAN AND QUEENSLAND POLICE

Mr. Lindsay, pursuant to notice, asked the Minister for Police—

(1) Is Mr. M. Callaghan a full-time secretary of the Queensland Police Union and, if so, what salary does he receive?

(2) Does Mr. Callaghan receive any other moneys for holding the secretaryship or for any other activity associated with this position?

(3) What is Mr. Callaghan's total income from the union and from other sources related to his union activities?

(4) Do all members of the union have to pay postage on the *Queensland Police Journal* whether they receive it or not?

(5) What is the salary of a police superintendent?

(6) What is the salary of a first-year constable?

(7) Is Mr. Callaghan a prominent race-horse owner?

Answers:—

(1) Yes. I am informed that his salary is the equivalent of that of an inspector 1st class, which is \$15,956 per annum plus allowances of \$450 per annum.

(2) I am not aware of the amount paid to Mr. Callaghan, but I understand he receives other moneys in addition to his salary.

(3) See answer to (2).

(4) I am informed that this is so.

(5) The salary of a superintendent Grade 1 is \$17,225 per annum plus allowances of \$450 per annum.

(6) \$6,588 per annum, plus allowances of \$434 per annum in the case of a married man and \$397 per annum in the case of a single man.

(7) I understand that Mr. Callaghan is an owner or part owner of racehorses.

28. GREAT AUSTRALIAN PERMANENT BUILDING SOCIETY

Mr. K. J. Hooper, pursuant to notice, asked the Minister for Works and Housing—

(1) Is O'Shea & Co. a nomination for the position of auditor for the Great Australian Permanent Building Society?

(2) If so, and if this nomination were successful, would D. P. O'Shea perform the audit?

(3) Is Neville Keith Meredith a director and/or is he actively engaged in the accounting activities of the Great Australian Permanent Building Society?

(4) Are Neville Keith Meredith and D. P. O'Shea the same persons who are or were directors of Nursing Centres of Australia?

(5) If the answers to (3) and (4) are in the affirmative, are two present or past directors of Nursing Centres of Australia controlling and auditing the Great Australian Permanent Building Society accounts?

(6) Has it been ascertained from authoritative sources that loans made to Nursing Centres of Australia in the name of Mt. Gravatt Nursing Home, Jindalee Nursing Home, Coonoona Nursing Home, Golden Years Nursing Home and Villa Regis by the Great Australian Permanent Building Society, and which were the subject of extensive queries by the society's previous auditors, were transferred and not repaid to the City Savings Permanent Building Society on or about 23 June to take away from the society's auditors contentious matters and to allow the present accountancy and auditing situation to arise?

(7) Is it good business acumen to transfer any asset of approximately \$2.4 million returning 1½ per cent clear profit to another society?

(8) Were the members of the society informed of the transfer of this large asset?

Answers:—

(1) Yes.

(2) As previously advised in answer to the honourable member's question of Thursday, 28 August 1975, the records at the Office of the Commissioner for

Corporate Affairs reveal that the sole member of the firm of Messrs. J. J. O'Shea & Co. is Mr. Joseph Justin O'Shea. In these circumstances, Mr. Joseph Justin O'Shea would be responsible for the audit of the society.

(3) Yes. Neville Keith Meredith was elected a director last Thursday to fill a casual vacancy in accordance with the rules of the society.

(4) Yes. Neville Keith Meredith resigned as director of Nursing Centres of Australia Ltd. on 1 May 1975.

(5) No. Mr. J. J. O'Shea has been nominated as auditor for Great Australian Permanent Building Society. Mr. D. P. O'Shea is not recorded in the Office of the Commissioner for Corporate Affairs as being involved in the auditing of this society's accounts.

(6) As previously advised, Great Australian Permanent Building Society has not made loans to Golden Years Nursing Home and Villa Regis but loans were made by this society to Mount Gravatt Nursing Home and Jindalee Nursing Home prior to 1972 when the Building Societies Acts were amended to restrict lending directly or indirectly to the provision of accommodation for residential purposes. Queries were raised by the previous auditors during the conduct of the audit for the year ended 30 June 1974, but these did not relate to loans made by the society to nursing homes. As previously advised, written notification by the Chairman of Directors of Great Australian Permanent Building Society shows that the society, with respect to loans indicated above, was paid out.

(7 and 8) If the honourable member for Archerfield's inference that substantial assets of Great Australian Permanent Building Society were transferred to another society is correct, the question as to whether or not this would be good business practice would depend upon all the circumstances, which could only be determined by the directors at the time the decision was made.

#### 29. PROTECTION OF SCHOOL EQUIPMENT

**Mr. K. J. Hooper**, pursuant to notice, asked the Minister for Education and Cultural Activities—

(1) What compensation is given by the State Government to parents and citizens' associations for equipment stolen or damaged through vandalism?

(2) Is any insurance policy available to the associations to insure against theft and vandalism to school equipment?

(3) Will he request that the Works Department, when planning the construction of school facilities where valuable equipment is to be housed, provide for the installation of anti-theft and anti-vandalism devices during construction?

*Answers:—*

(1 and 2) My department accepts the responsibility for replacing school equipment stolen or damaged through vandalism. In the case of other items not covered by this policy, such as tuckshops' saleable stock, many parents and citizens' associations have obtained an insurance cover, either from private companies or the State Government Insurance Office.

(3) I assure the honourable member that my department is constantly considering realistic and economic ways of protecting school equipment.

#### 30. MITCHELL AND ROMA HOSPITALS

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

(1) Has the Mitchell Hospital ceased to treat outpatients and has the dispensary been closed to the public, thus forcing patients to attend the local doctor and chemist with consequential higher costs?

(2) Has the Roma Hospital ceased its dispensary services to outpatients and, if so, what are the reasons?

*Answers:—*

(1) The Roma Hospitals Board has advised that Mitchell Hospital has not ceased to treat outpatients and the dispensary has not been closed to the public.

(2) The board has also advised that Roma Hospital has not altered in any way its dispensary services to outpatients, nor has it any intention of altering any services presently available to the public at any of the hospitals under its control. I can assure the honourable member that the member for Roma, my colleague the Minister for Lands, and the member for Warrego adequately represent the areas mentioned, and I would advise the honourable member to have discussions with these two members as to the correct situation in their electorates.

#### 31. GOVERNMENT SUPPORT FOR GENERAL PRACTITIONERS

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

With reference to the article in *The Australian* of 30 August wherein he said that it was time his Government began helping to support G.P.s. within the community, what programmes will he initiate to further this aim?

*Answer:—*

I wish to advise the honourable member that the words attributed to me are not a true statement of what I said. I believe the statement referred to a speech I gave at the annual meeting of the Queensland Marriage Guidance Council and what I actually said was this: "Thus it is that this Government began to look at

helping to support the general practitioner within the community". I was referring to the programmes already instituted by my department, namely, the Community Home Care Programme which commenced in 1969 and the Community Medicine Programme which began with pilot centres in Townsville and Redcliffe in 1972. These centres are designed to fill that vital link between the hospital and the general practitioner and have already helped thousands of Queenslanders.

I table for the information of the honourable member a copy of my speech made on that occasion.

*Whereupon the honourable gentleman laid the paper on the table.*

### 32. COMMONWEALTH-STATE BRIGALOW SCHEME

**Mr. Casey**, pursuant to notice, asked the Minister for Lands, Forestry, National Parks and Wildlife Service—

(1) How many persons have obtained blocks under the Commonwealth-State Brigalow Development Scheme?

(2) How many original settlers have (a) sold, (b) relinquished or (c) freeholded their blocks?

(3) How many of the block-holders who still have financial commitments to the department are (a) in arrears, (b) receiving assistance under the Rural Reconstruction Scheme or (c) receiving special assistance from the State Government?

(4) How many of the settlers who are on cattle blocks have been able to diversify by growing grain as a cash crop?

*Answers:—*

(1) A total of 247 blocks under the Brigalow Development Scheme has been acquired at ballot (170) or purchased at auction (77).

(2) (a) The holders of seven properties won at ballot and five purchased at auction have since disposed of their interests. (b) No ballot allottees have relinquished their holdings but two purchase blocks were repossessed and re-offered some years ago. (c) To date, seven properties have been freeholded.

(3) (a) Landholders with financial commitments to the scheme total 203. (b) Rural reconstruction assistance has been extended to 22 settlers. (c) The State Government is assisting landholders by way of deferment of land rents, freeholding instalments, deferment of loan repayments and with special carry-on funds.

(4) There are about 25 settlers, mainly in Areas I and II, namely, the southern end of the developmental area, who have grown cash crops at various times and have the machinery to continue this activity.

### 33. LOCAL AUTHORITY LOAN REPAYMENT

**Mr. Casey**, pursuant to notice, asked the Minister for Local Government and Main Roads—

(1) How many local authorities in Queensland have been required to capitalise loan repayments in each of the last three years, which local authorities are they and what are the amounts involved?

(2) How many and which local authorities in Queensland have applied to defer declaring their budgets and the striking of a rate levy for the 1975-76 year, and how many did so in each of the two previous years?

*Answers:—*

(1) There is no requirement for local authorities to capitalise interest and redemption payments on loans borrowed. The decision to request approval to do so during the construction period of a major work is a matter for the local authority concerned. The information requested in relation to those local authorities who have capitalised interest and redemption payments would take some time to prepare as it would involve a study of files and job-cost statements over a period of three years. Perhaps the honourable member could let me know the purport of his inquiry, so that the appropriate information can be extracted and conveyed to him.

(2) The Cloncurry Shire Council and the Noosa Shire Council were granted extensions of one month and 5 days, respectively, in which to frame and adopt their budgets for the current financial year. These extensions were granted owing to administrative difficulties associated with the preparation of the respective budgets. Extensions were granted for similar reasons to one local authority in each of the previous two financial years.

### 34. FEEDING OF SWILL TO PIGS

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

(1) With regard to the ban on the feeding of swill to pigs, has his attention been drawn to an article in the *Queensland Country Life* of 28 August in which Dr. Everingham is quoted as saying that it was unreasonable to blame the Commonwealth Government for banning swill-feeding of pigs as the move had been supported by all States at the Australian Agricultural Council?

(2) Did the Queensland Government support the introduction of the scheme?

(3) Has the Queensland Local Government Association supported the scheme?

(4) What is the total estimate of the costs involved, which Dr. Everingham has stated would be borne by local authorities?

(5) How is it proposed to dispose of wet swill, and will this be 100 per cent effective?

Answers:—

(1) Yes.

(2) The proposal to ban the feeding of certain garbage to pigs was supported by all State Governments at the Australian Agricultural Council. The decision has been reaffirmed on two subsequent occasions.

(3) From correspondence received by my department, the Local Government Association of Queensland has expressed opposition to the proposal. However, it is of interest to note that in almost half of the shires in Queensland, there do not appear to be any piggeries feeding garbage and, of those that are affected, almost all are taking steps to dispose of the additional garbage.

(4) I do not know what the costs to local authorities for collection and disposal of additional garbage might be. From our inquiries, however, it appears that their intention is to recoup the costs as far as possible by charging a service fee to the premises concerned.

(5) Discussion with the Department of Local Government indicates that where sewerage facilities permit, the material will be ground and disposed to sewerage. In other situations disposal will be by burial with other wastes. It is doubtful if any scheme of disposal can ever be 100 per cent effective, but the important matter is to reduce as much as possible the grave risk to our livestock industries which feeding garbage represents.

35. KANGAROO AND WILD PIG HARVESTING

**Mr. Hartwig**, pursuant to notice, asked the Minister for Lands, Forestry, National Parks and Wildlife Service—

(1) Must a landholder apply for a permit to shoot kangaroos on his own land, even though the marsupials are causing great losses to his crops?

(2) Is a landowner required to request an inspection of his crops by an officer or inspector to determine whether he can be granted a permit to shoot kangaroos on his own property?

(3) Do these regulations apply to wild pigs? If so, will he rescind these ridiculous anomalies?

Answers:—

(1) A landholder must apply for a permit to shoot kangaroos on his land for whatever reason. All fauna is the property of the Crown.

(2) No. But he may seek advice from a local Department of Primary Industries officer in order that the best advice on the cause of and solution to the problem is made available, if he so desires.

(3) No.

36. TIME DELAY PAYMENTS, INNISFAIL FISH BOARD

**Mr. Houston**, pursuant to notice, asked the Minister for Aboriginal and Islanders Advancement and Fisheries—

(1) Why has the Innisfail Fish Board introduced the time delay payment to mackerel fishermen for their catch, 60 per cent of purchase price on delivery and 40 per cent at some later time, in some cases many months?

(2) As the cost of living and the cost to the fisherman of the operation of his boat and equipment have increased over the years, why has the price to the fisherman for whole fish been reduced from \$1.03 per kg last year to \$1.00 now and for fillets from \$1.63 last year to \$1.60 now?

Answers:—

(1) The northern mackerel season is comparatively short. It has been necessary for the Queensland Fish Board to hold large quantities of mackerel in cold storage over an extended period in order to maintain a stable price to the fishermen and to avoid the unpayable glut prices which would otherwise prevail. The board's initial decision to make a 60 per cent first advance, and make payment of the balance at a later date, was based upon an estimate of the stocks to be stored and the finance available for this operation.

(2) The decision to reduce the price to fishermen by 3c per kg is similarly explained. The board regularly reviews the situation with a view to providing all possible assistance to fishermen to reduce the impact of the high-cost situation in which they now labour.

37. INTERNAL CHECKS, S.G.I.O.

**Mr. Houston**, pursuant to notice, asked the Deputy Premier and Treasurer—

(1) In view of the remarks by the Auditor-General in his report on the S.G.I.O. for 1973-74 on the lack of adequate internal controls and checks in the office, what was the amount of money lost to the office through what the Auditor-General says stemmed from inefficiency or negligence?

(2) What changes are being made by the management of the office to correct the position?

(3) Is the office having success in recruiting qualified persons needed for the class of work involved?

Answers:—

(1) It is not possible to specify the amount of money lost to an organisation through inefficiency and negligence, as it is also not possible to value precisely the gains brought about by above-average

efficiency and application. The Auditor-General in his comments has made no attempt to quantify this. Details of particular irregularities have been listed in the Auditor-General's annual report upon the Treasurer's Statement dated 12 September 1974, which has been tabled in the House.

(2) During 1974-75, the classification of the position of internal auditor was lifted to classification I-II and a suitably qualified and experienced officer has been appointed as the leader of the internal audit team.

(3) No other vacancies have occurred in the Internal Audit Section during the financial year 1974-75 and consequently no recruitment has been necessary.

38. ACTIVITIES OF MR. DAVIS AGAINST  
DRUG TRAFFICKING

**Mr. McKechnie**, pursuant to notice, asked the Minister for Police—

With reference to the front-page article in the *Sunday Sun* of 31 August entitled "Killer's Dad in Pot Trail Vendetta", has Mr. Davis tried to help the police by handing to them information regarding drugs which he claims to have in his possession?

*Answer:—*

It may be that Mr. Davis has passed information to police at a centre or centres in Queensland. Without making inquiries at all police establishments in the State, I am unable to establish whether he has done so.

39. RAILWAY CAMP-WAGONS, NORTHERN  
DIVISION

**Mr. M. D. Hooper**, pursuant to notice, asked the Minister for Transport—

(1) Since he met a deputation from the Combined Railway Unions in Townsville on 9 May and discussed, among other matters, the acute shortage of camp-wagons in the Northern Division, has he received a written submission from them detailing the problems in relation to this matter?

(2) If so, what action does he intend to take in relation to either (a) expanding the wood-section of the Townsville South Yard workshops or (b) making additional use of the carriage-shop and wood-mill sections at the Cairns workshops, so that the rate of construction of camp-wagons in the Northern Division can be accelerated to overcome the acknowledged desperate shortage?

*Answers:—*

(1) These submissions were forwarded under cover of a letter dated 11 August and received on 15 August.

(2) The proposals advanced are under consideration, but neither of them favourably commends itself. The facilities in the Cairns workshops are not suitable, whilst

the capacity of the Townsville South Yard workshop is adequate to meet the camp-wagon construction programme agreed upon. A deputation of representatives of the Australian Railways Union, Electrical Trades Union, Amalgamated Engineering Union and Queensland Railway Maintenance Union of Employees sought an undertaking from the Commissioner on 10 July 1972, that one camp-wagon be constructed every three to four months in the Townsville workshops. This undertaking was given and has been more than honoured, the number of wagons constructed in the Townsville workshops since that date averaging six per year. The construction of a further six is proposed during the current financial year. There is, of course, a financial limit on the extent to which the department can undertake construction work of this nature. In addition to the execution of a programme for the construction of some 22 camp-wagons per year at a cost approximating \$20,000 each, the department is committed to a very substantial expenditure on the updating of accommodation for migratory gangs, and the agreement with the unions is based on the continuation of camp-wagon construction only at its present level.

40. POLICE HEADQUARTERS BUILDING,  
TOWNSVILLE

**Mr. M. D. Hooper**, pursuant to notice, asked the Minister for Police—

(1) As many representations have been made to him in recent years for the erection of new police headquarters in Townsville to replace the old and inadequate building at present in use, what is the current departmental attitude in relation to (a) the purchase of land for a new headquarters building or (b) the erection of a new building on the existing site?

(2) How soon will a new building be erected?

*Answer:—*

(1 and 2) Following an unsuccessful endeavour to purchase an alternative site in Townsville, the present policy is on the basis of erection of a new building on the existing site. Finance for police building works is fully committed to urgent projects for some years, and the time when the new building will be erected cannot be definitely stated at this stage.

41. REGIONAL ORGANISATION ASSISTANCE  
GRANTS

**Mr. M. D. Hooper**, pursuant to notice, asked the Minister for Survey, Valuation, Urban and Regional Development—

As he would be aware that the regional council organisations in Queensland did not receive any Commonwealth \$2,000 grants.

under their Regional Organisation Assistance Programmes last year, is the Commonwealth Government prepared to abide by section 96 of the Constitution and make the R.O.A.P. grants available this year through the State Government?

*Answer:—*

In 1974-75 the amount available under the Federal Government's R.O.A.P. Programme was \$2,000 to provide assistance to regional organisations to offset costs of travel, stationery, postage, telephone and other secretarial expenses in respect of their role as co-ordinators of councils for Grants Commission purposes. In view of the fact that the State Government considers that regional groups are advisory bodies only and not established on a basis whereby they could receive and spend moneys, the State was not prepared to accept this programme unless the amounts were paid to the State for distribution to local authorities. This was not agreed to and hence the State Government in 1974-75 offered similar financial assistance from its own source. In fact, the State Government did make a payment of \$20,000, equivalent to the maximum amount payable by the Commonwealth, to the 10 regions in Queensland, which was equally distributed amongst all Queensland local authorities. I might add that the Queensland Government also indicated to the same local authorities that we would be prepared to consider any expenditure proposals submitted through the Co-ordinator-General in respect of the \$8,000 grants up to the maximum amount which we might have expected from the Commonwealth. I understand that some proposals have been submitted and are presently under consideration. In relation to 1975-76, an amount of \$330,000 was provided for the whole of Australia for this programme in the recently announced Federal Budget. The precise amount to be allocated to each State has yet to be decided by the Federal Government. Whether the approach adopted by the State Government in 1974-75 will apply in 1975-76 will depend on further information being obtained from the Federal Government as to the details of the programme for this year.

42. PRESERVATION OF RELICS, MT. MORGAN

Mr. Hanson, pursuant to notice, asked the Minister for Mines and Energy—

(1) Is the cave at Mt. Morgan containing dinosaur footprints held by Mt. Morgan Ltd. on its company lease and, if not, under whose control is this particular cave?

(2) Following any future application for leases of this area, will he take into account its profound historical significance?

(3) As the petrified bones of a plesiosaur were also discovered in this area in 1965, will he give some assurances that, if

mining is to be performed in this area, sound engineering advice under government consultation will be obtained so as to preserve this limited area and its great potential tourist attraction?

*Answers:—*

(1) The dinosaur footprints are on a lease held by Mt. Morgan Limited.

(2) Yes. Office charts have been noted to this effect.

(3) Yes, on a lease held by Mt. Morgan Limited and there is no immediate threat to the plesiosaur remains. Office charts are suitably noted in this case also.

43. LONG SERVICE LEAVE

Mr. Yewdale, pursuant to notice, asked the Minister for Industrial Development, Labour Relations and Consumer Affairs—

(1) With reference to the section of the Treasurer's policy speech of 1974 wherein he said that his Government would introduce a scheme to provide long service leave benefits to all workers in Queensland, does the Government intend to introduce the necessary legislation during this session of Parliament to provide all workers with long service leave?

(2) If the legislation will not be introduced during this session, can workers in Queensland expect this promised benefit?

*Answer:—*

(1 and 2) As is customary with matters of policy, the Government's intention in this matter will be divulged at the appropriate time.

44. ANNUAL COST OF OFFICIAL AEROPLANE

Mr. Yewdale, pursuant to notice, asked the Deputy Premier and Treasurer—

(1) Has he seen the article by Peter Charlton in the *Telegraph* of 27 August?

(2) Does he agree with Mr. Charlton's calculations on the cost per year of the new Government aircraft?

(3) If not, where have Mr. Charlton's calculations gone astray?

*Answer:—*

(1 to 3) I did read the article referred to by the honourable member. However, I am not in possession of the cost details which would enable me to either verify or dispute the figures presented in that article. As the honourable member should be aware, the Treasurer's responsibilities do not extend to the detailed recording of costs incurred by the various departments. Such costs are met by the individual departments within the appropriations provided by Parliament and the data relating to detailed items of expenditure are retained in the departments.



## 45. SICK LEAVE, RAILWAY DEPARTMENT

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

As Railway Department employees are not paid accumulated sick leave entitlements on retirement, what periods of sick leave were retained and what amount did this represent in uncollected funds during the last financial year?

*Answer:—*

The information sought is not separately recorded, and the diversion of staff to undertake the extensive task which would be involved in extracting it could not be justified.

## 46. RAIL MOTOR SERVICES, CAIRNS-RAVENSHOE

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

(1) What were the reasons given and why was it found necessary to cancel rail-motor services 66 and 67 between Cairns and Ravenshoe on Saturdays, as from 31 May?

(2) Following withdrawal of the service, has any further consideration been given to, or survey undertaken for, the restoration of a week-end service to the Tablelands?

*Answers:—*

(1) The running of these rail-motors between Mareeba and Ravenshoe was discontinued because of lack of patronage. An average of four passengers travelled between Mareeba and Ravenshoe, and an average of five between Ravenshoe and Mareeba.

(2) No.

## 47. PRE-SCHOOL CENTRES, NORTHERN EDUCATIONAL REGION

**Mr. Jones**, pursuant to notice, asked the Minister for Education and Cultural Activities—

Will he list the pre-school centres now operating or which will be operating before the end of 1975 in the northern regional area, and those centres in order of forward priority for which approval has been given and which should be in operation in 1976 and 1977?

*Answer:—*

The following State pre-school centres are either already in operation or will be in operation before the end of 1975 in the northern educational region:—Aitkenvale; Aurukun; Ayr; Ayr East; Balaclava; Bowen; Cairns West and Special; Currajong; Doomadgee; Edge Hill; Goondi; Gordonvale; Heatley; Home Hill; Innisfail; Malanda; Mareeba; Morningson Island; Mossman; Queens Beach; Richmond Hill; Townsville South; and Vincent. In addition an interim pre-school facility is being

operated in rented premises at Atherton. Approvals have also been given for the construction of the following centres:—Dimbulah; Mount Garnet.

## QUESTIONS WITHOUT NOTICE

## POLLUTION IN TINGALPA-HEMMANT AREA

**Mr. BURNS:** In directing a question to the Minister for Local Government and Main Roads, I refer to the growing concern of local residents in the Tingalpa-Hemmant area, as well as that of residents of other suburbs farther from Donald Dixon's tannery at Hemmant, about the continued foul pollution from this source, and ask what progress has been made in the elimination of this distressing problem.

**Mr. HINZE:** I, too, am greatly concerned about this area. Possibly it is the worst planned in Queensland. Unfortunately for the Leader of the Opposition, he represents it. I am not blaming him. This area indicates just how bad things can get with bad town planning. I have been concerned about the whole question of odours in the Murarrie-Hemmant-Tingalpa area from the many noxious and offensive industries established there. The area contains a urea fertiliser factory, two large abattoirs, two bacon factories, a poultry-processing plant, a rendering works, a hide-treatment works, two skin-drying sheds, a tannery, stockyards, a council tip (very recently closed) and a council sewerage works and, unfortunately, all these are mixed in with beautiful homes and wonderful people. The greatest possible mistake was made in allowing residential development near such industries, and this is reflected in the complaints from recent home buyers.

In view of the nature of the raw materials and the processes involved, no practicable controls are available to prevent the emission of odours from such plants, so it is essential that buffer zones be provided.

A very serious problem responsible for many complaints has been associated with Dixon's tannery. This factory has been at its present location for over 25 years and, as the area is not served by an industrial sewer, the liquid wastes are disposed of directly onto the company's own land, giving rise to much of the odour. Action was initiated in 1972 to clean up the waste waters (140,000 gallons a day) to a level suitable for discharge into a sewer. This treatment plant is now in operation but there is still no sewer. Recently the Brisbane City Council said that its industrial sewer along Queensland Road will be finished by June 1976 and the tannery has agreed to run a branch line to the sewer by this date. Until this happens, the only viable alternatives would seem to be to continue the disposal onto the land or to discharge the material directly into Bulimba Creek. The latter would result in further pollution of the creek and almost certainly spread the odours further afield.

There have been suggestions that the works should be shut down but I am sure that the honourable gentleman would not want to put over 300 employees in his area out of work.

I intend to appraise the latest situation at the works on Friday, 19 September, and I invite the honourable member for Lytton to join me there at 9.30 a.m. Perhaps he would like to bring the Lord Mayor of the city of Brisbane with him.

PEDESTRIAN CROSSINGS OUTSIDE SCHOOLS

**Mr. LAMOND:** I ask the Minister for Transport: Do his departmental officers confer with members of parents and citizens' associations before recommending or rejecting pedestrian crossings where such recommendations have been made by such associations?

**Mr. K. W. HOOPER:** The Queensland Road Safety Council certainly inspects the sites and confers with not only parents and citizens' associations but all other organisations or individuals who are interested in road safety, and pedestrian crossings are no exception.

However, it is not the Queensland Road Safety Council that decides whether or not this facility is made available. The recommendations are made either to the Main Roads Department or to the Brisbane City Council and one of them makes the decision whether the facility is provided.

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

STATE COUNTER-DISASTER ORGANIZATION BILL

INITIATION

**Hon. A. M. HODGES** (Gympie—Minister for Police): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to provide for the establishment of a State Counter-Disaster Organization and a State Emergency Service and their powers, authorities, functions and duties and for matters incidental to and consequent upon their establishment."

Motion agreed to.

CHIROPODISTS ACT AMENDMENT BILL

INITIATION

**Hon. L. R. EDWARDS** (Ipswich—Minister for Health): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the Chiropodists Act 1969 in certain particulars."

Motion agreed to.

PROFESSIONAL ENGINEERS ACT AMENDMENT BILL

INITIATION

**Hon. N. E. LEE** (Yeronga—Minister for Works and Housing): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the Professional Engineers Act 1929-1973 in certain particulars."

Motion agreed to.

GLADSTONE POWER STATION OPERATION AGREEMENT BILL

THIRD READING

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

PETROLEUM (SUBMERGED LANDS) ACT AMENDMENT BILL

THIRD READING

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

COLONEL DANIEL EDWARD EVANS (WILLIAM PARRY MEMORIAL BURSARY) BILL

THIRD READING

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

CONSTRUCTION SAFETY ACT AMENDMENT BILL

THIRD READING

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

COLLECTIONS ACT AMENDMENT BILL

THIRD READING

Bill, on motion of Sir Gordon Chalk, read a third time.

ACTS REPEAL BILL

THIRD READING

Bill, on motion of Sir Gordon Chalk, read a third time.

MATTERS OF PUBLIC INTEREST

SUBCONTRACTORS' CHARGES ACT

**Mr. HANSON** (Port Curtis) (12.8 p.m.): It is very refreshing to be able to enter the debate on matters of public interest. I hope that the Minister for Local Government and Main Roads remains in the Chamber and ceases, once and for all, his odious practice of tin-tipping, and listens to my remarks, because he may learn something.

**Mr. HINZE:** I rise to a point of order. The statement of the honourable member for Port Curtis that I tip tins is offensive to me. I

have been in this Parliament for over nine years and I have never on any occasion tipped the tin, as the honourable member knows. It is a reflection on me.

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

**Mr. HANSON:** Thank you very much for that ruling, Mr. Speaker. My remarks today concern the Subcontractors' Charges Act. I believe that every member of the Government, and particularly the Honourable the Premier and other members of the Cabinet, should at least take some cognizance of this vile legislation that is causing considerable concern and anxiety to many people in this State, particularly those in commercial and company circles.

Some time ago, I asked certain questions in this House about this particular Act and, as usual, the answers were very unsatisfactory. On that occasion my questions related to an instance in which a subcontractor entered into arrangements with a contractor and a principal to do a certain class of work involving expenditure of about \$80,000. After many months of delay, and after seeking opinions from various barristers and solicitors as to the validity of the legislation, the subcontractor now finds that he is unable to claim upon the contractor or to lay his hands upon a solitary cent for the work he carried out. That is very much to be regretted.

In the main, people working on projects throughout the State are very concerned indeed about the operations of the Subcontractors' Charges Act. In the case to which I referred, the contractor has gone out of business, with the liquidator paying nothing in the dollar. The principal spent all the money that may have been owing to the contractor, and some seven months later the project is still far from complete. That is unfortunate for the industrial progress of the State. The subcontractor in question met all his obligations in the matter but, through no fault of his own, he has become a victim of circumstances.

The Act, which in some legal circles is said not to be worth the paper it is written on, is extremely dangerous. I hope that the Minister for Justice, when he returns from his jaunt overseas, will exercise his mind in the interests of Queenslanders and give some relief to subcontractors and also remove anxiety from the minds of working people. As I said, the Act is extremely dangerous to contractors and subcontractors alike, and I hope that the Minister, who should have some practical knowledge of what is occurring, will for once have the guts to face up to his responsibilities and demand some form of action by Cabinet. I hope we will see that happen.

The Subcontractors' Charges Act reduces the subcontractor's chances of claiming any money. Unfortunately, that has often happened. It embraces, clearly and concisely, the

doctrine that might is right, and that is the complete antithesis of what is purported to be the principle of law in this State.

I referred earlier to the loss of about \$80,000 by a subcontractor. I point out that 75 per cent of that was paid out in direct wages. Of course, that particular exercise could have caused the virtual collapse of the subcontracting company engaged on the project and it could also have affected those who were not directly engaged on the engineering enterprise concerned. It would have taken from a developing town a firm that was highly ethical and provided considerable employment for the workers in that community.

In essence, the Act is very effective in putting companies out of business by legally allowing the principal to withhold payment from them but apparently it does not assist the subcontractor to recover his money. One of the major defects is that, once the principal had frozen the cash flow to the contractor, the latter would not proceed with the remainder of the work unless he had sufficient liquidity to carry it through. If that were so, of course, the subcontractor would not have pressed the charge in the first place. Once the contractor has stopped work, the money owing to him can be used by the principal to complete the work, and the principal can be tempted to involve himself in a "Rolls Royce" type project that was not envisaged in the original plan.

On the other hand, if the principal is honest and produces the plant from approximately the original contract value, thereby leaving money payable to the contractor, the time factor becomes important, because by then very likely the subcontractor has gone bankrupt.

The Subcontractors' Charges Act of 1974 went through this House. As legislators we have to see it in operation. Our mind goes back to the repeal of the Contractors' and Workmen's Liens Act in 1963. It was repealed at the insistence of a Cabinet Minister to get one of his family off the hook. That was well known throughout the Chamber at the time. The Subcontractors' Charges Act of 1974 has not as yet been the subject of consideration by a superior court. Of course, it has its ancestry in many of the early Acts in Queensland and New Zealand. There are very few precedents of value to the legal world. Those that are available are only of limited assistance. The Act is obscure in its construction. It appears to have been drafted without taking into account commercial realities or, more significantly, the fact that parties in the building industry regulate their relationships by contract. Lawyers regard the Act as being difficult to construe and apply.

The key to the Act is to be found in section 5 (1), which provides to the effect that a subcontractor is entitled to a charge on money payable to the contractor from whom he has subcontracted or to the contractor

from whom his contractor has contracted. The money the subject of the charge is to be payable under the contract of the party to whom it is payable. By section 5 (2) the charge secures payment in accordance with the subcontract of all money payable or to become payable to the subcontractor for work done under his subcontract. Charges are implemented by notice of the claim of a charge being given, pursuant to section 10 (1) (a) of the Subcontractors' Charges Act, to the person by whom the money is payable. By section 10 (1) (b) notice of having made the claim is to be given to the contractor to whom the money is payable.

In the case I have mentioned, the subcontractor gave notice of an intention to make a claim to the principal by whom it is alleged money was payable to the contractor and notice to the contractor of having made that claim. The principal became obliged under section 11 (1) of the Act to retain sufficient money out of what was payable, or to become payable by him to the contractor, to satisfy the subcontractor's claim under the pain of being personally liable. Further, upon notice of having made the claim of charge being given to the contractor and upon the contractor's failure to make satisfactory arrangements for the paying of the amount claimed, the subcontractor became entitled to recover the money from the principal and unfortunately had to engage in expensive litigation by suing.

It is fully realised that there could be competing claims by subcontractors. That must be borne in mind because of section 8 of the Act. Here we find the contractor going into liquidation and it seems that there will be nothing left for the general body of secured creditors.

(Time expired.)

#### ADMINISTRATION OF THE WILSON YOUTH HOSPITAL

**Dr. LOCKWOOD** (Toowoomba North) (12.19 p.m.): A campaign has been mounted against the administration of the Wilson Youth Hospital. A pamphlet that was sent to many honourable members last week prompted me to visit the hospital with the honourable member for Brisbane (Mr. Harold Lowes). Mr. Lowes, who is a solicitor, has the utmost faith in Mr. Matthews, the magistrate of the Children's Court, and in his administration of the Children's Services Act.

My experience as medical officer visiting Westbrook Training Centre and other places where I have made medical examinations of enlistees or recruits made me suspect that this campaign was a false one. My visit to the hospital convinced me that the campaign has no medical or moral basis, but has been mounted purely for political purposes by political bodies. I believe that those people will continue that campaign.

Admission to Wilson Youth Hospital is very rarely by voluntary admission following parents' making application to the director to have a child admitted. Usually children are committed to the care, custody and control of the Director of Children's Services. The director is in loco parentis and has a moral obligation both to the parents and to the State to ensure that children under his control do not abscond. For this reason alone, locks on doors are an absolute necessity. In addition they prevent the unauthorised entry into the hospital of persons and dangerous articles. I suspect that in some instances this denial of entry to people who have no right of access to the patients is the real bone of contention. Revolutionaries who seek to upset patients for political ends are not welcome. The security is such that they cannot gain entry as they can in many other residential institutions.

The aiding and abetting of a juvenile to commit an offence is one of the most dastardly crimes in our Criminal Code. Parents have been known to use small children as a means of gaining access to locked buildings, and at the Westbrook Training Centre, with its open environment, persons have been known to aid and abet children to commit crimes or a breach of the rules under which they are kept in custody. At the Wilson Youth Hospital the security is such as to prevent the commission of these offences.

Without such security, truants and absconders would soon be gone and the staff would waste much of their time in searches and pursuits. But with the installation of the locks the child guidance programme can proceed smoothly.

Inaccurate claims have been made as to the use of drugs and addiction to medication by persons in custody at the hospital. Such claims are utter nonsense and are made only to create mischief. The medications that are used are not regarded by the State or Federal Health Departments as addictive. Many patients suffer from medical conditions that respond well to medication. Nobody could convince a member of the general public that he should totally forgo medication treatment that improves his well-being.

I am sure that all honourable members know of patients who, as a result of treatment by medication, are able to lead normal useful lives. Their epilepsy, depression or severe psychiatric disorders have been controlled. So it is with the children at the Wilson Youth Hospital, where medication is used under strict instructions only to help children who will benefit from its use and thereby be able more readily to adapt themselves to the correction of any anti-social ideas or attitudes that they may harbour. What sadist would have these children denied their medication? Would the knockers of the Wilson Youth Hospital want to see the patients deprived of stability, control and comfort?

Wherever medicine is practised there is a very real need for a means of rapidly sedating a patient who is temporarily bent on self-injury or even self-destruction. Patients do appreciate the relief gained from injections that control fits of rage and the condition of extremely violent incessant activity, known as mania. Many such people, who are not responsible for their condition and actions, thank the person administering the injection for the relief that comes with it.

The withdrawal from the community of such a patient in that state preserves his dignity. This is a basic human right, and to allow a person to enjoy the right to preservation of his dignity the Wilson Youth Hospital has a withdrawal room in which patients can be given injections. Anyone suffering from otherwise uncontrollable rage or a tantrum can be treated in that withdrawal room, away from the eyes of people who would, under ordinary circumstances, see them at their worst both medically and socially.

The need for medical examinations of all persons living in close proximity in institutions was recognised long ago. The Armed Services as well as many community groups have championed the cause of physical fitness and freedom from infection and contagion as a means of ensuring both harmony and well-being among their members.

The objections to gynaecological examination have been borrowed from a southern organisation. Civil rights spokesmen have no objection whatever to female patients undergoing such examinations as those performed at the Wilson Youth Hospital. I spoke to five female patients, not one of whom had an objection to the nature or extent of any examination performed at the Wilson Youth Hospital. To a girl, they appreciated that it was for their singular benefit and collective protection that such examinations were carried out. They did not know fully the dangers of diseases that they could have had but, in their own way, they knew that girls could have conditions for which prompt diagnosis and treatment would be beneficial. Prompt treatment of cases of venereal disease, infestations or scabies is beneficial.

All too often patients at this hospital, both male and female, have no idea of what is wrong with them. Like most teenagers and a great many adults, they have not the necessary education, or sufficient knowledge of these problems, to know when they are infected or infested. Many a youth has been very harshly penalised by nature itself with sterility following an untreated venereal infection. Only last year I detected a lass who, without any knowledge that she had a disease, had had gonorrhoea for 14 months. She and her family were very grateful for the diagnosis made and the treatment initiated. When such a diagnosis is made, the Wilson Youth Hospital arranges prompt treatment. On that basis alone it is worthy of commendation.

These examinations also discover many serious neurological and physical defects, which may be genetic or the result of a difficult birth. Many serious surgical conditions, of which parents are unaware, are detected when examinations are made. In this context I refer to hernias, undescended testicles which have a very severe complication rate, involving even death, and other malformations that can be corrected.

Education at the Wilson Youth Hospital is less academic than at ordinary schools. This is rightly so. Many of the patients are disturbed and perhaps hostile to the normal school environment because they have suffered rejection there.

There is no demonstrable basis for the attacks on the integrity of the Wilson Youth Hospital staff. I support the Minister in his defence of these hard-working, dedicated people, and join with him in denouncing these attacks for what they are.

#### INCORPORATION OF BOTANIC GARDENS IN PARLIAMENT HOUSE GROUNDS

Mr. DEAN (Sandgate) (12.29 p.m.): I welcome this opportunity to bring before the House a matter of very great importance concerning the Botanic Gardens. I commend an extension of the architectural and historical value of Parliament House by incorporating into its surrounds the splendour of the Botanic Gardens that now face it on the opposite side of George Street.

The present Parliament House building was erected on portion of what was once known as Queen's Park, following the laying of the foundation stone on 14 July 1865. It is built of sandstone from Woogaroo, which is now called Goodna. The architect, Charles Tiffin, designed in it a renaissance style, although it is less ornate than overseas buildings of similar style. Nevertheless, it is an attractive building although, perhaps, a better term for it would be "edifice".

You will have noted, Mr. Deputy Speaker, that Parliament House now stands in its own grounds enclosed by an ornamental fence of stone and wrought iron. I wish to improve the over-all standing of the House by adding to its dignified appearance a frontal area of greenery and open space—in other words, let nature provide serenity. We should remember that Shakespeare said "One touch of nature makes the whole world kin", and that Voltaire said, "Nature always has more force than education".

Except for the accommodation of 82 members, to the eye Parliament House is a hall of assembly befitting the dignity of our great State. I know that plans are in hand for a new administration and accommodation wing within the grounds. I understand that it will have 16 levels—two below ground, a four-storey podium block and a 10-storey tower block. All of this is progress with a purpose. It will be an interesting backdrop to the sandstone serenity of the

present building. Further, this complex will be worthy of display or highlighting to the best advantage.

For this reason I propose immediate action by the Government to bring the Botanic Gardens in George Street under the jurisdiction of Parliament and to incorporate the area into the Parliament House surrounds. For instance, it could be called "Parliament Park". It could be and should be so administered as to constitute the shop-window of our Legislative Assembly complex.

Modern living, with its appetite for haste and waste, tends to diminish the quality of life. My proposal offers an excellent opportunity for the Government to be progressive about conservation and to show consideration for the quality of Brisbane living. In short, it could set an example worthy of emulation elsewhere.

Planning is well in hand for Brisbane's Botanic Gardens to be an area at Mt. Coot-tha. A great amount of work has already taken place in that area and no doubt, in the future, it will be better than the present Botanic Gardens. This in itself is progressive planning. The present George Street area must be saved from becoming the victim of the parked vehicle or expansion by any institution or service.

I make a plea for this area to be preserved as a public place, still pleasant enough for people to sit in, to read in or simply to commune with nature or even to hear music or public debate. But more importantly let it become "Parliament Park" and as such glorify Parliament House so that it will be looked upon with great respect, admiration and even homage.

Anybody who walks in that area in the early morning, at midday or late in the evening finds peace of mind. It is a grand place to rest for a while. It has been a wonderful area in the city of Brisbane for many years. I was prompted to raise this matter this morning by the suggestion that a sporting complex could be established in that area. Heaven forbid that any type of sporting complex should be allowed in this beautiful area of slightly more than 50 acres.

It is bordered by the river. I think every honourable member will agree that the Brisbane River is one of the most beautiful in Australia. Unfortunately we do not make the use of it that we should. We may not describe the Yarra as a river, but a great deal of use is made of it. The Torrens River in Adelaide is used to the full. At certain times of the year, to obtain full use out of it, it is drained, cleaned and refilled. We have a natural river and the Botanic Gardens will play a very important part in the use of that river in the future. This is why I would like the whole area of 50 acres to be taken over by Parliament and to become part of the Parliament House complex.

#### MT. GRAVATT COMMUNITY CENTRE

**Mr. KAUS** (Mansfield) (12.34 p.m.): I want to tell the story of a community which refuses to acknowledge bureaucracy as its master or frustration as an excuse to let a legitimate cause fail. I refer to the community of Mt. Gravatt and surrounding suburbs and to the bureaucracies of the Brisbane City Council, self-centred big business and the Australian Government. The cause is the Mt. Gravatt Community Centre, which is a project well known to honourable members. It was originally planned for the Upper Mt. Gravatt Showground.

I feel that the House should be made aware that, no matter how many setbacks the Mt. Gravatt Community Centre Planning Committee receives, it will continue to fight, even if it has to approach citizens for funds to take the case on appeal to the highest tribunal in Australia. No doubt the committee will do that.

Honourable members will recall that even though the Upper Mt. Gravatt showground site was bequeathed to the people in about 1908, the Brisbane City Council sold part of it to Myers. The legality of this action is the basis of a challenge that the whole community is determined to make, despite frustration and apparent indifference.

Let me tell honourable members a little of what is a very sorry, and in part, strange story. Almost 12 months ago, the planning committee was given an instruction by a remarkable public meeting of 350 citizens to fight, and continue to prosecute, a campaign that started some six years ago. It has been doing this under the dedicated chairmanship of Mr. J. P. Coneybeer, and considered and well-researched submissions have been made to the Australian Government and the local authority. In addition, all necessary legal moves have been made to appeal from the Brisbane City Council decision disallowing the 1,000 or more objections lodged late last year against the sale of the front section of the showgrounds to the Myer group. The committee chairman, Mr. Coneybeer, who is an industrial advocate, is of the opinion that these procedures may take years and could end up in the High Court. This is a measure of our determination and of our confidence that right is on our side.

I will not attempt to outline all the Brisbane City Council's manoeuvres to destroy the possibility of establishing the community centre. It is a story that brings shame on the largest local authority in Australia. The simple fact that I want to stress is that a citizen gave 27 acres to the community. The Brisbane City Council acquired the land when the Mt. Gravatt Show Society was in financial difficulties on the understanding that it would be held in perpetuity for the use of the people. Although that was never formally documented, it was never denied by the former Lord Mayor, Alderman Jones.

Today the council appears to see the land as real estate, whereas we see it as the only large piece of usable open space in a community whose population is expected to be more than 125,000 in 10 years' time. I ask members of the Opposition who pay lip-service only to conservation of the environment whether it is just that the people of Mt. Gravatt should have to fight for the right of present and future generations to open space in a big city or whether they believe that the Brisbane City Council did right in selling out the people to one of the big combines that Labor members seem to thrive on attacking.

I also ask Opposition members whether they believe it was right for the Australian Government's legal office to refuse legal aid to test the case. The Mt. Gravatt Community Centre Planning Committee wrote to the Commonwealth Government after seeing the advertisement, a copy of which I have in my hand, that was inserted in, I think, "The Australian Women's Weekly" by the Department of Urban and Regional Development in which "protection of urban parkland" and "land acquisition for open space purposes" are listed among projects eligible for grants. Following the planning committee's letter to the Australian Government, it was said that we did not have a case.

I could, of course, mention other towns in Queensland that have community centres. I think Cairns has a community centre in parkland. Mackay has a magnificent community centre that is also the headquarters of the local authority. That, too, is in parkland and it is subsidised by the Australian Government.

As a committee in Mt. Gravatt we are trying to preserve what is left for the people of Mt. Gravatt and, unfortunately, just because we have a local authority that is not prepared to help us, the Australian Legal Aid Office has refused us aid. But, of course, the people will still fight. The people of Mt. Gravatt are now looking at the need to raise between \$20,000 and \$25,000 to fight for their rights through the Local Government Court and, if necessary, the High Court of Australia. I think it is shocking that people have to pay to get what is rightly theirs. Does the fact that the people of Mt. Gravatt have to raise this sort of money lead honourable members to believe they do not have confidence in their case? Does it not rather make them proud of the strength of spirit of the little people who are prepared to stand up and fight giants, and does it not make honourable members hate the guts of a city council which sells out its citizens? John Coneybeer is standing for election to the Brisbane City Council. Even if honourable members opposite will say nothing against the council, the people of Mt. Gravatt will leave no-one in doubt when they vote in the council election next year.

The fight for the Mt. Gravatt showground has been going on since 1969, when the

council accepted a tender for a shopping complex. It will end only when victory is won and a non-Labor alderman lifts the veil of secrecy and subterfuge.

#### FEDERAL BUDGET EFFECT ON RURAL ECONOMY

**Mr. HARTWIG** (Callide) (12.42 p.m.): I rise to take part in the debate on matters of public interest and draw the attention of the House and the people of Queensland to what the recent Federal Budget brought down by the Treasurer, Mr. Bill Hayden, has done for primary producers, or, perhaps I should say what it has failed to do for them.

Since 2 December 1972, when Mr. Whitlam was elected to govern Australia from Canberra, he has left a trail of social and financial destruction. Prior to his election, Australia had a low rate of inflation, very little unemployment, low interest rates and a prosperous outlook generally in the private sector. We had a wealthy beef industry owing to strong overseas demand for our prime beef, particularly from the United States and Japan.

The recent Budget showed the true attitude of our Federal politicians to the primary sector when rural aid was cut from \$447,000,000 to \$210,000,000. It completely ignored the tragic state of the beef industry today. An industry which was worth some \$650,000,000 annually to this nation is virtually being allowed to wither and die. As further proof that the Budget was anti-rural—the Federal Government intends to spend \$43,000,000 in the City of Canberra and another \$14,000,000 in Woolloomooloo. Contrast that with the extra \$9,000,000 which the Government said has been made available to primary producers by way of loans through the Commonwealth Development Bank of Australia—loans, mind you, with an interest rate of something like 11 per cent. Mr. Hayden said, "Let us look for avenues in which we can save money." He decided to save \$30,000,000 by discontinuing the superphosphate bounty while providing \$40,000,000 to cover the expected losses on the South Australian and Tasmanian railway systems, which are controlled by State Governments. In addition to the estimated deficit of \$2,700 million, I am told that the Federal Government's latest tangled idea of Medibank will cost the nation about \$2,000 million.

**Mr. Jensen:** Who told you?

**Mr. HARTWIG:** Anyone who can read knows that what I am saying is correct. It is incredible that, by its policies, a Federal Government should so viciously attack the defenceless rural sector of Australia.

**Mr. Jensen:** They were not defenceless when rump steak went from 60 cents to \$2 a lb. They didn't care two hoots how high it went.

**Mr. HARTWIG:** The honourable member for Bundaberg does not care what beef producers are receiving today. Although he comes from Bundaberg, he does not care what the beef producers or other primary producers are receiving. His attitude is typical of the A.L.P.'s complete disregard for primary producers; that is the very point I am making. It is absolutely shocking. Take the increase of 10 cents a gallon in the price of fuel. That alone is estimated to cost the rural sector a cool \$3,100,000 annually. What has the honourable member for Bundaberg to say about that?

The Budget has crippled the communications system of those good, sound Australian citizens who live outside the thickly populated cities. People living in country areas face shockingly large increases in postal and telephone charges. Who would have dreamed, Mr. Deputy Speaker, that any Government would increase the cost of postage on a single letter by 80 per cent? I venture to say that if an increase of 80 per cent had been introduced by a Liberal-National Party Government, every union would have gone on strike in protest against it. Today the honourable member for Bundaberg and his colleagues on the benches opposite say not a word in opposition to the increases.

The Budget attacks the workers who voted the Whitlam Government into office. I remind the House that it now costs \$2 to register one letter. That shows the attitude of the Federal Labor Government to the workers. Taking the non-essentials, again one sees a direct attack upon the workers of this country and upon their purse—increases of 4c on a glass of beer, 2c on a nip of spirits and 8c on a packet of 20 cigarettes. I reiterate that the Whitlam Government is attacking the very members of the community who are supposed to have put it into power. The figures I have given are an indication of the treatment handed out by the Labor Government to the workers of this nation.

Does the Labor Government in Canberra want a nation of people who do not smoke, do not drink, do not write letters and do not make phone calls? Does it want a nation of people who just sit down and get paid for doing nothing? That is what the Federal Government is encouraging. I say it is shocking when people in the rural sector are working seven days a week and starving.

The decision by this Federal Government of A.L.P. bunglers to refuse to restore the superphosphate bounty will have serious long-term consequences.

**Mr. K. J. Hooper** interjected.

**Mr. HARTWIG:** The honourable member has never owned a property. The superphosphate bounty is not simply another hand-out; it is important to the future agricultural production of this nation. In fact, superphosphate is so important that the Labor Government in New Zealand

recently showed great vision in devaluing the New Zealand dollar to assist primary producers and increasing the bounty on superphosphate. In addition, the New Zealand Government pays a freight subsidy on superphosphate.

Money should be made readily available to save our beef industry. I am talking about \$100,000,000 by way of grants to assist the beef producer to carry on until we can get rid of Whitlam, when the beef industry will start to become more viable.

**Mr. Jensen** interjected.

**Mr. HARTWIG:** If the honourable member listens he will learn something. He will learn just what the Federal A.L.P. Government has done to the rural section of the nation. The net farm income in Australia in 1974-75 was down 68 per cent over the previous two years. It is beyond my comprehension that that socialist Government could contemplate action which continues to contribute to the sorry financial plight of farmers and graziers and retards development with serious implications for the community of the nation.

#### LABOR PARTY POLICIES ON SOCIAL MORALITY

**Mr. FRAWLEY** (Murrumba) (12.51 p.m.): I believe that the Australian Labor Party is attempting to lower the moral standards of people throughout the whole of Australia. At its last convention in Cairns it passed a motion to the effect that prostitution and homosexuality would be legalised if the A.L.P. became the Government in Queensland. The passing of that motion will go down as one of the most iniquitous decisions ever made by a political party in Australia. It proved to all people the low moral standards which now exist among the members of the A.L.P. in Queensland.

**Mr. K. J. Hooper** interjected.

**Mr. FRAWLEY:** The honourable member for Archerfield needn't talk. He is one of the fattest cats in the Labor Party. His future is assured if he gets defeated at the next election. The Brisbane City Council will give him a job—in charge of rubbish tips. Look at all the experience he has had at tipping rubbish in Inala! I did not really intend to read this but I have a letter here from one of my constituents, which states—

“Dear Mr. Frawley,

“I am writing to you because I believe that you are a man of integrity who is not afraid to speak out on any matter.

“Since your election in 1972 I have followed your career with interest and have reached the conclusion that we need more men like yourself in State Parliament and I am certain that you will go far in politics.

“I am a strong Labor supporter or rather I was a strong Labor supporter until I realized just where this country would finish under a Labor regime.



"I read an article in the Sunday Sun of June 29th last in which it was stated that a Mrs. V. Deighton of Inala discovered that a load of rubbish dumped at the roadside belonged to Mr. K. Hooper, M.L.A. for Archerfield. I noticed that Mr. Hooper denied that he was responsible.

"That is completely untrue.

"I was out driving on Sunday June 22nd in Blunder Road, Inala when I saw a man dump a load of rubbish at the roadside. I recognized him as Mr. K. Hooper, the member for Archerfield.

"Actually if you examine the photograph in the Sunday Sun carefully you will realize that only a posterior similar to that belonging to the Member for Archerfield would fit comfortably into those baggy trousers being displayed by Mrs. Deighton.

"It is a shocking indictment of the A.L.P. when one of its members purporting to be a conservationist, and a protector of the environment should so deface the countryside. Hoping this assists you in your fight to keep Queensland clean.

"Yours truly  
Wide Awake."

Honourable members who were here in 1972 would recognise the trousers shown in the photograph I am holding up as being ones worn by the honourable member for Archerfield on many occasions in this House. There is positive proof that he was the man who dumped the rubbish. However, I have been taken off my subject by the interjection and I want to get back on to it again.

Recently I learnt to my horror that the Federal Government was contemplating the introduction of some amendments to the Criminal Code in the Australian Capital Territory. It proposes to change things in a way that I think will shock and sicken even the most ardent A.L.P. supporters. The honourable member for Bundaberg is leaving the Chamber because he does not want to hear this.

The proposed amendments would legalise homosexual marriages. That is understandable when one realises the number of homosexuals who are now members of the A.L.P. It is proposed to legalise homosexual acts between consenting males over 18 years of age, and it will be a defence if the accused believes that the other person was 18 years of age. However, the worst is yet to come. The proposed Bill actually legalises incest between persons over 18 years of age. When I saw that I had to read it six times because I just couldn't believe it.

Every minister of religion, every parent and every right-thinking person in the community should be up in arms about this legislation and determined to oppose it to the bitter end. It is well known that today the A.L.P. has become the playground for all the rat-bags, radicals, homosexuals, lesbians, touts, urgers and bludgers—you

name it; the A.L.P. has it. In an earlier debate the honourable member for Townsville South said that he is not afraid of getting down into the cesspool to attack the A.L.P. I'm not frightened, either; I'll get down into it, too.

**Mr. K. J. Hooper:** Why don't you tell the people about the time you were caught soliciting in a public lavatory at Redcliffe?

**Mr. FRAWLEY:** What a shocking thing to say! Everyone knows what a fine amateur sportsman I am. As a decent member of the community, would I stoop to something as low as that?

**Mr. K. J. Hooper:** You did.

**Mr. DEPUTY SPEAKER (Mr. W. D. Hewitt):** Order!

**Mr. FRAWLEY:** How can anyone have confidence in the A.L.P. when its members in this Parliament are afraid to say what they think? Just about every second day the Trades Hall hands them a brief to read in this Chamber like a parrot. We know that half of the members of the Opposition are galahs, anyway. This shows the extent to which they have been brain-washed by the academics and rat-bags in their party.

The Labor Party's recent convention in Cairns decided that if Labor were elected to office it would legalise the use of marijuana.

**Mr. K. J. Hooper:** Have you ever smoked pot?

**Mr. FRAWLEY:** I don't smoke anything.

Another example of the hypocrisy of A.L.P. members was the action of the member for Rockhampton in speaking in a Methodist Church at Biloela just before the Labor Party conference and, at that conference, rising to support the legalisation of the use of marijuana. If the member for Rockhampton were in the Chamber I would have a lot more to say about him. In fact I would hypnotise him—and we all know how he reacts under hypnosis!

The actions of the A.L.P. must put some doubt in the minds of the people. The Labor Party has proposed that the age of consent be lowered from 17 to 16 years and that prostitution be legalised. These proposals were in fact carried at the conference on the motion of Senator Keeffe, the so-called champion of the Aborigines. What an awful thing for a senator to do. I do not intend to digress to suggest whom we should select as the senator, but my mind is already made up.

**Mr. K. J. Hooper:** "Senator Frawley" has a nice roll off the tongue.

**Mr. FRAWLEY:** I was approached by some members to nominate for the Senate, but I do not intend embarrassing the Cabinet Ministers by revealing the names of the members who approached me.

The Labor Party members should hang their heads in shame at the enunciation of some of their party's proposals. During the Vietnam demonstrations the previous member for Everton and some of his sidekicks, such as Senator Georges, sat down in the street, waving Bibles above their heads, shouting, "Thou shalt not kill," and, "Love thy neighbour." But now they are completely disregarding the Ten Commandments. They advocate the sale of women, and they have no respect whatever for the feelings of the people.

**Mr. Jensen:** Could you ever make a speech without tipping the tin on somebody?

**Mr. FRAWLEY:** I am not tipping the tin on anyone; I am making a worth-while contribution to the debate.

I know that the A.L.P. has a plan to form a union of prostitutes so that it can cash in on the action. What better man is there to lead such a union than the honourable member for Archerfield? As the union organiser who used to collect money from the women cleaners in the Treasury Building, he has gained wide experience in obtaining money from females.

There is no doubt that the A.L.P. is prepared to do anything for political gain. No matter how low and despicable something might be, the A.L.P. will do it. All A.L.P. members are bound by the little document they sign when they become members of that party.

**Mr. Jensen:** At least they're not Communists.

**Mr. FRAWLEY:** They claim they're not Communists, but they speak with tongue in cheek. One thing I admire about some of the Communists in the Trades Hall, such as Hughie Hamilton, is that they are not afraid to stand up and admit they are Communists.

**Mr. Jensen:** He's not in the Labor Party.

**Mr. FRAWLEY:** He's the leader of the Communist Party in Queensland.

**Mr. Jensen:** But he's in the Trades Hall, not the Labor Party.

**Mr. FRAWLEY:** What rubbish!

**Mr. Jensen:** He's not in the Labor Party.

**Mr. FRAWLEY:** Of course he is. I admire him for having the courage of his convictions to admit that he is a Communist. At least he is not hiding behind the mantle of respectability as some members of the Opposition do.

**Mr. Alison:** Hughie Hamilton controls the Labor Party.

**Mr. FRAWLEY:** Of course he does.

**Mr. DEPUTY SPEAKER** (Mr. W. D. Hewitt): Order! The constant interjections will cease.

**Mr. FRAWLEY:** Thank you, Mr. Deputy Speaker. The Opposition members have tried to put me off since I started my speech.

**Mr. DEPUTY SPEAKER:** Order! Under the provisions of the Sessional Order previously agreed to by the House, the time allotted to the debate on Matters of Public Interest has now expired.

The House adjourned at 1.1 p.m.

At 2.15 p.m.,

**Mr. SPEAKER** (Hon. J. E. H. Houghton, Redcliffe) took the chair.

#### VACANCY IN SENATE OF COMMONWEALTH OF AUSTRALIA

NOMINATIONS OF MALCOLM ARTHUR COLSTON AND ALBERT PATRICK FIELD, VICE BERTIE RICHARD MILLINER, DECEASED.

**Mr. SPEAKER:** Order! This meeting is resuming pursuant to the adjournment motion of 27 August last. There being a quorum present, the meeting is now constituted. I now call for nominations. I must again point out that every nomination must be accompanied by a declaration by the nominee of qualification and consent to be nominated and to act if elected.

**Mr. BURNS** (Lytton—Leader of the Opposition): I nominate Dr. Malcolm Arthur Colston, Educational Psychologist, residing at 43 Steptoe Street, Indooroopilly, Brisbane, for election to hold the place in the Senate rendered vacant through the death of Senator Bertie Richard Milliner, and I produce Dr. Colston's declaration of qualification and consent.

*Whereupon the honourable gentleman produced Dr. Colston's declaration of qualification and consent.*

**Mr. SPEAKER:** Order! I declare Dr. Malcolm Arthur Colston's nomination in order. Are there any further nominations?

**Hon. J. BJELKE-PETERSEN** (Barambah—Premier): I nominate Mr. Albert Patrick Field, President of the Federated Furnishing Trades Union, residing at 34 Gillan Street, Norman Park, Brisbane, for election to hold the place in the Senate rendered vacant through the death of Senator Bertie Richard Milliner, and I produce Mr. Field's declaration of qualification and consent.

*Whereupon the honourable gentleman produced Mr. Field's declaration of qualification and consent.*

**Mr. SPEAKER:** Order! I have a declaration from Mr. Albert Patrick Field and I declare the nomination in order. Are there any further nominations? As there are no further nominations, I call on the Leader of the Opposition.

**Mr. BURNS** (Lytton—Leader of the Opposition) (2.18 p.m.): I move—

"That Dr. Malcolm Arthur Colston be elected to hold the place in the Senate of the Parliament of the Commonwealth rendered vacant through the death of Senator Bertie Richard Milliner."

This is a resumed sitting and there is, I believe, no necessity for me to prolong proceedings with a further lengthy dialogue on Dr. Colston's qualifications. This information was presented to the Parliament only one week ago.

Dr. Colston is a young Queenslander of outstanding achievement—a young Queenslander who, in the past week, has weathered a brutal verbal assault upon his character with what I can only describe as courage and dignified restraint. He has been employed in three State Government departments—Education, Police and Industrial Relations—and he has served since 1964 in the Australian Army Reserve, rising from private to the rank of major.

This vacancy occurs through the tragic death of the Australian Labor Party senator Bertie Richard Milliner, who was elected by the Queensland people on 18 May last year for a six-year term. Dr. Colston is the democratic choice of the Australian Labor Party to fill this position. He is the only legitimate Australian Labor Party nominee before this meeting this afternoon. I submit his nomination in accordance with the Commonwealth convention that was endorsed by Sir Francis Nicklin in 1966 and by the present Premier in 1971 in the case of Liberal Party vacancies in the Senate.

There can be no other nominee of the Australian Labor Party. Any person nominated in this or any subsequent sitting as a Labor alternative will, under A.L.P. rules that have applied since 1911, automatically cease, from the time of such nomination, to be a member of the A.L.P. He will, in effect, come before this Parliament not as a Labor nominee but as a renegade—an impostor.

**Mr. Moore:** They're your rules.

**Mr. BURNS:** For the benefit of the honourable member I repeat that any person who signs a nomination form—he does not have to nominate; he has only to sign a nomination form—or who works for a candidate against an endorsed Labor candidate is automatically expelled from the Labor Party. That is a rule of the Labor Party.

**Honourable Members** interjected.

**Mr. SPEAKER:** Order! Before proceeding further with this debate I warn all honourable members that I will not tolerate such remarks from either side of the Chamber. I warn all honourable members that I shall deal with them if they do not behave themselves.

**Mr. BURNS:** The election of such a person would be a clear breach of the convention that the Premier upheld in 1971 and claims to still support today.

I make no reference to events in the sitting last week except to say it is regrettable

that, during question time in Parliament yesterday, the Premier grasped the opportunity to align himself with behaviour that has aroused national resentment and contempt.

Dr. Colston's right, as the A.L.P. nominee, to fill this vacancy is acknowledged throughout Australia.

The Liberal Party State Executive supports his nomination, as do the Federal Opposition Leader (Mr. Fraser), the National-Country Party Leader (Mr. Anthony), Senator Bonner and the members of all political parties in the Australian House of Representatives, where the matter was debated this morning. Three Liberal members in this Parliament and the Independent Member for Mackay courageously voted in his favour last Wednesday.

I believe the majority of Queenslanders support our request for the speedy endorsement of Dr. Colston by this Parliament.

Newspapers throughout Australia are demanding that the Government adhere to convention and send Dr. Colston to Canberra as the replacement for the late Bert Milliner. I would like to quote from the editorials of some of these newspapers.

I am not really interested in the interstate newspapers. It is what our own newspapers in our own State are saying about what is happening in this Parliament that really counts.

"The Queensland Times" today printed an article headed, "Shabby Affair". I am sure all honourable members will have seen it. It reads—

"Hopefully the State Cabinet will today convince the Premier, Joh Bjelke-Petersen, of the folly of his stand against accepting the appointment of Dr. Colston for the Senate . . .

"The wave of public opinion against the Government's stand this week has been almost unanimous."

"The Courier-Mail" of 2 September reported as follows—

"The State Government should abandon its immoral and absurd position on the Colston affair. It is not too late for it to reverse its dishonourable, astonishing stand."

**A Government Member:** Who wrote that for you?

**Mr. BURNS:** The editor of "The Courier-Mail" wrote it. Surely the honourable member does not suggest that I wrote it for him.

"The Chronicle" in Toowoomba, on 29 August, in referring to the Senate vacancy reported—

"Despite the attempts of some to justify breaking with time-honoured precedent and convention by mounting an attack on the propriety of the Opposition's nominee, there can be no doubt that the Government's motives were unscrupulously political."

"The Townsville Daily Bulletin" on 29 August reported—

"An Unreasonable Attitude

"Sheer cussedness appears to lie behind the attitude of the Premier and most Government members on the Senate vacancy issue . . .

"The reason, ostensibly, is to give Parliament a choice.

"This is utterly unconvincing."

The Bundaberg "News-Mail" reported on 2 September—

"His insistence that 'Parliament' must have a choice borders on the hypocritical."

The "Warwick Daily News" of 2 September reported similarly. I could go on and on reading extracts from newspapers throughout the State. People all over Queensland are concerned that we are breaking the normally accepted conventions that have been laid down over the years.

**Mr. Porter:** We are not elected by journalists; we are elected by the people.

**Mr. BURNS:** If the honourable member wishes to speak about elected members, let me refer to the remarks of Jim Killen. In his column in "The Courier-Mail" this morning, the Liberal member for Moreton, who has been supported in the past in his campaigns by some of the Liberals who are interjecting today, described the treatment of Dr. Colston by the State Government as mean and shabby.

It is important to remind the Premier that the composition of the Senate since 1949 has been based on the proportional representation voting system. This system, introduced by the Chifley Labor Government, was applied without amendment by successive Federal Liberal-Country Party Governments under four different Prime Ministers and three different Country Party Deputy Prime Ministers between 1949 and 1972. The basic principle of proportional representation is that votes cast for each political party should be reflected in seats won by that party.

**A Government Member:** Why produce all this rubbish now?

**Mr. BURNS:** If the honourable member is talking about rubber stamps one of the things that we do accept in the Senate voting system is that parties endorse groups of people on group tickets and the voting procedure accepts that those groups shall be placed in that way. So it is accepted that the people vote for the party groups. They group them under the voting procedures that were accepted by Liberal Prime Ministers and National Party Deputy Prime Ministers over the years.

To preserve the principle of proportional representation it is essential in the filling of a casual vacancy that the representation of the parties should remain a reflection of the votes cast for those parties at the previous election.

If a senator, through the decision of a State Parliament, is succeeded by a nominee from outside the political party concerned, the representation of the parties proportionate to their vote in the Senate is destroyed. We then have the intolerable situation that the destiny of the Senate is controlled not by the electors of Australia but by the political deviations of our various State Governments whatever their political colour.

In 1951, when the first casual vacancy under proportional representation occurred through the death of a Labor senator in Western Australia, the then non-Labor Premier of that State wrote to all Premiers:—

"My opinion is that, in view of the fact that proportional representation is now the method of election to the Senate, a member (I repeat, a member) of the same party, nominated by the executive of the party, should be appointed when future vacancies arise through death or other causes."

The Western Australian Premier of that time continued—

"In this particular case, the nomination will come from the executive of the Western Australian branch of the A.L.P."

I understand that all Premiers replied in agreement.

This precedent, established in 1951, has been adhered to without deviation by State Governments of differing political conviction on 22 subsequent occasions. The first and only diversion occurred in New South Wales earlier this year when the Liberal Premier of that State replaced Labor's Mr. Justice Murphy with a person whom he declared to be a "political neutral". We are, I fear, faced in this sitting with the threat of a second departure from national convention and precedent.

In 1958, the Australian Parliament's Joint Committee on Constitutional Review agreed that the law covering casual vacancies should be amended to make it as nearly certain as possible that casual vacancies would always be filled by a new senator of the same political complexion as his predecessor. Since 1949, there have been 10 instances of appointments of new senators of political parties differing from those forming the State Government of the day.

Convention has been scrupulously observed in all cases except, as I mentioned, in New South Wales earlier this year.

During the filling of a Labor casual vacancy in Victoria in 1966, the Liberal Party Premier of that time, Sir Henry Bolte, said—

"I have established the rules and practice in such circumstances during the 11 years that my party has been in office.

"I have given the word of my Government that if a vacancy should arise in the Senate affecting this State, the party

to which the late senator belonged—whether it be the Liberal Party, the Country Party, the Labor Party or even the Democratic Labor Party—would nominate the successor. That is the qualification—there is no other.”

That was the rule of Sir Henry Bolte in 1966 and he followed it with principle.

Now, in Queensland, the Premier proposes a new rule of his own imagination. He demands a panel of three nominations—today we have only two, so he has changed his stand there—so that he, through his numbers in this Chamber, will determine who replaces Senator Milliner in the Senate, not the Australian Labor Party which he represented. The decision will be made by the National and Liberal parties in this Parliament. Let me make the position very clear. People have been saying in the corridors, “I believe a member of the A.L.P. should take Senator Milliner’s place.” That cannot be done under the system that the Premier proposes today. The Premier may have his own version of a Labor man but he cannot replace Senator Milliner with a member of the A.L.P.

If the Premier denies Dr. Colston’s right to this position, he will in effect be reducing the representation in the Senate of the 450,000 Queenslanders who voted to elect Labor senators for 6-year and 3-year periods last year. He will be using this Parliament to defy the will of the Queensland people, using this Parliament to avoid procedure and destroy the proportional balance in the Senate which the people of Australia determined just over a year ago. It is, I submit, a dangerous adventure in destroying the system that has operated for a quarter of a century in Australia.

The Australian Labor Party has acted in a proper manner concerning the filling of this vacancy. It has observed conventions established with national agreement more than 20 years ago and followed scrupulously—with one exception—until the present sitting. It has observed the convention endorsed by State governments of varying political affiliations and upheld by the present Premier of this State only four years ago.

There can be no escape with honour for the Government from its responsibilities.

I submit Dr. Malcolm Arthur Colston as the Australian Labor Party nominee for the casual vacancy before us today and recommend him for endorsement by all members at this special sitting.

**Hon. J. BJELKE-PETERSEN** (Barambah—Premier) (2.31 p.m.): Last Wednesday we gave the Leader of the Opposition and the Labor organisation an opportunity of again reconsidering the request by Parliament that it be given a choice in this matter. It had been made clear to them time and time again that it was the wish of the Parliament that it be given a choice, so when last Wednesday they put forward only one nomination, it

would have been quite easy for the Government at that time to come up with a nomination or several nominations, but it was again decided that we would give to members of the Opposition an opportunity to put forward other nominations. We gave as clear an indication as possible, in most unequivocal language, that we and the Parliament expected a choice, and that is the issue that is before this meeting—not the matter of Dr. Colston, but Parliament’s right of choice.

**Mr. Houston** interjected.

**Mr. BJELKE-PETERSEN:** You demanded a choice during the election of Senator Bonner and you divided the House on it. During the election of Speaker Lonergan you used your numbers—

**Mr. HOUSTON:** I rise to a point of order. Last week I emphatically denied that I demanded a choice on that occasion. As I said, I was not in the House. “Hansard” shows that no-one else demanded a choice in the matter of Senator Bonner’s election. I asked for a withdrawal then and the Premier withdrew. I again ask for the withdrawal of that claim.

**Mr. SPEAKER:** I ask the honourable the Premier to accept the denial of the honourable member for Bulimba.

**Mr. BJELKE-PETERSEN:** The honourable member for Bulimba is trying by devious means to deny the attitude that he and his party adopted in that case.

**Mr. SPEAKER:** Order! I ask the honourable the Premier to accept the denial of the honourable member for Bulimba.

**Mr. BJELKE-PETERSEN:** He has a very short memory if he cannot remember what he said and did on that occasion.

**Mr. HOUSTON:** I rise to a point of order. The facts are quite simple. I was not in the Chamber on that day, so it is not a matter of ifs or buts or memories. The facts are that what he is saying is completely untrue.

**Mr. SPEAKER:** Order! The honourable member for Bulimba will resume his seat.

**Mr. BJELKE-PETERSEN:** As we know, the honourable member is clutching at straws. As I said to him the other day, his organisation at the time—

**Mr. Houston:** Are you going to withdraw or are you going to get away with it?

**Mr. BJELKE-PETERSEN:** I said the last time—

**Mr. Jones:** Sit down while the Speaker is on his feet.

**Mr. SPEAKER:** Order! If the honourable member does not behave himself, he will not be sitting in here much longer. I conduct the House and I do not need any assistance

from the honourable member. I ask the honourable the Premier to accept the denial of the honourable member for Bulimba.

**Mr. BJELKE-PETERSEN:** Obviously, Mr. Speaker, he was not here. But that was the attitude of the party that he represents.

**Mr. Marginson:** I will take a point of order.

**Mr. SPEAKER:** If the honourable member does not sit down and behave himself, I will have to deal with him.

**Mr. MARGINSON:** I am taking a point of order, which surely I am allowed to do.

**Mr. SPEAKER:** Yes.

**Mr. MARGINSON:** I say that was a deliberate lie on the part of the Premier. I was present that day and we did not demand a choice.

**Mr. SPEAKER:** Very well.

**Mr. Aikens:** He doesn't know where he was.

**Mr. BJELKE-PETERSEN:** I think that is true; he just doesn't know where he was.

I have acted to date to ensure that Parliament does get a choice. I have said right from the outset that I would observe convention in relation to the Senate vacancy and that it would be filled by a member of the Australian Labor Party. Albert Patrick Field fits into that category. He has been a member of the A.L.P. for 37 years, longer than the honourable member has been alive. He was branch president of the Morningside branch of the Australian Labor Party for five years, as the honourable member for Bulimba knows; he was his right-hand man. He is well known, of course, to the Leader of the Opposition, who holds him in very high regard, because he lives in his electorate. Mr. Field was a delegate to the last Labor-in-Politics convention. He is the president of the Federated Furnishing Trades Union of Queensland—a position that he has held for the last four years and to which he was re-elected last Wednesday. He is a financial member of the Australian Labor Party. His membership number of the Morningside branch is 830, and his membership was renewed on 26 March of this year.

**Mr. BURNS:** I rise to a point of order. For the Premier's benefit, I point out that the branch about which he is speaking has changed its name. The Morningside branch of the Australian Labor Party is in my electorate, and Mr. Field is not a member of the Morningside Branch.

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

**Mr. BJELKE-PETERSEN:** Again the honourable member tries to split straws. I have this information from the man concerned.

The Leader of the Opposition has switched around since I spoke to Mr. Field. Mr. Field's credentials as a member of the A.L.P. are completely beyond challenge.

**Mr. Houston:** Who? What?

**Mr. BJELKE-PETERSEN:** That is what the honourable member said before—"Who? What?"

Mr. Field has taken this step knowing the scorn and hate which, no doubt, honourable members opposite will level at him. I have assessed the man. He is a straightforward, very decent type of man, according to the information I have received, and I have formed a similar opinion myself. He is held in very high regard in the Australian Labor Party. Mr. Field is a man of conviction, a man of high principles who has the courage to put them to the test on this occasion.

I have noted the statements by the Australian Labor Party that any person other than its nominee will be expelled from the A.L.P. Well, that is the business of the A.L.P. I point out that the National Party did not expel Mr. Speaker Lonergan when he stood against its nominee, the present Speaker of this Assembly. That was in spite of the fact that the A.L.P. demanded a choice and then used its numbers to ensure that Mr. Lonergan was elected. Honourable members opposite cannot deny that they did that on that occasion.

**Mr. Houston:** Of course they did.

**Mr. BJELKE-PETERSEN:** Of course they did, although they do not like to be reminded of it now. The National Party accepted the decision of Parliament on that occasion, even though it did not like it; members of the A.L.P. Opposition will accept the decision of Parliament in this instance, even though they do not like it.

To sum it up simply, Mr. Speaker, when a Government nominee is involved, the A.L.P. Opposition demands a choice; but when it is an A.L.P. nominee, the Opposition says, "No choice."

The issues before the Parliament were fully debated last Wednesday, and all honourable members know exactly where I stand because I have made that quite clear. I believe that Parliament must have a choice. With a man such as Mr. Field having agreed to be nominated, there is no doubt who I will be supporting. I will not be supporting Dr. Colston; I will be supporting Mr. Field.

**Mr. AIKENS** (Townsville South) (2.38 p.m.): Before the debate gets out of hand, before honourable members become emotive and shed the little intelligence that some of them have, let me state the facts of the case.

Honourable members are meeting here today to elect a senator to fill an extraordinary vacancy caused by the death of the

late Senator Milliner. We are not bound, Mr. Speaker, by any shirt-tail agreements or conventions that have been reached by Premiers of various States or men who are dead and gone, irrespective of the state they were in when they made those shirt-tail agreements or conventions. Members are meeting here today in accordance with the provisions of the Commonwealth Constitution, which provide that the Queensland Parliament shall fill the vacancy.

**Mr. Moore:** Not the A.L.P.

**Mr. AIKENS:** Not the A.L.P., not the Liberal Party, not the National Party, not the finest Party of all (the North Queensland Party), not the Independents, but the whole of this Parliament, sitting as such, by majority vote.

**Mr. Moore:** It is a constitutional matter.

**Mr. AIKENS:** It is a constitutional matter, yes.

I have been astonished and disgusted—and it takes a lot to disgust me; I am pretty tough in the hide—by the monstrous insolence of Federal politicians, led by Mr. Fraser, the leader of the Liberal Party. They had the nerve, hide and colossal impudence to rush into the media to try to tell this Parliament whom we shall elect to the vacancy. It has no more to do with them than my personal life has to do with them.

Let us look at some of the people concerned in this political blackmail. Nearly all Federal politicians in both Houses regard State politicians as something lower than bed bugs. The moment they are elected to Canberra, they all get together in sweet conclave. They mix with one another in a magnificent spirit of camaraderie in the secluded and sumptuous atmosphere of Canberra. The only thing they are afraid of is that some awful, uncultivated, uncouth State Parliament might upset the apple-cart. Consequently, the moment anything happens that might even possibly upset the apple-cart, they rush into the Press and, with the hide of a pachyderm, and a long tongue, tell us what we should do.

The Canberra politicians always remind me—I have never seen it and I have never participated in it, of course—of an unmarried couple who book a room at a motel to do things, I suppose, that a couple would do in a room in a motel, and who hang outside the door a notice “Don’t disturb”. That is the attitude of the Canberra politicians to their own personal and political affairs.

They are led in this fight not only by Mr. Fraser but by that epitome of discord and dissension, Jim Killen. I suppose Jim Killen would be on a par politically with the late Jim Carey. Anyone who knows the history of Ireland would know the part that Jim Carey played. I do not know anyone who did more to smash the McMahon Government and defeat it in 1972 than the same Jim Killen. In doing these

things Jim Killen is playing—as he knows he is playing—right into the hands of his blood brothers in the A.L.P., the Left-wingers.

**A Government Member:** Oh!

**Mr. AIKENS:** The honourable member can laugh; he does not know. He hasn’t the experience, and he hasn’t the intelligence to comprehend simple facts.

In 1961 Jim Killen was the Menzies Government majority in the House of Representatives. Menzies had a majority of one after that debacle. Of course, Jim Killen won his seat of Moreton on Communist Party preferences. That cannot be denied even by his idolaters—those who are not merely friendly with him but just idolise him.

**Mr. LAMONT:** I rise to a point of order. At that election Mr. Killen won on the preferences of the donkey voters. I would accept the fact that Communists are donkeys, but let us get it correct. It was the donkey vote.

**Mr. Wright:** Don’t worry about the honourable member for South Brisbane. Just call him “Feathers” and he will fly out.

**Mr. AIKENS:** I do not know what his sobriquet is, and I am not interested in it. I have never indulged in personalities and I am not going to start now.

All that talk of a donkey vote is pure nonsense. I could use a harsher expression but I feel sure, Mr. Speaker, that you would not allow it. Has anyone ever heard of a Communist recording a donkey vote? The Communist vote is the most highly organised vote in the world, particularly in Australia. I know from friends of mine in the A.L.P. that the Communist Party vote in Moreton on that particular occasion was highly organised. They knew that they had to keep Jim Killen in Parliament because Jim Killen was the best friend they had in the Federal Parliament. He still is the best friend of the A.L.P. in the Federal Parliament. He is almost as big a dissident in the Federal Parliament as Don Chipp. I will say that he is not as bad as Chipp, but he is damn near as bad.

Then we have Senator Bonner—a coloured man. He claims to be an Aborigine. Well, at least he is a part Aborigine. We find him now rushing into the Press, crawling and cringing to the A.L.P. For what reason? In order to truckle to and to remain the favourite bosom pal of Senator Jim Keeffe, the most obnoxious character in the Federal Parliament and the most virulent anti-white racist in Australia today. I don’t know what Senator Bonner thinks he will get from Jim Keeffe for his toadyism and sycophancy.

Pronouncements have been made on TV channels and on the radio stations as well as in that arch disciple of Left-wingism in the Labor Party, “The Courier-Mail”.

**Honourable Members interjected.**

**Mr. AIKENS:** Members may laugh. Most of them suffer from political myopia. All they can say about "The Courier-Mail" is that it is a Tory paper and they do not believe anything published in it.

**Mr. Wright:** Can I quote you on that one? That's a beauty.

**Mr. AIKENS:** I hope I am quoted on it. I hope that "The Courier-Mail" publishes it in bold print. But I know it will not do so, because it hasn't got the belly. "The Courier-Mail" is indulging in some editorial black-mail.

With all the sincerity at my command I state that for some considerable time prior to the election of Mr. Tom Burns to the position of Leader of the A.L.P. in this Parliament, I honestly thought that he wrote "The Courier-Mail" editorials. Anyone who cares to read those editorials and subject them to a calm, dispassionate examination will find that that paper is perhaps the best friend that the Whitlam Government ever had.

We are here to try to do what we honestly think the people of Queensland would have us do. That is why I am here, anyway. We are not here to do what the people of a particular political party, such as the rag-tag members of the A.L.P.—fresh from their phenyl baths when they appear in public—would have us do; nor are we here to bow to the wishes of the rather dissident members of the Liberal Party, who are all over the place like a picaninny's footprints on the plain; nor are we here to do as we are told by the truculent members of the National Party. We are here to do what I believe the great majority of Queenslanders would have us do. Would anyone in his right senses think that the great majority of the people of Queensland would choose as their Senate representative a toady of Whitlam's in the person of Dr. Colston? I am sure that if Dr. Colston went to the people today against any candidate, he would not poll more than 35 per cent of the vote. Such a small vote is an illustration of how low the Whitlam Government is in the estimation and opinion of the people today.

Does anyone believe that the people of Queensland would vote for a man who, if elected to the Canberra Parliament, is pledged to vote in favour of homosexual marriages? Does anyone think that the majority of the people of Queensland would vote for a man who, in the Canberra Parliament, would support homosexual copulation? Does anyone think that the people of Queensland would vote for a man who has pledged his support for legalised incest? This is what Dr. Colston would do if he were elected, and that is why I know the people of Queensland would not elect him. Would they vote for a man who would support legislation enabling brother to marry brother or father to marry son? Is that the type of man the people of Queensland want to represent them in the Federal Parliament? Of course not. Yet

that is the type of man that the A.L.P. is putting up to this Parliament as its nominee for the position of senator.

Thanks to the Whitlam Government and its toadies in the Press, on radio and elsewhere, morality in Australia today is at an all-time low. Even a paper that I once had regard for, the Brisbane "Telegraph", yesterday published an article concerning the gathering of women's libbers, the W.E.L., who cut loose in King's Hall in Canberra. They are down there at a cost of about half a million dollars to the Australian taxpayers, and they are carrying on like a mob of spoilt kids and a pack of pornographic rats.

Yesterday the "Telegraph" published a story relating how one delegate stood up and said that a woman in a dental surgery, lying on the dentist's couch, put the Christmas grip on the dentist. When the dentist winced with pain, as anyone would wince if a Christmas grip were put upon him, she said, "We are not going to hurt each other are we, Mr. Dentist?" These delegates, fostered, sponsored and paid for by the Whitlam Government, roared with laughter. That is the sort of thing going on in Australia today. That is the sort of thing by which the ordinary people with whom I mix, and the ordinary people I represent, judge the Whitlam Government. That is what they would think about before they cast their vote for a man like Dr. Colston.

I am not concerned with the charge that he was a pyromaniac. In my opinion, that is beside the point. That word does not mean what some members think it means. That is not the issue. The issue is simply this: should this Parliament, in its wisdom or otherwise, send Dr. Colston to Canberra, knowing what he is pledged to do and knowing what he will do?

I go around this House, to use an old expression, keeping my ear to the ground. I travel around Queensland, I suppose, probably more than any other member of this Parliament. And I do so at my own expense. I know what the people of Queensland are thinking. I have been from Mt. Isa to the Darling Downs. I have been all over the State, and I know what the people are saying about the parties in this Parliament. Without doubt they regard the A.L.P. in this House, which once was an object of adoration and concern for the people, with absolute contempt. They regard the National Party as a party of backwoodsmen, but at least they regard it as a party with some purpose in life. They regard it as a party with some concern for unity and, above all, they regard the National Party led by Joh Petersen as a party of fighters. In this world, which is exemplified no better anywhere than it is in Parliament, nobody loves a squib. And no-one can say that the National Party has squibbed on any issue placed before it.



The position of the Liberal Party is a disgrace. In Queensland, it is in disarray. That will be obvious when a vote is taken on this matter. Liberal Party members are squabbling, bickering, scared and chased up any little hollow log by Federal politicians who criticise them. They are scared to death of articles in "The Courier-Mail", and frightened out of their wits by anyone who appears on TV, radio or elsewhere to say something about them.

**Mr. Lindsay:** Rubbish!

**Mr. AIKENS:** If the Liberal Party does not pull its socks up, if it cannot see what is happening to it and do something about it, it will lose Ryan at the next Federal election. There is no doubt about that.

**Mr. Lindsay:** Rubbish!

**Mr. AIKENS:** The honourable member is like a boy whistling while walking through a graveyard. What I am saying is not rubbish. If the honourable member were to talk to the people, they would tell him that it is not rubbish.

We have a rather peculiar situation in this House with three parties. There are, of course, the two noblest Romans of them all, that is, the Independent for Mackay and myself. I do not intend to break a lance for the edification of myself or my colleague. The honourable member for Mackay, without doubt, is one of the finest Labor men ever produced in Queensland. He sat in this Chamber as an A.L.P. member for three years and did a terrific job for his electorate, his party and this Parliament. But where is he today? He has been turned out, thrown out or kicked out by the very people who are telling us that we must elect Dr. Colston. Any party that would throw out any man like the honourable member for Mackay certainly cannot tell me whom I shall vote for in the Senate.

**An Opposition Member** interjected.

**Mr. AIKENS:** Opposition members should look at themselves.

**Mr. Wright:** Does the member for Mackay speak highly of you?

**Mr. AIKENS:** Whether he speaks highly of me or not does not matter. I speak highly of myself and that is all that matters.

Have a look at this rag-tag, moth-eaten 11 who sit on the A.L.P. benches. Where are the members who got behind Percy Tucker to shove the knife in between the shoulder-blades of Jack Houston for the leadership? Every one of them was thrown out at the last State election. The people took their revenge on them. There are still a few rumpers and a few old weaklings among the 11. There are also a couple of bright young sparks who think they know everything and really know nothing. These are the people owned and controlled body and soul and ruled by a rod of iron by

the Bevises, the Egertons and all the rest of the crowd at the Trades Hall. These are the people who have the superlative nerve to come in here and, through their leader, tell the Parliament that no Labor man, no matter how good he is, can accept nomination by the Premier.

Suppose Eddie Casey had been nominated for the Senate. I was offered nomination and was promised that I had the numbers. What would we have thought if the Leader of the Opposition had stood up and blasted Eddie Casey as he blasted the nominee of the Premier? I have no doubt that the nominee of the Premier is a ton better Labor man than Dr. Colston, and I have nothing to say about Dr. Colston in a personal sense.

I know that a lot of play is being made, and is always made, about the fact that a man is a doctor. If he were a doctor of medicine, I would think that he at least had some intelligence and would know something about his profession. But have honourable members any idea about how a man can become a doctor today? Most of them are doctors of philosophy. They go to the university, usually on a munificent scholarship, and study some abstruse subject that nobody is interested in. They then write a thesis about a subject of their own choice. The next thing they are doctors of philosophy and are referred to as "doctor".

I say in all seriousness that walking around Queensland there are two doctors and two masters of arts who got their degrees and so-called honours by writing a thesis about me. I think one of them was entitled, "The Role of the Independent in Politics". They go around and some of them think they are convincing the people that they are doctors of medicine.

This reminds me of one of the most erudite men ever produced in the old British Empire—Dr. Stephen Leacock, who wrote so many humorous books. He was a doctor of philosophy from McGill University in Canada. He had a string of academic degrees as long as his arm. He regards this as a joke. He tells a story about the time he became a doctor of philosophy at 24 years of age. In those days, in Canada and in North America, it was the custom to go on a transatlantic tour to celebrate anything. He booked a tour to go to Great Britain. Naturally he booked as "Dr. Leacock".

On the ship was a glorious creature from the New York stage. In those days women wore skirts down to their toes. Now they wear all sorts of things and it is hard to tell women from men unless they have nothing on and even then an innocent fellow like me still would not know the difference. He said in one of his books that he used to think how glorious it would be to see that woman's thighs. He thought she would have the most glorious thighs in the world but, as he said, he knew there would be no chance of his ever seeing them.

He said, "One day when I was leaning over the rail a steward came up to me, tapped me on the shoulder and said, 'Dr. Leacock, the master would like you to go down to the stateroom of Miss So-and-so. She has fallen and injured her thigh.'" There he was, as the late "Nugget" Jessen would have said, on the horns of Emma. He said, "I didn't know whether to tell him I was a doctor of philosophy, not a doctor of medicine. Finally the biological urge in my warm young blood overcame all my scruples. I rushed down to the stateroom with the steward at my heels. When I got to the stateroom door I threw it open, but instead of being able to go in and have a close look at this glorious creature's thighs, I found that I couldn't because I had been forestalled by a doctor of divinity." That is the play that is made on this "doctor" racket.

**Mr. Wright** interjected.

**Mr. AIKENS:** Probably Joh's sense of humour is different from mine, but he has more guts than the honourable member for Rockhampton. At least he will fight, which is more than I can say for the A.L.P. today. Joh might not have the sense of humour that I have—perhaps he is better without it—but no-one can quibble at his fighting qualities and his pugnacity, and there are times when his truculence may stand him in good stead.

We are going to elect a senator in the Australian Senate. So uninterested are the people in the Senate that I am prepared to wager that not one person in a thousand in Queensland could tell me the names of the 10 Queensland senators. Not one in 500 would even know that Queensland had 10 senators. I would not be able to name them all without sitting down with pencil and paper and cogitating for a couple of hours, and I am in the political game. As far as the whole Senate issue is concerned, it is as dead as a maggot on a western chop.

That is my position. I am not concerned about the A.B.C. or any other television or radio station, and I am certainly not concerned about "The Courier-Mail" or even "The Townsville Daily Bulletin" in my own city. I am concerned only with my conception of my duty to the people who put me here, namely, the electors of Townsville South. I know that they would never forgive me if I voted for a man who would enter the Federal Parliament and support all the things for which the Labor Party now stands, such as homosexuality, incest, abortion on demand, jobs for the boys. When the vote is taken I will vote according to my conscience and in accordance with my conception of what the people of Townsville South would have me do.

**Mr. LAMONT** (South Brisbane) (3.2 p.m.): Before addressing myself to the question before the meeting, I should like to place on record that I resent the remarks of the honourable member for Townsville South about Mr. Killen, Senator Bonner and Mr. Chipp.

The honourable member said that he spoke with all the sincerity that he could muster. I note that it was a pretty short muster, and that he was not very puffed at the end of it. It seems to me that there could not have been much sincerity in the stockpile. I hope that my party will always have men with the principles of Mr. Killen, Mr. Chipp and Senator Bonner. I heartily applaud their membership of my party, and I am proud to be a member of that party alongside them.

**Mr. Aikens:** The Labor Party hope they will always be in the Federal Parliament, too.

**Mr. LAMONT:** The honourable member has had his turn.

Last week it was not clear to all members that there was, at least in the joint Government parties, a free vote for those who wanted to vote in accordance with their consciences. I think that this week it is clear that that is in fact the position, and many members will feel released to do just that.

Last week our attention was drawn to certain allegations which in the past had been made about the nominee of the A.L.P. The evidence was tabled, and honourable members still have time to read it before they vote. But no matter how convincing one may think the evidence is, it is no more than a prosecution brief. It does not contain the other side of the story, whatever that may be. It is only a prosecution brief which may or may not establish a prima facie case in the opinion of those who read it; but clearly in the opinion of the prosecutions section of the Queensland Police Department or the Crown Law Office, whichever made the decision, it did not, in its opinion, constitute a prima facie case for prosecution. After reading the file myself, I say that some doubt about the matter might persist, but, as it is not balanced by counsel for the defence, I cannot make a proper decision. I must therefore dismiss the allegations from my consideration.

I suggest that possibly the defence of Dr. Colston to these allegations has been poorly handled by the Opposition. There is no doubt that the arrogance of the Leader of the Opposition, the way in which he threw down the gauntlet, his defiance and sense of challenge, alienated many members in the Chamber, but I urge members not to judge a man's reputation by the arrogance of his advocates.

The second point that I should like to make is that there are no doubt many A.L.P. nominees who have undesirable qualities. I should hate to think that the Parliament would have to wait as long as was necessary to find an A.L.P. nominee who was anywhere near perfect, or even suitable to sit in the Senate. We would be sitting here for a long while if we wanted to find that sort of excellence in a nominee from the Labor Party.

I would like to dwell just very briefly on the evidence that has been tabled in the Chamber. What I found upon reading it was that the gentleman who has been nominated held the key to a lock which a police officer believed in his opinion—I stress the word “opinion”—could not have been broken but had to be unlocked by that key. Apparently two fires took place at the school where Dr. Colston was the headmaster. It was established that he was in the vicinity at the time the fires took place. That was one police officer’s opinion. It was also one police officer’s opinion that the fire was lit in the room to which Dr. Colston had the key. But again that was opinion. There is nothing on the file that indicates an alternative argument which might be equally plausible and I am therefore going to presume that the man is innocent until he is proven guilty.

I regret that the Opposition have not yet put up a plausible defence to what I think are these somewhat hollow allegations. They are certainly unsubstantiated. In the 12 months I once spent prosecuting in a magistrates court, I would not have wanted to proceed with the prosecution of that case, and it is my belief that any magistrate would have thrown it out for want of evidence. I therefore feel compelled to put aside these unproven allegations when making my final decision.

I should now like to deal briefly with the question that has been raised about a matter of choice. We have been told that we in this Chamber will not accept a direction of the Q.C.E., that we want a choice. I put this argument to honourable members: if the Q.C.E. came up with three nominations for us to choose from, it would still be dictating to us. It would still be saying, “Look, you are having only those three.” We might find them totally unacceptable, but those who stand up and say, “I only voted against Colston because I wanted a choice” would have their argument satisfied. They would have a limited choice, a choice limited by outside direction by the Q.C.E., if honourable members want to put it in those terms. So waiting for a choice makes very little impression upon me. We did not ask for a choice last time. I find it difficult to accept that convention insists that we have a choice this time.

I cannot see that a stand on choice is a stand on principle. We know that any A.L.P. nominee, whether he comes up in a panel or on his own, will be the nominee of the Q.C.E. We know that any A.L.P. member who accepts candidacy against Dr. Colston will be automatically expelling himself from the party, such is the rigidity of its rules. I deplore and lament the rules of a party that are so dogmatic that they bind the parliamentary wing to the executive of the party, but that is something which is a regulation of the A.L.P. and that is a price that parliamentarians of the Labor Party are obviously voluntarily prepared to pay for endorsement by their party, and so I say that even if we do not regard Dr. Colston

as the nominee of the Q.C.E., he is clearly the nominee of 11 parliamentarians. Clearly 11 members of Parliament who represent that party are unanimous in their nomination of Dr. Colston and the fact that their political naivety or their timidity, or whatever it is, allows them to be dictated to by an outside body, and that that may intrude into their conscience, is not a matter for our conscience. That is the way they play their politics and it is too long and too historical an argument to thrash it out in our consideration of this nomination here today.

I cannot agree with A.L.P. regulations, and thankfully I do not have to. But if we want a nomination from the Australian Labor Party in this meeting here today, we have to accept that it will be a nomination from one of those 11 gentlemen of the Opposition and they have given us only one. I am afraid we cannot put it out of our minds; we cannot pretend that we do not know that the Premier’s nominee, although he may at this very moment be a member of the A.L.P. will, in the very next moment, be putting himself outside that party. We cannot pretend that we do not know that fact.

If Dr Colston’s nomination is not accepted, I will not vote against the Premier’s nomination because he might be a very good man. But I will not be a party to a breach of the conventions of the Constitution, and for that reason I will have to sit outside the Chamber when a vote is taken. I will not vote against a man whose reputation I do not know.

I cannot vote against Mr. Field, who may be a very fine member of the A.L.P. today, and I cannot vote for him because I know he will not be a member of the A.L.P. tomorrow. I shall therefore withdraw if his nomination is put forward.

It is clear to me that the people of Queensland decided, very wisely, on 18 May, that the National and Liberal Parties should have a majority of senators representing this State. Their decision was six to four, and six to four is, I believe, what the people of Queensland are entitled to in the Senate to represent Queensland. There were before Senator Milliner’s death, four A.L.P. Senators in Queensland. There ought to be four A.L.P. Senators tomorrow. If the Premier’s nominee is accepted, I am afraid there will not be, and honourable members cannot ignore that fact.

I said last week—I will repeat it for the record—that members of this Assembly must recognise that we cannot govern Australia from the State House in Queensland; we cannot govern Australia from the Opposition benches in the Senate. I said also last week—and again I repeat it for the record—that if there is a bad Government in Canberra (and I believe there is), there is a proper remedy. It is to have an election. But we do not have the prerogative to pre-empt the decision by Mr. Fraser or the Prime Minister on when that election will come.

Once again I urge honourable members to respect a convention, one that has grown up since 1949 and has been respected by both sides of Parliament, with one exception, that being as a result of Mr. Whitlam's fiddling of the Senate and the judiciary earlier this year. I ask honourable members once again not to vote for vested, immediate and temporary interests, but to honour the time-honoured and enduring principles of that convention. I ask them to ignore the fact that Mr. Whitlam fiddles the rules as he wants to. I ask them to ignore the fact that Mr. Burns, quite hypocritically, roams through various conventions that his own party does not respect. Mr. Whitlam fiddles the conventions; Mr. Burns roams through them. If you will pardon the pun, Mr. Speaker, Whitlam fiddles while Burns roams. But that ought not to concern honourable members today. We do not take men of lesser standing as our exemplars. So I urge honourable members to put Labor chicanery aside. They are not the people whom we will take as our example. We can honour the conventions or we can follow the Whitlam system; that is our only choice.

My greatest fear for parliamentary democracy in Australia today is twofold: firstly, that the Left will go too extremely Left and that the conservative parties will go too extremely Right. That is a possibility. The other fear I have is that parliamentary institutions and conventions of the Constitution will be disregarded as Whitlam has constantly disregarded them whenever he has sought an advantage.

Both of those elements—extremism on the one hand and disrespect for conventions on the other—are elements of the debate here today. I am afraid that honourable members will be contributing to both ignoble trends if we agree to depart from the conventions that we in the Parliament are expected to respect. We of the joint Government parties—the Liberal Party and the National Party—are the representatives who stand for tradition. The fact that the Labor Party does not is of no interest to me. If we have our consciences swayed merely because they have not a conscience, we do not deserve to be respected above them.

So I once again urge honourable members to join me in what I will do today and what I did last week—obey the convention and vote for the only A.L.P. nominee who is before the Chamber.

**Mr. MELLOY** (Nudgee) (3.14 p.m.): In submitting the name of Mr. Field to the Parliament, the Premier has hung his hat on two pegs. First, he has alleged that Mr. Field is a member of the Australian Labor Party. I shall deal with that in a moment.

On 2 July last the Premier said that the man to replace Senator Milliner would be an Australian Labor Party member. Let us get quite clear now the question of the

eligibility of Mr. Field. The rules of the Australian Labor Party are explicit, so that at the moment he agreed to the nomination he ruled himself out as a member of the Australian Labor Party. At the time of signing the nomination Mr. Field failed to honour his obligation as a member of the Australian Labor Party. He breached the rules of that party and from that time he ceased to be a member of it. Therefore the Premier's claim that he is submitting for selection the name of a member of the Australian Labor Party is quite wrong. The Premier's nomination will not be accepted by the public. The public wants a member of the Australian Labor Party to replace Senator Milliner. That has been made perfectly clear in all sections of the community.

The Premier says that Parliament must have a choice. He tries to support that contention by quoting what the former member for Townsville North, Mr. Tucker, said on a previous occasion. Let me read exactly what Mr. Tucker did say when the Premier alleges that he, Mr. Tucker, wanted a choice of candidates. On 11 June 1971 Mr. Tucker said—

“So that there may be no ambiguity and no misunderstanding in this regard, let me say on behalf of the Opposition that we are in accord with Mr. Bonner's nomination. On 24 March 1971, ‘The Courier-Mail’, under the headline ‘A.L.P. for Bonner as new Senator’, reported that the Leader of the Opposition intimated that we were in accord with Mr. Bonner's nomination. Do not let there be any ambiguity or misunderstanding; the Opposition believes that Mr. Neville Bonner should be nominated to fill the Senate vacancy.”

On the same date, after referring to remarks of a previous Premier (Mr. Nicklin), Mr. Tucker said—

“What has happened has highlighted the political hypocrisy of the statement I have mentioned and the action subsequently taken. When the A.L.P. submitted one nominee, the then Premier said, ‘Parliament must have a choice’. However, on this occasion we are not given any choice by the Liberal Party, or by the Country Party; we are given one name only.”

On that occasion Mr. Tucker was not supporting the contention that we should have more than one name submitted. He was merely quoting what had been said by a former Premier about choice and was pointing out that the Parliament had only been given one nomination. He continued—

“It is pertinent to draw attention to the fact that when the Government sees fit it acts in one way, and, when it suits it to do so, it somersaults and acts in another way.”

Never in the history of the selection of a replacement have we had a situation like the one we have today.

**Mr. Marginson:** That makes a liar out of him.

**Mr. BJELKE-PETERSEN:** I rise to a point of order. I heard the honourable member for Wolston say that it makes a liar out of me. For the benefit of the honourable member who made that interjection let me quote from "Hansard" and then we can see who the liar is.

**Mr. SPEAKER:** Order! I ask the honourable member for Wolston to withdraw that remark.

**Mr. Marginson:** I substitute "untruth" for "liar".

**Mr. BJELKE-PETERSEN:** He can have it that way, but I am going to read to the Parliament something pertaining to this whole question. As to the matter raised previously by the honourable member for Bulimba—

**Mr. SPEAKER:** Order! The honourable member withdrew the remark and that is the end of the matter. The Premier may make his point when he next has an opportunity to speak.

**Mr. BJELKE-PETERSEN:** Thank you, Mr. Speaker. I would just point out that they did not ask for a choice.

**Mr. MELLOY:** I shall deal further with the nomination of Mr. Field. Over the years he has had the opportunity of nominating for the Senate if he had felt inclined to do so; but on the two previous occasions when vacancies occurred in the Senate, at times when Mr. Field was a member of the Australian Labor Party, he failed to show any interest whatever in nominating for the Senate. As a matter of fact on frequent occasions he has sought nomination as A.L.P. candidate at general elections, but he has been overwhelmingly defeated in the plebiscites, which indicates that the Australian Labor Party has not been prepared to accept him as its candidate.

On this occasion Mr. Field did not approach the Australian Labor Party to be considered as its nominee to fill this vacancy. And to prove how insincere he is in professing to be a member of the Australian Labor Party, I make the point that, instead of approaching the Australian Labor Party, he apparently approached the Liberal Party, asking to be nominated.

**Mr. Burns:** Or the National Party.

**Mr. MELLOY:** Or the National Party, and I appreciate the distinction. There is a great difference between approaching the Liberal Party, which presumably would have given him short shrift, and asking the National Party to nominate him. But the point is that he did not approach the Australian Labor Party. As I said earlier, he is no longer a member of the Australian Labor Party; he forfeited his membership the moment he accepted nomination. The

result is that, in effect, this Parliament is presented with the name of only one person who is a member of the Australian Labor Party.

Let me now say a few words about Dr. Colston. The Premier made great play of the fact that he is not a doctor of medicine. What does that matter? He does not claim to be a doctor of medicine. Many persons in the community are doctors of various faculties and are entitled to be known as "doctor" because, like Dr. Colston, they have earned their degrees. Mal Colston is a Doctor of Philosophy. On this occasion it is quite evident that he has been endorsed by the community as the man to replace Senator Milliner in Canberra.

A good deal has been said about whether the selection of a senator is merely a matter of following the convention by which the person selected belongs to the same party as that in which the vacancy occurs. Convention has been established by precedent, and that convention has been followed by all Governments until now. They have been happy to adhere to it. This is the first occasion someone has been intent on not following the precedent that has been set and on disregarding the principles.

If members of this Government do not follow convention, they will be answerable not only to this Parliament but also to their electorates.

**Government Members:** What rot!

**Mr. MELLOY:** What I have said is true. Government members will be answerable to the people of Queensland for what they do today. I assure them—although they do not need any assurance—that the people of Queensland are vitally interested in what is happening today. I repeat that Government members will be judged by the decision that they make on this vacancy.

The people have made clear the course that they want taken on filling this vacancy. It has been made clear through newspaper editorials, constitutional authorities and even by the Treasurer. He should carry some weight with Government members. If he does not, there is something wrong with them. And other members of the Government have indicated that they see the justice of the nomination we have made. Support has also been given by executive members of the Liberal Party and the National Party, by the leader of the Liberal Party in Canberra and by the leader of the National Party in Canberra. As was pointed out by my leader, it was unanimously resolved by Federal Parliament this morning that this Parliament should support the convention.

The Labor Party is not asking Government members to be disloyal to the Premier, but it is asking them to be true to their consciences and loyal to the people of Queensland. If they have any consciences, they will do the right thing. I know that

many of them are fearful about retaining their seats. Many of them feel that they are oncers in this Parliament and perhaps for that reason they tend to do things that they would not otherwise do. On this occasion the principle is well known to all Government members. The point is: do they intend to vote according to their principles?

**Government Members:** Yes.

**Mr. MELLOY:** No, they do not! Not on their lives!

**Government Members:** Yes.

**Mr. SPEAKER:** Order!

**Mr. MELLOY:** They cannot vote according to their principles because their principles are not clear. Some Government members are in conflict with the Premier. Thank goodness they have enough guts to speak up and say what they think of the situation.

We have enjoyed proportional representation in the Senate, and the people made it quite clear through the method of proportional voting that they wanted six Liberal-National party members and four A.L.P. members. They look to this Parliament to maintain that situation, knowing that Bertie Milliner was elected for a period of six years and served but 12 months. The people indicated through the ballot-box at the last Senate election, through the Press, their representatives and every other avenue, how they feel. The Treasurer has the sense to realise this. If there is one man in the Government who can read the mind of the public, it is the Treasurer, and he has made it quite clear where he stands.

In the near future all Government members will return to their electorates. If they vote against Mal Colston, they will be asked why they did so. Their only possible answer would be, "Joh told us to do it." That is not good enough. The people elected them in the belief that they would act on principle. They will have to disillusion them.

**Government Members** interjected.

**Mr. SPEAKER:** Order!

**Mr. MELLOY:** It is useless for Government members to try to laugh it off. They know in their hearts what the true situation is. For the benefit of the Premier, apparently they are afraid to give any indication of support for the A.L.P. candidate. They have to put on this brave front and laugh. They laughed at the honourable member for Townsville South, at every joke he cracked. There was a need for them to relieve the tension they were suffering in their minds and consciences because they had to vote against what they felt was really right on this occasion.

**Mr. AIKENS:** I rise to a point of order. In view of the remarks of the Deputy Leader of the Opposition, can I charge members psychiatric fees?

**Mr. SPEAKER:** Order!

**Mr. MELLOY:** If the honourable member thinks he can get payment out of them, he should do it by all means.

I charge Government members with the responsibility of voting according to what they know to be right. Let them not think that how they vote today will be the end of the matter. I say to the Premier and his colleagues that he who lives by the sword dies by the sword.

**Hon. Sir GORDON CHALK** (Lockyer—Deputy Premier and Treasurer) (3.32 p.m.): I believe that as elected members of Parliament we have a responsibility this afternoon to weigh up the situation and come to a conclusion. I do not propose to make a mockery of the debate, although in my view one or two of the speeches that were made last week and particularly the speech of the honourable member for Townsville South this afternoon did make a complete mockery of it. The time of the honourable member for Townsville South was taken up in maligning either people or political parties. I also feel that the debate itself is drifting far away from the particular responsibility that we are called upon to discharge today.

I do not propose to traverse the ramifications of many of the things that have been said since the death of Senator Milliner. Much has been said about one or two persons who have been named as possible candidates to fill this vacancy.

What I do want to do is outline clearly to this Chamber and to the people of Queensland, as well as place permanently on record in "Hansard", just where I stand in regard to this matter. I do not want some Press assumption. I want to say to the Chamber and to the people of Queensland that I regard the task before us today as a grave responsibility. And in the 28 years that I have been in this Chamber, I have never once shirked a responsibility.

**Mr. Aikens:** You are going to shirk one today.

**Sir GORDON CHALK:** I would not shirk it in many of the ways that the honourable member has shirked responsibility in his time. He knows that only too well. He even shirked appearing before the Casket Commission whereas I went through with it.

**Mr. AIKENS:** I rise to a point of order. I object to that scurrilous statement. I went to the Casket Commission to give evidence and I was thrown out by the presiding judge. I was quite prepared to stay there as long as the Treasurer did and what is more I would have made a more useful contribution than he did.

**Sir GORDON CHALK:** I accept the explanation of the honourable member. He was thrown out by the commission because he was not prepared to obey the laws of the

land. Of course, he has the right to come into this Chamber and, under parliamentary privilege, say whatever he likes.

However, I am not going to be distracted. I regard what we are doing today as a grave responsibility and, so that there will be a permanent record in "Hansard" of my attitude in this particular matter, I want to state it clearly.

In the first place, I do not regard any action that I might take here this afternoon, or the action of anyone who might follow the same line, as evidence of a split within the Government parties. This is not a matter affecting policy in the administration of Queensland. We were elected to Parliament to carry out the responsibilities of the administration of this State, and, as one pledged to a political party and also to the Government of the day, I will honour that obligation. But, on the other hand, when it is constitutionally laid down that this Parliament shall send to the Senate a person to take the place of one whose service in the Senate has terminated, that is a responsibility of the whole Assembly. Consequently, as I have already said, I do not regard the attitude that I propose to take as indicative of any sort of a rift between the Premier and me. I informed him earlier in the week of the action that I proposed to take, and there was a concurrence of opinion between us on my right and responsibility.

This afternoon we are asked to vote for a person who will be returned to the Senate to fill the vacancy caused by the death of the late Senator Milliner. I believe that there is a responsibility on me to ask myself what are the circumstances on this particular occasion. We have heard a lot said about the election of Senator Bonner and other senators who were selected in this Chamber. On each occasion there were certain circumstances surrounding the election. I agreed that on one occasion it was necessary to refer to the Labor Party for a choice. On this occasion, I went along with a decision of my colleagues that we would again ask the A.L.P. for a choice.

But to me the circumstances as they present themselves this afternoon are entirely different from those that applied following the resignation of both Senator Gair and Senator Murphy. On each of those occasions, I believe that the Labor Party could be charged with what might be termed considerable shenanigans in political manoeuvring. In other words, there was a specific purpose behind what was ultimately achieved by the Labor Party. The removal of Senator Gair from the Senate placed the A.L.P. in an advantageous position, and the resignation of Senator Murphy and his elevation to the position that he now holds was also, I believe, the result of certain shenanigans within the Australian Labor Party. On each of those occasions I believe that the State Government concerned—in one case the

Queensland Government, and in the other the New South Wales Government—had a responsibility to indicate to the people of Australia that it did not agree with the action of the Australian Labor Party and the Government in Canberra.

It is true that on each occasion there were expressions both from this Parliament and the Parliament of New South Wales. But in what position do I find myself this afternoon? In what position does each and every member of this Assembly find himself this afternoon? We find ourselves being asked to elect someone to fill the place of one who departed this earth not of his own choosing. Whatever our political beliefs might be, we have all paid tribute to the late Senator Milliner.

Let us have a look at the circumstances under which the late Senator Milliner was elected to the Senate. It is true, as the Leader of the Opposition has said, that he was one of a number on a political ticket and I believe that on election he would have retained his place for the full six years. We all know that the Constitution lays down that in the event of the death of a senator his replacement does not serve the full term but must face the people again at the first opportunity. I do not think we can argue that Senator Milliner was not democratically elected. In other words, his election was the result of the will of the people at that time. Consequently, after his death I publicly expressed my opinion about his replacement and I have not changed my ideas. As the responsible leader of a party, one has very often to answer questions from the Press, because if an answer is not given an assumption is usually made which very often is not correct.

At the time I indicated to the Press—and I used the words I have used this afternoon—that, because this vacancy occurred as the result of the death of Senator Milliner and not as the result of shenanigans within the A.L.P., there was a responsibility on the Government to return a man of the same political philosophy as the departed senator. As I said, I stand on that principle. I realised that quite a number of my colleagues desired a choice of nominations and I went along with that viewpoint. Last Wednesday afternoon I supported a decision, which was to afford the A.L.P. a further opportunity to provide a number of nominations. The A.L.P. decided that it would not submit more than one nomination and I do not deny the A.L.P. that prerogative.

There are what I term rules within a political party, whether it be the Liberal Party or the Labor Party, and I believe that those in a party have the right to subscribe to its rules. It has been reported that last Friday evening the Liberal Party at its executive meeting decided to follow a certain line. It was reported that I was at that meeting. That is true. I believe that the executive of the Liberal Party was quite within its right in not demanding of any

member that he or she should follow what might be described as a direction from the party.

The resolution was quite clear. It was an indication that the executive of the party believed that an A.L.P. representative should be returned to fill the vacancy caused by the death of Senator Milliner. From a legal viewpoint, I fully concurred with the resolution. Immediately afterwards, a number of members of my own party came to me and indicated, as one of them has indicated in this Chamber this afternoon, that no direction was given.

As I said earlier, I believe that each elected member has the right to vote on this matter according to his own conscience. If he or she does that, he or she is fulfilling the obligation and responsibility of a member of this Assembly. Because of that, I wish to make my position quite clear. I believe that the person chosen should be a member of the Australian Labor Party. I shall not go into the criticism of the character of the person put forward by the A.L.P. A number of things have been said in this Chamber and in other places. Personally, I always regard a man as being innocent until he is proved guilty. I know Dr. Colston only by sight. I know that he has been employed by the Government for a considerable time. If there were things detrimental to his character, if there were things deserving of particular action, then the Government itself stands condemned for having continued him in its employment.

**Mr. Hartwig:** Sack a few others.

**Sir GORDON CHALK:** When I get a bag of potatoes or onions from the Lockyer, there are usually a few bad ones in the bag. The situation is similar inside this Chamber and in Government departments. However, a person is entitled to be regarded as being honest and upright until he is found guilty, so I propose to vote for Dr. Colston when the time comes. I shall do that on the basis of principle, not because by doing it I shall be following what might be regarded as tradition.

The A.L.P. having denied the Assembly the right of choice, I have indicated quite clearly to my parliamentary colleagues that I have no objection to someone else being nominated. I have said that I will vote for Dr. Colston. If he is unsuccessful, I again make it quite clear that I do not propose to vote for Mr. Field. My reason is that, if I did, I do not believe I would be fulfilling the desired right of selection within my own political party. I cannot reconcile myself to the fact that Mr. Field, if selected here this afternoon, would be an A.L.P. representative in Canberra, although, deep down, his principles might virtually coincide with those who are supporters of the A.L.P.

On the other hand, I am one who believes in the party pledge. If a man has been elected to high office in the A.L.P. and he has served in quite a number of areas, and he has submitted his name for selection as a candidate to carry the A.L.P. banner, I cannot believe that, just because of his own political feelings, he could overnight, as it were, change his outlook. If he is true to his principles, the responsibility on him is to remain within his party and to fight so that his party might change in its thinking and be brought around to the principles to which he subscribes.

**Mr. Aikens:** They would toss him out in a week.

**Sir GORDON CHALK:** They have tossed him out now. I have read within the last half hour what has happened because he committed himself by allowing his name to be nominated. I cannot support that basis of opportunism.

I have made my position quite clear. I do not ask any member of the party that I have the honour to lead to follow me. I ask members of my party to sum the situation up within their own conscience because, after all, their conscience is their guide. I would say that that is the manner in which I propose to vote. I propose to let my conscience be my guide in this matter. My conscience is clear in supporting Dr. Colston and my conscience will be clear in opposing the election, if the opportunity arises, of Arthur Field.

**Mr. K. J. HOOPER** (Archerfield) (3.52 p.m.): The debate on the nomination of Dr. Mal Colston to fill the vacancy caused by the death of the late Senator Milliner must surely go down in the history of this Parliament as "Infamous Wednesday"—the day on which this Government stripped itself of any vestige of respectability it may have possessed. It must go down as a day on which its respected—I use the word advisedly—Cabinet hierarchy sheltered behind the vestments of the junior member for Belmont—a seminary drop-out. In what Parliament in any part of the world could the electors be treated to anything parallel with the performance in this Chamber last week? Where, Mr. Speaker, except perhaps in the hallowed halls of the Reichstag would a person be charged, tried, found guilty and executed on the suspicion of one person, and all of this achieved without any charge ever having been laid or one shred of evidence produced to support the allegation?

**Mr. FRAWLEY:** I rise to a point of order. I draw attention to the fact that the honourable member for Archerfield is reading from a prepared brief.

**Mr. K. J. HOOPER:** Yet that happened, Mr. Speaker, not in Hitler's Germany but here in this very Chamber. This surely must be branded as the highlight in the career of Johannes Bjelke-Petersen. How



Herr Schicklgruber must have stirred in his crypt! The ghosts of Goering, Goebbels and Himmler must have nodded approval.

This event, of course, may appear on the surface to be one of the hazards of tough political skirmishes. But I invite the Parliament, Mr. Speaker, to reflect on the deeper implications of this whole sordid episode.

I refer firstly to the performance of that self-styled paragon of virtue who led the debate on behalf of the Government, this man who played God, the junior—the very junior—member for Belmont. He is the man who, in his own public utterances, clearly demonstrates that he has a compelling urge to sit in judgment on his fellow man. He bases his accusation on whispered innuendo and uncorroborated evidence. Having satisfied himself that that type of lavatory gossip was the pinnacle of criteria on which a person's reputation must surely be judged, he felt a compelling sense of moral obligation to offer that filthy innuendo as a valid reason why a decent citizen and a respected public servant was not a fit and proper person to be elected to the Parliament of the Commonwealth.

**Mr. Lester:** You can't talk about filthy innuendo.

**Mr. K. J. HOOPER:** I am not listening to weevilly bread.

It is indeed refreshing to meet a person who, on his own admission, has reached such a peak of divinity that he is able to judge and cast out the lesser mortals who do not reach the required standards of morality that he in his wisdom demands of them but does not practise himself.

I know of one other such person who distinguished himself in a like manner. He enjoyed brief notoriety on the American political scene by peddling the same type of filthy innuendo and by seeking to destroy his political opponents by uncorroborated charges of malpractice, by the innuendo of disloyalty, by the whispering of unfounded gossip and by unfounded charges of subversion and treason. The person to whom I refer is known contemptuously as the junior senator from Wisconsin. He left as a legacy of his short stay in American politics the word "McCarthyism" to describe the actions of a political figure bereft of any sense of honour or decency, and it is used to typify the lowest depths of political bigotry, chicanery and skulduggery.

I believe that "The Courier-Mail", in its leader, echoed public sentiment when it stated—

"Innocent people should not have their character attacked under parliamentary privilege, and Mr. David Byrne's remarks should be treated with contempt."

With this sentiment anyone with a shred of justice in his make-up would agree. I compliment "The Courier-Mail" on this forthright statement. What the paper did not

say, however, and should have said, was that this was not the spontaneous action of a member caught up in the heat of a political debate but rather the action of a person who allowed himself to be used by an unscrupulous Government seeking to hide its own bastardry under the guise of the actions of an inexperienced politician. I am told on good authority that this was done at the behest of the Mafia representative on the Gold Coast, the Minister for Local Government and Main Roads.

**Mr. HINZE:** I rise to a point of order. I was not listening very intently to the honourable member for Archerfield, but I think he made reference to me and to the Gold Coast in connection with the Mafia.

**Mr. SPEAKER:** Order! I did not hear the honourable member.

**Mr. HINZE:** I will read in "Hansard" the words uttered by the honourable member, but if he used the words that I thought he used I demand an apology and an immediate withdrawal—otherwise I will go over and knock his bloody head off.

**Mr. SPEAKER:** Order! The Minister has asked for a withdrawal. The honourable member for Archerfield will withdraw the remark.

**Mr. K. J. HOOPER:** I withdraw it, Mr. Speaker.

**Mr. Hinze:** And don't do it again!

**Mr. K. J. HOOPER:** I'll do what I like, and you shut your mouth.

**Mr. SPEAKER:** Order! Language such as that will not be tolerated. The honourable member for Archerfield will withdraw it and obey the Chair.

**Mr. K. J. HOOPER:** I withdraw it.

The public must be made aware of the fact that this whole exercise was engineered in the Government parties' caucus. A decision would have been made, with the full knowledge and approval of Government members, that an inexperienced backbencher would lead the tin-tipping. This decision was arrived at in the hope that if public opinion proved to be adverse, as it did, the unfortunate error could be attributed to a new member's inexperience. This just won't wash. This is a classic example of the depths to which this Government has descended.

**Mr. Sullivan:** In delivering your address can't you tone your voice to make it appear that you're not reading it?

**Mr. K. J. HOOPER:** The Minister is very thick skulled, and I am speaking as loudly as I can so that my words will penetrate it.

I repeat: this is a classic example of the depths to which this Government has descended. By not following established and honourable practices in the replacement of a senator, it has shown that, in addition

to having no scruples whatever, it is prepared, in an endeavour to score some cheap political victory, to sink so low as to attempt to destroy a man's good name in the process. The last vestige of respectability has been stripped from this shabby Government. I exclude from this criticism those Government members whose action in crossing the floor of the Chamber mirrored their distaste for a Government that had prostituted itself.

**Mr. Lester:** You're trying to drive the wedge; but you're not a good carpenter, so you won't succeed.

**Mr. K. J. HOOPER:** Weevilly bread again!

I am reminded of two other occasions on which this Government has distinguished itself in a similar manner. The only difference is that on those occasions it was seeking to destroy two of its own members. I am sure the older members in the Chamber will recall the similar tactics that were adopted to justify the sacking of a former Minister for Lands, the late Alf Muller, and that of a former Minister for Industrial Development, Mr. Alex Dewar. On those occasions the filth was thrown by senior Cabinet Ministers. Perhaps that was prompted by the circumstances prevailing at the time; nevertheless it proves the point that this Government has never been reticent in descending to filth and gutter-type politics. But on this occasion it has sought to bring some semblance of respectability to its action by hiding behind the inexperienced and apparently unscrupulous member for Belmont—the evil friar.

I hope that the people of the Belmont electorate take note of the actions of their member and that the rest of Queensland does likewise. If this is the type of member they want, if this is the type of Government we must have, the days of anarchy are not far around the corner. This sorry episode must highlight the loss of many decent members from this side of the Parliament at the last election.

I want to discuss the insistence by the Premier and the Government that a panel of names be submitted to give the Parliament a choice. If there is anywhere a more illustrious example of cant and hypocrisy I have yet to find it. The almost virginal attitude of divinity adopted by the Premier is little more than a futile exhibition of sanctimonious hog-wash. On the one hand he insists on the right to a choice, yet on the other hand he denies his own Caucus the right of choice or election of those members who will serve as Cabinet Ministers. Not only does he deny them the right of choice, but he insists that it is his sole, divine right to choose these people. The same applies to the Liberal leader, Sir Gordon Chalk.

Did the Premier give the people of the State the right of choice on daylight saving? Like hell he did! Did he give them the right to decide whether he should use the Government plane for his own private use? Again, like hell he did! Did he give this

Parliament the right of choice when vacancies similar to the one under discussion occurred in the Liberal Party? Is he giving Parliament the right of choice on whether the parliamentary delegates from this State shall attend the reconvened Constitution Convention? In every instance the answer is a resounding no! This highlights the double standards under which the Government operates—one standard for the Government and an entirely different one for the Opposition or for people who disagree with this tarnished and tawdry Government.

It is about time the Premier and the Government ended this petty, political farce and set about guiding Parliament on some constructive legislation instead of wasting time tilting at political windmills.

The vacant seat in the Senate belongs rightfully to the A.L.P. The A.L.P. has the right to choose its nominee, and it has chosen the man who was very narrowly defeated just 16 months ago—Dr. Mal Colston.

**Mr. GREENWOOD** (Ashgrove) (4.3 p.m.): I did not propose to enter this debate but the Leader of the Opposition, the Press, and lately the honourable member for Archerfield, have made a series of allegations against the honourable member for Belmont.

The Leader of the Opposition referred to a "brutal verbal assault last week" and to the "national resentment and contempt"—those were his words—that the speech made by the honourable member for Belmont occasioned. This week we read in the Press quite a number of criticisms. I ask the Leader of the Opposition, his supporters, the Australian Press and those who have written to the Press, "How many of you have read the material that was tabled in this Chamber last week?" I suggest to those who have not read it that they do so without further delay, before making any other allegations which will make them look foolish.

I indicated that I did not know how many had read it, but there is one person I will except from that. I know that the honourable member for Archerfield has not read it. When he referred to the speech made by the honourable member for Belmont he said that it was "based on whispered innuendo" and "lavatory gossip." If the honourable member for Archerfield had read that material it would have been as plain to him as it is to anybody else who has read it that, far from being based on innuendo or lavatory gossip, it is based on what is plainly a copy of a police report from the Cooroy Police Station. That is absolutely clear. What we are considering, and what the honourable member for Belmont had to consider last week when deciding just what his duty was, is something which is not third-hand but is obviously an official police report. What does that report say? Each one of us has to look at it and decide what inference he draws from it.

The first thing that is clear from the report is that these two fires were not accidental. There were two of them in the same place within a few weeks of each other—one on 25 April and the other on 20 May. I grant that lightning can strike twice in the same place and it may be believed that it was an accident or a coincidence, but is it not unusual, to say the least, for fires to start in the same place within such a short time?

Take the first fire. The investigating police, when trying to discover what had started it, found some paper rolled up. Who rolled it up? It was charred paper rolled up in the way a person would roll paper to start a fire.

On the second occasion—the occasion which was rather more successful—it was quite obvious that there had been in a part of the room an area of intense heat which had started off the blaze. There was an empty turpentine tin, which provided an obvious explanation of what caused this area of intense heat.

So I ask all honourable members: what do they think? Do they really believe that these two fires started by accident? If they did not start by accident, who started them? How did the person who lit the fire get into the room? We know that there was no sign of forcible entry. The police had a very good look at that. The lock not only showed no marks on it but it was a particular type of lock that, once forced, could not be used again.

So the question we have to ask ourselves is this: How did the person who lit that fire get in? The door could have been left open and that is how he could have got in. But if the door was not left open—if it was locked—the only way he could get in was with the key, and of course Colston was the only man with a key. Was the door then locked or was it left open at the time when the person who lit that fire entered the room? This is the vital question.

A 14-year-old boy whose job it was to lock this room each day said that he locked it. He was carefully questioned by the police and the report contains this passage—

"I questioned Alan Robert Gilliland, 14 years of age, a pupil at the school, in the presence of Colston, and the lad Gilliland informed me that at about 4 p.m. on the 24th April, 1962, he had placed certain sporting equipment in the room and had then locked the lock on the door. When further questioned Gilliland stated that he had placed the key in the lock, and had turned it to lock the lock, withdrew the key and then gave the lock 'a tug' to make sure the same was locked. He is quite definite that it was locked securely. I am of the opinion—"

**Mr. Burns:** This is nine years after the event?

**Mr. GREENWOOD:** This is a contemporary report. There is a subscript on it, dated 6/6/62 by the sergeant second-class who wrote the subscript. The original report was before that but it is not dated. So it is not nine years later. This is the immediate investigation. What I am reading now is the document tabled in the Chamber. Here is the contemporary police report—

"He is quite definite that it was locked securely. I am of the opinion that the lad Gilliland did in fact securely lock the room on that occasion. He informed me that he had previously locked the room on many occasions and always made sure that same was locked securely. He is a truthful and efficient lad and I have no reason to believe that he was careless on this occasion."

The matter was investigated fairly carefully. So far as the police could gather, the evidence was that the door was locked. If one believes that, one sees that the person who entered and lit the fire had to have a key. Colston was the only person who had a key.

At this stage in the argument, at least we should each ask ourselves, "Where was Colston?" What was the evidence on that point? A witness, Mr. Poulsen, saw lights on at the school at 8.30 p.m. that night. When questioned, Colston admitted that he was in fact at the school that night. When, then, did the fire start? The fire was seen to be blazing at a time which, on reconstruction, seems to be about 9.40 p.m. Certainly the witness who saw it went and rang the police, and that phone call was received at 10 p.m. Working back from that 10 p.m. phone call, it seems that the fire was blazing at about 9.40 p.m.

Now, where was Colston? He denied that the fire was burning at the time he left the school. Apparently he arrived home at about 9.45 p.m. The school was only a short distance away—only a couple of miles. If he got home at 9.45 p.m., he would have left the school at about 9.40 p.m., at a time when the fire was blazing. But he says that everything was all right when he left. Asked when he left, he said that he left at 9.15. When asked how it was that if he left at 9.15 he did not get home till 9.45, he answered that he happened to have a puncture that night, and that is what held him up. That was the explanation that he gave to the police officer.

Why did he do it? It is not for us to say why he did it. The police report states—

"Inquiries showed he was most unhappy here at the school and had tried to obtain a transfer without success."

The woman with whom he boarded advised the investigating officer that while there he would be up at all hours of the night pacing backwards and forwards in his room. This, said his landlady, was just prior to the fire. He was disturbed, unhappy, and he used to pace up and down in his room. He

also told his landlady that he hated school-teaching, and the sooner he got out the better.

That is the material on which the police officers wrote their report. It is the material that came into the hands of the honourable member for Belmont, and he had to make a decision as to what he would do. Should he sit in his place and say nothing about it? It has been said repeatedly that Dr. Colston must be innocent because there was no prosecution. So what? If Colston was unhappy and temperamentally disturbed out at that school, he would not have been the first person who was lonely and anxious when posted to a remote country school. He was a young man. The police inspector could well have taken the view that, in transferring him back to Brisbane after a couple of weeks, the Education Department took this young teacher out of this situation and he could have said, "Well, so what? The situation has been dealt with. Why should I put this 14-year-old lad through the ordeal of a lengthy cross-examination before a magistrate and before a judge and jury?" This would have occurred because the whole case would have depended on the evidence of that lad being believed, and being believed beyond a reasonable doubt.

It is one thing to require that before we put a man in gaol we must be satisfied of his guilt beyond a reasonable doubt, but it is quite another thing to decide what we should be satisfied of before we give a man a highly responsible job in this country. If one employed a man and had good evidence to suggest that he had been disloyal or dishonest, would one wait until he had been prosecuted and sent to gaol before deciding to sack him, or would one simply take the common-sense point of view and, if there were good reason for believing that he was unsatisfactory and had done something wrong, just give him the sack? If one is deciding whether to employ a new man, does one have to be satisfied he has a criminal conviction before knocking him back? One simply says, "I am not fully satisfied that this is the sort of man for this job, and even though he does not have a criminal conviction recorded against him, if there is evidence which shows that he is unsatisfactory, I will not appoint him."

**Mr. Houston:** He was appointed by the Government on many occasions.

**Mr. GREENWOOD:** Yes, but this Parliament has another job to do. This Parliament has to decide whether to send this man to Canberra to one of the most important offices in the country. This Parliament has a duty to the Australian people and, more importantly, to the Queensland people, to be satisfied that this is a suitable man for the job. This is quite different from giving a man another chance in the Education Department or deciding that the alleged offence is so far in the background that it should not be taken into account. Giving

a man an ordinary job is one thing, but appointing him to the Senate is quite another. So the honourable member for Belmont when confronted with this material—not gossip, as the honourable member for Archerfield says—came into the Chamber and made a speech. It would have been quite obvious to anyone seeing him make the speech last week that he was under great stress and that it was the last thing he wanted to do. But he did it. Whether this material would satisfy the honourable member for Archerfield or the Leader of the Opposition is another point. The point that I am making is that it was grossly unfair of the Press and the Opposition to make the accusations about the honesty and sincerity of the honourable member for Belmont that they did.

That brings me to our problem today. In May 1974 the A.L.P. succeeded in filling four places in the Senate and what we have to do today is decide who is to replace the late Senator Milliner. We have to do the right thing for the people of Queensland, including those people who voted for the A.L.P. candidates in the last Senate election. If Parliament does not put forward somebody who is capable of representing their views, the Queenslanders who voted for Senator Milliner will be disfranchised. I think it is as simple as that, and there is no doubt in my mind that, merely because a Government has a majority, it is not relieved of its responsibility to look after the interests of the minority. Alexander Hamilton stated these problems a couple of hundred years ago. Although the solution may not always be clear, the analysis of the problem remains the same.

There is no doubt that both the Government parties want to appoint a Labor man to represent the group of people who voted for Bert Milliner, and that is what will be done. But on this occasion the Premier made a request that the Parliament be given a choice, and the fact that a similar request has not been made very frequently in the past does not alter the fact that, the request having been made—a request that seems to me to be a reasonable one—it is only reasonable for the A.L.P. to comply with it. The A.L.P. has refused to comply with it. So honourable members are now faced with the difficult position that if they want to send a card-carrying member of the A.L.P. to Canberra—somebody who will be part of that party, somebody who will get the party whip, somebody who will adequately represent the people who voted for Bert Milliner—the only person they have before them is Dr. Colston, and there are, at least in the minds of some people, some doubts that are still unresolved.

That is the situation that the A.L.P. has put us into, Mr. Speaker. All of us would have much preferred that the A.L.P. give us a panel of names—a choice of men it was prepared to endorse—but it has not done that. Therefore, when the time comes to vote, honourable members are going to

have to make up their minds whether, despite the unresolved doubts about Dr. Colston, they will vote for him because he is the only card-carrying member of the A.L.P. who can be sent to Canberra, or whether they will vote for Mr. Field, whose A.L.P. credentials make him eminently suitable for the job and whose only disadvantage is that, because he has come forward in this way, the rules of the A.L.P. will immediately make it impossible for him to continue to be a financial member. That is the problem. It is a problem that has been brought about by what I would submit is an unreasonable attitude on the part of the A.L.P.

It is a matter on which honourable members will have to vote according to their conscience. For my part, at this time I am afraid I cannot vote for Dr. Colston. Whether I will vote for the other candidate is another matter. I think it is important that the matter be resolved quickly so that somebody may be sent to Canberra; but I do hope that the man who is sent happens to be a current member of the A.L.P.

**Mr. JONES** (Cairns) (4.24 p.m.): I support the nomination of Dr. Mal Colston by the Parliamentary Labor Party and the Australian Labor Party. I also share the concern expressed by the Deputy Premier about the way in which the debate is proceeding.

During the earlier debate last Wednesday, somebody mentioned the quotation—I think it was the honourable member for Everton—“Those who do not learn from history are doomed to repeat it.” Honourable members have a clear obligation on this occasion not to create a dangerous precedent. As elected members of the Legislative Assembly of Queensland, we should forget the prattle and get down to the job that has fallen to our lot this afternoon. Irrespective of our political viewpoint, I do not think that parliamentary democracy is a matter for individual temperament or decision. I heard a lot of hogwash from some honourable members today and last Wednesday afternoon. Most of it was provoked by the repugnant submission of the honourable member for Belmont. It was a despicable submission. I am ashamed to be associated with such members in this House. I regret it; I deplore it. It was a foul approach; it was a shabby and unchristian act.

I do not support what I have just heard from the honourable member for Ashgrove, who misused the privilege of the House in a Perry Mason smokescreen of allegations as the devil's advocate against one of the candidates. There are too many imponderables in the thing. It is antique. It is of 1962 vintage. Honourable members can choose whether they hire that devil's advocate to defend or prosecute them. The honourable member for Belmont has the right to have him prosecute or defend him outside the House for the correct fee. Whether or not he will lose the case remains to be seen. The honourable member for Ashgrove would

be the first barrister who has stood up before a court—and this is the highest court in the land—without a decent case, without a judge or jury, and condemned someone in his absence.

**Mr. Houston:** We couldn't cross-examine any witness.

**Mr. JONES:** No. There was no evidence given.

I pay tribute to Bertie Milliner, who was a fine bloke and a man of principle. I doubly regret the paradox that it was his death which gave rise to the opportunity to smear one of his colleagues under the privilege of Parliament.

I now wish to comment on the interesting exercise in which we are engaged as members of the Queensland Legislative Assembly. In cross-fire across the Chamber the honourable member for Everton said that we will be getting back to the rule of the gun, and that it would be the law of the machine-gun that would decide these things in the future. I agree with him. If the situation of today and last Wednesday prevails we will be creating a very dangerous precedent. It is very easy for the status quo to be upset by the law of the jungle, as espoused by Government members. It is true that members of the A.L.P. did have an opportunity to consider the matter. We remain consistent with principle and tradition. If honourable members opposite want to hold the power in the Senate so desperately, the next thing they might advocate is that someone go into another State and knock off a couple of senators. We are confronted with a very dangerous situation. Honourable members opposite would need to make sure that, when they bribe or corrupt people, those people are not of their political colour and that they are in a State where their own party holds the State Legislature.

**A Government Member:** What about Vince Gair?

**Mr. JONES:** I agree that that was an unsavoury situation, but it arose not from the actions of a State Parliament. The decision as to who would replace him was made by the people of Queensland and the people of Australia.

The Premier has referred to the election of Mr. Lonergan as Speaker of this Parliament. Honourable members must not forget that he was nominated by two members of his own party, Mr. Bird and Mr. Armstrong. The Opposition did not nominate him.

This afternoon Government members should be careful in deciding which nominee they will vote for. They can, in effect, guarantee power because they have the numbers, but if they do so I leave to them to speculate on what the outcome will be. If they do not vote for the Opposition's nominee, they will be setting a dangerous precedent. There are only 11 members in Opposition, and we can give only 11 votes to Dr. Mal Colston. If he is not selected as

the replacement senator, it is the Government members who will have to live with their conscience. The responsibility for protecting the system of replacing senators rests on the shoulders of Government members. Again I warn them to take care when called upon to vote.

The Westminster system contains certain basic safeguards and its procedures have been followed for hundreds of years. The discipline of tolerance has protected its foundation and progress, and it has successfully endured for centuries.

Do Government members in this Chamber pay dubious allegiance to a course of action that can befool the concepts and threaten the smooth working of not only the Westminster system but our Federation and Constitution as well? I urge responsible Government members to heed my warning and to remember the threat that hangs on the decision they arrive at today.

If this Parliament does not select Dr. Mal Colston, it is heralding a new era of dog eat dog. It will be throwing convention to the wind, and the devil take the hindmost. Anyone who happens to be a senator will need to keep his powder dry. I repeat what I said by way of interjection last Wednesday; no senator will be able to rest peacefully in his bed if convention is not followed. It would take only one political crank to break loose in order to even things up, if he does subscribe to the policies enunciated by the party possessing power in the State sphere. Can he be blamed for his thinking that they support his actions? The answer is no.

Government members would be the ones to blame. If they do not vote for Dr. Colston today, their actions will lead to warfare. Do they want the law of the jungle, the law of the gun? Let them consider carefully their actions this afternoon. If they throw convention to the wind, the protection inherent in the long-enduring Westminster system will be of little use. They should think twice before they shoot that protection to pieces merely for the sake of expediency. They will be the guilty ones and they will have to suffer the consequences. All the Opposition wants this afternoon is fair play and justice. I am not as concerned about the decision made this afternoon as I am about its possible consequences. I, like others, can remember what has happened.

**Sir Bruce Small:** You are terrifying us.

**Mr. JONES:** I do not mean to terrify anyone. If Government members can live with their consciences after voting against Dr. Mal Colston, they should remember that retaliation is just around the corner. Other people in other places and Parliaments will be watching the Government's actions this afternoon.

I am sure that all honourable members entered this House with great democratic ideals. Government members' ideals will be

tested by their action today. I ask them to remember what they are putting at peril. Let them remember their hopes and ideals as new members and exercise a spirit of compromise in this Assembly this afternoon. I visualise hideous consequences if we witness this afternoon blind, fierce hatred of a political party. The example set this afternoon could well arouse some concealed elements in the community which are dangerous to our democratic system. I warn Government members to think very carefully before voting. If they allow these things to surface, I believe that they can only be regarded as guilty parties. The full effect of their actions today will not be felt immediately, but they will be reflected in our society at a later stage.

At another time I would not mind Government members fighting their political causes with all the natural inclinations they possess, and all the strength they desire; but this afternoon let them exercise tolerance and thought for the system we operate under. I grant Government members the right to differ by all means, and I will do that with good humour in a political situation. I wish that it could always be done in that way. On most occasions politics generate heat but, today, politics have no place in this Assembly. The principles of democracy—of our Westminster system—are at stake. Political causes are not always a certain road to martyrdom, and I believe that no one here has any false ideas about that.

Government members may believe what I say about opening the path to bribery and corruption, or even assassination, while some of them may say that I am being extreme. But I wish to emphasise the extremes that could arise from this afternoon's situation as a result of the desperation that somebody may feel or the stupidity which may prevail if care and caution are not exercised. Because Australia has been spared terror, we should not be too smug about it. We should count the reasons that have helped us to avoid the horrifying excesses which could be a consequence of certain action. We should always remember that we are in a fortunate position thanks to understanding, tolerance and compromise.

We are all Australians, and a sense of justice and fair play is inherent in all of us. Government members should be sure of what they are doing. We of the A.L.P. do not have the numbers and this Parliament has to make a decision this afternoon. If the Government makes a wrong decision, the blame will lie on its shoulders. I do not face with any eagerness the prospects flowing from a wrong decision today. I believe they are oppressive and frightening. If conventions are to be bypassed, a very dangerous situation could well arise.

**Hon. F. A. CAMPBELL** (Aspley—Minister for Industrial Development, Labour Relations and Consumer Affairs) (4.39 p.m.): The Constitution of the Commonwealth of

Australia confers on the Queensland Parliament, as it does on all other State Parliaments in the event of the death of a senator, or a Senate seat becoming vacant for any other reason, the responsibility of appointing a replacement senator. It is a responsibility which is unique, a responsibility which is heavy. In contrast, when a similar situation occurs in the House of Representatives, the people in the electorate concerned elect the replacement representative; it is left to the electors to decide.

In this situation this Parliament stands as proxy for the electors of Queensland. We as elected representatives are delegates of the people of Queensland. We are acting on behalf of our electors. I am not acting at the behest of the president or the executive of my party in this matter. I have regard for the observations or decisions of the executive of my party.

In this particular case—and this one case only because this is the only opportunity when the Parliament of Queensland meets in this somewhat informal atmosphere—in discharging what I believe to be my responsibility to the electors of Aspley, I have taken as I usually do a sample—and a fairly broad sample, if I may say so—of the opinions of those whom I represent. As a result of that survey I am satisfied that I will be acting on behalf of my electorate when I vote for the nominee of the Australian Labor Party to succeed the late Senator Bertie Milliner. I will be voting for Dr. Colston as the duly elected representative of the Australian Labor Party to fill the vacancy. On two occasions he has been before the electorate and has received a very considerable number of third preference votes.

When I vote for Dr. Colston I will not be making any observations and I will not be making any judgment on the policies of his party—policies which, since 2 December 1972, have shown what a tragedy it can be in this country to have an Australian Labor Party in command of the Treasury benches. So when I vote for Dr. Colston I am not in any shape or form endorsing the policies of the party to which he belongs; I am voting for him because I firmly believe, first of all, that the convention that has existed down through the years is one which we should observe and, secondly, because he is the nominee of the Australian Labor Party. I am not able to support the alternative nominee. By now, for reasons best known to himself he has opted out of the party which he served so faithfully and well for so many years; and I do not cast any judgment on that particular matter.

On 8 July 1974 I took an Executive Minute to Cabinet appointing Dr. Colston to the Department of Labour Relations. That Executive Minute was supported by a minute from the Public Service Board. I should imagine that, if this nominee had any deficiencies in his character which would render him unfit to be continued in the

employment of the service of the Government, the Chairman of the Public Service Board would have drawn that to my attention when he made the recommendation for this appointment. For 13 months Dr. Colston was an employee of the Department of Labour Relations. He then transferred to the Department of Main Roads, from which he resigned in order to qualify for this nomination.

The only other thing that I want to say is that, as representatives of our electorates, we have an obligation to face up to the responsibilities before us today and to cast our votes in accordance with our judgment. Some people call it conscience. I shall be casting my vote in accordance with my judgment. I would find it rather difficult to understand the action of any member who walks away from a vote when this position arises. I repeat that when it is time to vote, I shall be casting my vote for the Australian Labor Party nominee, Dr. Colston.

**Mr. CHINCHEN** (Mt. Gravatt) (4.46 p.m.): Today we have heard a number of speakers, some of whom endeavoured to express their position in terms of self-justification and some spoke about conventions. We even heard about the Westminster system applying in this case, which is, of course, a lot of nonsense. If a member leaves the House of Lords, what is happening here does not follow. The procedure that we are now going through takes place only in Australia. So let us please get back onto a sensible basis.

The honourable member for Townsville South reached the stage of asking "What is the issue before us?" His own verbosity and flights of fancy then carried him away, and he did not tell us what the real issue is. What is the convention that today is being used for self-justification? What is it all about? Where does the convention start, and where does it finish? Can it be changed? Why is it so important?

There were in fact letters exchanged between Premiers 25 years ago because in those days the A.L.P. was a pro-Australian party, and the various Premiers had faith in one another. But it is a new ball game today. The Australian Labor Party is now a party on which very few people in Australia would place any reliance. Why then should we be bound by a convention that started 25 years ago? The whole situation is ridiculous. Today we have an A.L.P. that has shown time and time again that it is un-Australian. It has formed alliances and friendships with countries that are totally foreign to Australia, and it has produced a spirit of animosity between this country and countries that have been our great friends over the centuries. As I have already said, it is a different ball game entirely today, and I am not for one moment bound by a few letters that passed between Premiers in the old days when the A.L.P. could be relied on to produce a person of the type expected for the important position of senator.

If the A.L.P.—or, rather, the Q.C.E.—nominated a Communist, would those who say that this convention is important and must be followed say that he must be accepted? That is in effect what they are saying. They say “Whoever you produce on the next occasion, we will send him to Canberra.” In other words, they are negating the responsibility of this Parliament and handing the responsibility over to the Q.C.E. The Constitution provides that this Parliament will choose a senator, and I am not one who agrees that it should negate its responsibilities.

It is for this reason that our Premier, rightly, I feel, asked for nominations—because of this lingering doubt about the nominations that would come forward. We all agree that the replacement should be an A.L.P. man—nobody in this Chamber would argue against that—but there was this feeling that Bart Lourigan or some A.L.P. instrumentality would propose an unsuitable nominee, a person who is not pro-Australian. In my opinion this has not happened on this occasion, but I believe if we approve the one nomination that has been made we as a Parliament are offering the Q.C.E. the right to nominate anyone for this vacancy and agreeing automatically to endorse that nomination. I will not be a party to that practice and that is why I will not vote for the nominee. It is not because of the quality of the nominee but because of this attempt to streamline the system and bypass this Parliament.

The elected representatives of this State are being bypassed and are being asked to rubber-stamp whatever the Q.C.E. decides. The Leader of the Opposition said this very thing—“You will get one name and one name only.” We know exactly where the A.L.P. is heading today. We know how un-Australian it is. Members of the Labor Government show this by their defiance of the Constitution, their denial of State rights, by their not allowing America to build a naval base in the Indian Ocean and by not going to the help of the Timorese. They hope that the Communists will take over there and, if they do, they will go in and say, “Yes, we will send you food and help all we can.”

This is the A.L.P. that says, “You will take the man we nominate, you will endorse him” (not choose him) “and he will be the State’s senator.” To show the situation as it exists today, I would like with your permission, Mr. Speaker, to quote from “The Courier Mail” of 14 August a typical example of where the A.L.P. is heading. It reads—

“The World Peace Council claims that half the members of the Whitlam Cabinet are members.”

These are A.L.P. men in the highest elected positions in Australia, the Canberra Cabinet. The article continues—

“In earlier days, an announcement like this would have been sufficient to promote

some sort of political crisis, since the World Peace Council is a principal, and quite unabashed, Russian vehicle for propaganda in non-Communist countries.

“The claim was made in a July issue of the Russian weekly magazine, *New Times*, by Mr. Romesh Chandra, secretary-general of the World Peace Council, who visited Australia last September. The magazine is published in eight languages and has a big international distribution.

“The association of Dr. J. F. Cairns with the World Peace Council has long been known and the Congress for International Co-operation and Disarmament, of which he is president, arranged the publicity for Mr. Romesh Chandra and other members of the World Peace Council, which included Mr. Vikenty Matavyev, a Lenin Peace Prize winner and *Izvestia* commentator, when they visited Melbourne.

“It is an absolute surprise, however, that so many other Australian Cabinet Ministers are members of the council, which is believed to number about 500. The precise number and identity of this small inner ring of ‘peace’ workers has hitherto been a close secret.

“For the past 26 years, when it was formed under instruction from the Cominform, the World Peace Council has been among the most active Russian Communist fronts.”

This is the body to which senior A.L.P. people belong and yet we are expected to conform to a convention and endorse without query a man sent through the A.L.P. pipeline to us without choice.

I will not negate my parliamentary responsibility and accept the dictates of the Q.C.E. If the A.L.P. had put forward the best man in the world I would not accept him until such time as this Parliament was given a choice. I have no faith in the A.L.P. machinery today. It is not the party it was 25 years ago. It is now a party working for other than Australian interests. I want to make it quite clear that in this situation I am not voting for personalities but on the basis that I believe it is our responsibility to elect a senator and not the responsibility of the Q.C.E. to shoot a person to us without allowing us to have a say in the matter. I hope that from now on my position will be quite clear.

**Mr. MILLER** (Ithaca) (4.55 p.m.): The honourable member for Nudgee made one or two statements that I believe were incorrect, and I shall tell the Assembly why.

First, he said that we are responsible to the people—I agree with that—and then he gave the impression that the people have indicated that they want Dr. Colston to represent the State of Queensland in the Senate. If one goes back to the details of the polling at the last Senate election, one sees that Dr. Colston polled very badly indeed; in fact, he polled only 816 primary votes. Everybody, including the Leader of



the Opposition, will agree that the Senate version of proportional representation is inclined to cater for the larger parties. Dr. Colston was beaten by three independent candidates who wished to represent Queensland in the Senate. I could understand his being beaten by the Liberal Party or the National Party candidates in a straight-out contest; but when independent candidates poll more heavily than Dr. Colston, I question very much whether the people of Queensland do want Dr. Colston to represent them in the Senate. Virtually every Senate election before the last one has been between candidates representing the major parties; independent candidates have never polled well. I repeat that in the last Senate election three independent candidates were well and truly in front of Dr. Colston on the primary count. That is the first point that I wish to make and on which I take issue with the honourable member for Nudgee.

Secondly, the honourable member quoted from "Hansard" for the 1970-71 session, but he did not quote the whole of the passage. He certainly did not quote the pertinent part that I think he should have put before honourable members in this debate. Sir Gordon Chalk made it very clear on that occasion that the Opposition could have a choice if it wanted one. I shall quote from "Hansard" because I want the people to read what to me is the pertinent part of the debate on the selection of a Senate candidate in this Chamber in 1971. Sir Gordon Chalk said—

"One or two interjections were made during my reference to the basis on which Mr. Bonner was selected to the effect that there should have been more than one nomination. The Government gave the Opposition an opportunity to nominate a second person if it so desired. A letter was written to the Leader of the Opposition giving him that opportunity if he desired to take advantage of it. I believe that the silence of Opposition members in this Chamber this morning indicates that they are desirous of supporting Mr. Bonner's nomination."

**Mr. Burns:** There was only one nomination then. We have not changed our attitude.

**Mr. MILLER:** The Opposition was given the opportunity of nominating another person if it was not in favour of the one person put forward by the Liberal Party. That opportunity has not been given to honourable members on this side of the Chamber by the A.L.P. on this occasion.

Some of us on this side have tried to be consistent in our attitude in this Assembly. When the A.L.P. wanted a choice in the appointment of the Speaker of this Assembly, it was supported by many honourable members on the Government side of the Chamber who believed that there should be a choice. But the Constitution Act states that the Queensland Parliament will choose, and I

intend to quote from the Constitution because I believe that people outside the Chamber who read "Hansard", not only those who are listening here today, should be well aware that Parliament is not obliged to accept a nomination that is put forward by Bart Lourigan or the Queensland Central Executive of the A.L.P. Honourable members have to choose in this Chamber the person who will fill the vacancy.

The honourable member for Aspley said that we stand here as proxies for the people of Queensland, and I believe that we do. What does the Constitution of Australia say?

It says—

"If the place of a senator becomes vacant before the expiration of his term of service, the House of Parliament of the State for which he was chosen shall, sitting and voting together, choose a person to hold the place until the expiration of the term, or until the election of a successor as hereinafter provided, whichever first happens."

The operative word there is "choose". I do not think we have been given an opportunity by the A.L.P. to choose a person to represent the State of Queensland. I am very disappointed that the Leader of the Opposition decided to go along with the Q.C.E., and put only one name forward. It is a well-known fact that there is a Left Wing and a Right Wing within the A.L.P. I would expect the A.L.P. to pay Parliament the courtesy of giving us at least two names to choose from. We might want to choose a Left-wing member of the A.L.P.; we might want to choose a Right-wing member of the A.L.P. But we have not been given that opportunity.

I repeat that that opportunity was given to the A.L.P. in 1971. On that occasion it was politically astute for the A.L.P. to go along with Mr. Bonner's nomination, because he was an Aborigine. I wonder what would have occurred if somebody else had been nominated by the Liberal Party. There were interjections at the time, as Sir Gordon Chalk commented in his reply. One I can remember was by a front-bench member of the A.L.P., Mr. Peter Wood, the then member for Toowoomba East. He interjected, "Why didn't you give us a choice?" The A.L.P. likes to have a choice. It was proved then and it was proved in 1972 when the Speaker was elected. Quite frankly, I believe in having a choice. I go along with that, but I do try to be consistent, too. I am not going to change my thoughts for political expediency.

**Mr. Melloy:** Did you protest when the Liberal Party put up only one candidate?

**Mr. MILLER:** I most certainly did not. We knew that the Leader of the Opposition had received a letter from the Liberal Party, pointing out that we were going to nominate Mr. Bonner, and giving the A.L.P. an opportunity, if it so desired, to nominate somebody else. If the honourable member wants

me to, I will quote what Sir Gordon Chalk said. In 1971 he made it quite clear that if the Opposition was not satisfied with Mr. Bonner, he would submit a panel of names.

**Mr. Melloy:** That was not said at all.

**Mr. MILLER:** I will quote the paragraph I am referring to. Sir Gordon Chalk said—

“There is the history of a previous similar occasion, when only one candidate was nominated. The meeting saw fit to refuse to accept that nomination, and there was a request that Parliament be given a choice. Consequently, on this occasion the Government has followed exactly the same procedure that was followed previously. If Opposition members desire to vote against Mr. Bonner's nomination, they have the right to do so. If the meeting declined Mr. Bonner's nomination, I say on behalf of the Government that we would follow the practice previously followed of asking that a choice be given.”

I refer the honourable member to “Hansard,” volume 256, at page 3743. He said that the A.L.P. could have that choice if it wanted it. A number of people last week indicated to the A.L.P. that we wanted a choice.

**Mr. Burns:** interjected.

**Mr. SPEAKER:** Order!

**Mr. MILLER:** We indicated last week that we wanted a choice. We do not see the same democratic action on the part of the A.L.P.

**Mr. Burns:** interjected.

**Mr. MILLER:** The media have not been very kind to the Government at all.

**Mr. Burns:** You have ducked the question again.

**Mr. MILLER:** The Leader of the Opposition says that I have ducked the question. I have never ducked a question asked by the Leader of the Opposition in my time here in Parliament, but I am making this speech and I will certainly—

**Mr. Burns:** interjected.

**Mr. SPEAKER:** Order!

**Mr. MILLER:** We are told we have to stick to tradition. Who created this tradition? That's what I would like to know! I do not believe for one moment that I have to go along with tradition because somebody way back decided to create a precedent. There is nothing in the Constitution that says we have to. The Constitution says that we will choose. It does not say that the choice will be a member of a political party. Although it is not in the Constitution, I am prepared to go along with the convention that we should elect a representative of the same political party, because it is not spelt out in the Constitutional Act who should actually replace a deceased senator. The Constitution states quite distinctly, however, that Parliament will choose, and therefore I reserve to myself

the right to make a choice. I deeply regret the action of the Leader of the Opposition in not giving us this right.

As other members wish to speak to this debate, I shall conclude by saying that I hope the Government of Queensland will set a precedent that can be followed in future on the occasion of the selection of a senator. I hope that the matter will be settled once and for all so that there can be no argument one way or the other. I understand that in the near future Senator Lawrie and Senator Wood, one from the National Party and the other from the Liberal Party, will be retiring. I hope that when they retire the Queensland Government comes forward and says to the Opposition, “We are giving you a choice.” If it does, it will set a precedent that could be followed for all time.

**Mrs. KYBURZ (Salisbury) (5.7 p.m.):** I rise to participate in this debate because I want to state the stand that some of us who are middle-of-the-road at the present time will now be taking. Last week there were many of us who, as a matter of conscience, felt that we could not vote for someone nominated by the Australian Labor Party. It was as simple as that, and had nothing to do with the man—what he stood for or his background. However, I thought it was quite deplorable to see the way in which a Government member has been pilloried—if that is the word—by the Press, by the Opposition and even by members of his own party. He stated his case as dictated by his conscience. At that time I agreed with him. I may not have agreed to dragging out in front of Parliament a man's past, and I still do not agree to it, because all of us have made mistakes. Let's face it; if political muck-raking really starts, there will not be many of us left here, because some members are so old that they've just got to have a dirty past.

**Mr. DEAN:** I rise to a point of order. I take strong exception to the honourable member's remark. If she has a dirty past, she is certainly not going to claim I have one. I am beyond reproach.

**Mr. SPEAKER:** Order! I ask the honourable member for Salisbury to accept the denial of the honourable member for Sandgate.

**Mrs. KYBURZ:** I accept the member's denial. I suggest, however, that this morning he did not clean out his ears; I said “some” members.

To continue—the whole issue has changed within this week, during which we have seen this man Colston become a martyr. This has occurred perhaps because we have helped him become one. Many of us—I was one—did not know which was the right stand to take last week. I thought I was doing the right thing in voting the way I did. I now know that I did the wrong thing, and therefore today I have changed my mind.

I think the public are tired of members of Parliament manipulating situations simply to suit their own purposes. That is precisely why the Australian people have turned against the Federal Government, which without doubt, manipulates situations, people, occasions, economies and resources—I could go on and on. However, I do not see that it is up to us to join the Federal Government in its horrible vote, which is a step to what I would call insanity.

Some of the emotionalism in the debate last week and today—particularly as it was expressed in the speech of the honourable member for Archerfield—shocked me. His pompous, virginal stand made my heart fairly bleed. He should be the last one to adopt the absolutely pompous stand that he took. He would be precisely the one to use the tactics that he ran down. Without doubt we will see that in the next three years.

I deplore the fact that we on the Government side have been asked—in the past, coerced; and today, invited—to use this opportunity for political opportunism in voting for a man other than the one put forward by the Australian Labor Party. We should consider whether we are doing the right thing by the other gentleman. Are we doing the right thing in bringing him before the public as our opponent to Dr. Colston? I do not believe that we are. I think we are treating him very shabbily. In fact, I think we have done the wrong thing by ourselves in this matter of choice. Last week we should have voted for Dr. Colston because, after all, it is the people of Queensland who should do the choosing. We should not put ourselves up on a pedestal and say, “We are going to choose the person.”

The circumstances of this Senate vacancy are very different from those of many that have occurred in the past. We are replacing Senator Milliner because of his untimely death. Dr. Colston's scoring in the last election should not come into it. We should be looking not at how he scored, but at how Senator Milliner rated in the eyes of the public. We should therefore replace him with a man whom the A.L.P. has chosen. I think it would be best put by saying that we are replacing Senator Milliner with a person chosen by the party to which he belonged.

I deeply regret that some Opposition members made a personal attack on the honourable member for Belmont. The Press and all forms of the media, in an emotional stand, twisted what happened, and therefore the public interest was unkindly guided towards the honourable member. I know that his objectives and actions were directed only to the public good. It is not up to us to judge whether there is truth in what he said. Probably a court of law should have judged that. Part of the responsibility for the positions Dr. Colston has since held should be taken by the Government and the departments in which he worked. If they employed the man, they should have looked into his background.

Reference was made in the debate to the fact that we would bring about a state of anarchy if we disregarded the convention of electing a person of the same political party as the deceased senator. What absolute twaddle! There is almost anarchy in Australia now; there is almost anarchy in every facet of the community. To think that a member of Parliament would stand up here and rave on, as the honourable member for Townsville South did, about occurrences in Canberra and regard them as having any part in this debate absolutely shocked me. I know him. I am a new member and for heaven's sake he is going to say, “You have an empty head but a loud mouth.” Well, I say the same thing to him. What he said had nothing whatsoever to do with the debate.

**Mr. Aikens:** If the honourable member for Salisbury would take the plum out of her mouth, we might be able to understand what she is saying.

**Mrs. KYBURZ:** Is this a point of order?

**Mr. SPEAKER:** Order!

**Mrs. KYBURZ:** I advise the honourable member for Townsville South to address the Chair instead of undressing other honourable members.

**Mr. AIKENS:** Mr. Speaker—

**Mrs. KYBURZ:** Is this a point of order?

**Mr. SPEAKER:** Order! There is a point of order.

**Mr. AIKENS:** The honourable member for Salisbury has made a rather scurrilous suggestion about me. She said I tried to undress honourable members; I have never tried to undress her in my life.

**Mr. SPEAKER:** Order!

**Mrs. KYBURZ:** Fortunately I shall now be able to rephrase my statement. Thank heavens the honourable member for Townsville South has not tried to undress some of the members of this Assembly because—no, I had better not say it; after all, another 79 of the members are men too. We all know the general opinion of him, and I do not have to go into it. The fact remains that I object to some of the statements he made about things going on in Canberra and here. The fact that Federal members of Parliament have come out and berated those of us who voted with the Government last week is neither here nor there and I am not taking any notice of what those fellows had to say. But they do have the right to say it, just as I have the right to say this now. They probably did not go scurrying to the Press like water-rats; the Press went scurrying to them. Let us face it. Wherever there is a story, that is where they will go.

The fact that the State Liberal Party Executive has decided the way we should vote has nothing to do with what I am

saying today. We discussed this this morning. We are changing our minds not because of what anybody else says but because of what has come up in the meantime.

I think we are treating the people of Queensland most shabbily and that we are using our position to manipulate what the people want. No matter how we look at it, whether it is a matter of constitutional convention, a matter of choosing a person from a panel or a matter of berating the Labor Party for its poor handling of Federal issues, we now have to make a clear decision, because we have made a martyr of this man and I think we have done very poorly by him.

I think probably we have overlooked one of the main purposes of section 15 of the Constitution—the idea of replacing a senator because of a vacancy, no matter what the cause, to preserve the strength of the State's representation in the Senate. Fortunately we have 10 senators to represent Queensland. Once upon a time some of us had doubts about the Senate and its validity within the whole framework of government in Australia. But I for one have changed my mind because if we had not had the Senate this last year, heaven knows what type of anarchy this whole country would have suffered. We have learned the lesson the hard way and it has been a bitter way. However, I do urge honourable members to see reason with this appointment. I think that we definitely do owe it to ourselves to rethink our stand in regard to these men. We should rethink our stand on this poor gentleman who has been roped in, as it were, and on the reason why he has been roped in. I think that the public will rightly see our stand simply as political chicanery and I will not be a part of it.

**Mr. FRAWLEY** (Murrumba) (5.21 p.m.): This is an historic occasion—one that may well never be repeated in this State. I believe that, when the political history of Queensland is written, a special chapter will be reserved for this matter.

The death of Senator Milliner, a man who earned the respect of many people, including me, has left a gap in the Senate that will be difficult to fill. In fact, I can think of only three Labor men worthy of consideration for filling it. One of them has been mentioned, and I do not want to embarrass the other two by mentioning their names at present.

At the outset, I should like to warn Opposition members that if they interject on me too much, or give me a rough time, I will belt hell out of them. They have already had a pretty good sample of what they are likely to get. I should like to give a special warning to the honourable member for Rockhampton. If he gives me any trouble, I shall hypnotise him. You know how he reacts under hypnosis, Mr. Speaker.

We heard a speech from the honourable member for Townsville South who, incidentally, would have made a very good senator. I, too, was approached to nominate for the Senate. This may surprise some members. Because I do not want to embarrass Cabinet Ministers, I do not propose to mention the names of members who approached me to nominate. I declined nomination, not because I thought I was unworthy—in fact, I would live up the Senate no end—but because I felt that I have not yet given the people of Murrumba the service to which they are entitled in view of the confidence that they showed in me at the last election, when I received 63 per cent of the vote and won by 4,760 votes. That was a hell of a belt in the eye for the A.L.P., because they thought that they would get rid of me.

**Mr. SPEAKER:** Order! The honourable member will please return to the matter before the meeting.

**Mr. FRAWLEY:** I digressed only for a moment to show the importance with which I view this debate, and why I am standing to speak this afternoon.

There is no doubt that the overwhelming victory at the 1974 State election of the Liberal and National Parties (it will be noticed that I said "Liberal" first in deference to my colleagues, because I am a firm believer in the coalition Government) was ensured by the fine efforts of the 1972 Government and the many coalition Governments since 1957.

Last week the Leader of the Opposition attempted to ram down our throats the decision of the Q.C.E. by submitting only one nominee for consideration after the Premier had specifically asked for a panel of three. The Leader of the Opposition continued in this vein today. He spent considerable time extolling the virtues of the Labor nominee and urging Parliament to accept his nomination without question.

In addition to considering the qualities of the nominee, I think it is always prudent to consider the qualities of those who nominate him. Let us therefore look closely at the Leader of the Opposition. Since entering Parliament in 1972, he has shown all the qualities that must have endeared him to the radicals and idiots in the A.L.P. today. Well versed in all the low and despicable tactics of the A.L.P., he brought a new low to debates in this Chamber. He certainly lowered the standard of debate when he was a back-bencher. As Opposition spokesman on health matters, he took on the Minister for Health and, when he found that the Minister was too tough, he chickened out and retired to the back bench claiming that his home had been robbed on two occasions by his political opponents. That, of course, was a lot of hogwash.

Most of his time as a back-bencher and as spokesman on health was spent denigrating the Royal Brisbane Hospital, and in this

role he was aided and abetted by his stooge on the hospitals board, Alderman Brian Mellifont, who fed him with information through his pipeline. Since becoming the Leader of the Opposition, he has carried on in that vein.

Only recently, in connection with this Senate vacancy, the Leader of the Opposition attacked the President of the National Party, Mr. Bob Sparkes. He said that Mr. Sparkes had tried to play "vile party politics" with the vacancy caused by the death of Senator Milliner. He said that Mr. Sparkes had tried to bully Cabinet into delaying a decision on its attitude towards the vacancy, and he described Mr. Sparkes as a "faceless back-room boss who dodged the exposure of election but cracked the stockwhip over the heads of National Party parliamentarians."

I give the lie to those statements. They are completely untrue, and are designed to mislead the public.

By attacking Mr. Sparkes, the Leader of the Opposition proved that he could not—

**Mr. SPEAKER:** Order! The honourable member will have to return to the matter under discussion.

**Mr. FRAWLEY:** With all due respect, Mr. Speaker, this has a bearing on the Senate vacancy because it shows how the Leader of the Opposition claimed that Mr. Sparkes tried to intimidate the Government into submitting a Government nominee who was not even a Labor man. With all due respect, I will not digress much longer.

**Mr. Wright:** Are you arguing with the Chair?

**Mr. FRAWLEY:** No, I never argue with the Chair. I do not act in that way, and when I get out into my electorate I certainly do not make statements to my local newspaper denigrating the Speaker behind his back and then be called upon in the House to apologise to him. It should be borne in mind that I never do that.

**Mr. Wright:** Who did that?

**Mr. FRAWLEY:** The honourable member for Rockhampton.

**Mr. SPEAKER:** Order! The honourable member will come back to the matter before the house.

**Mr. FRAWLEY:** Let us not forget that all Labor politicians are bound by the rules of the A.L.P. to obey all directions from the party. In fact, they even have to kick in 3½ per cent of their salary to retain their endorsement.

**Mr. Katter:** How much?

**Mr. FRAWLEY:** Three and a half per cent of their salary to retain their endorsement.

**Mr. Katter:** That is the taxpayers' money.

**Mr. FRAWLEY:** That's right. It is tax deductible because it is an expense incurred

as part of the job; yet we cannot even claim contributions to a building fund as a tax deduction.

**Mr. SPEAKER:** Order! The honourable member will come back to the matter before the Assembly.

**Mr. FRAWLEY:** With all deference to you, Mr. Speaker, I was carried away.

There is no doubt that today the honourable member for Archerfield read a prepared brief. He did not make one specific contribution to the debate other than to read a statement prepared by somebody at the Trades Hall. He stood up here like a big Trades Hall parrot, or should I say "galah", and read a statement word for word. He even put the commas and full stops in the wrong places. He has done that for as long as I have known him.

The honourable member for Belmont has been castigated by the Press and by everybody around the place, but he is a man who showed the courage of his convictions by standing up in this Chamber and saying what he thought was right. I admire him for that. He is not a member of the party to which I belong—he is a member of the Liberal Party—but he is a credit to his party for having the guts to stand up and say what he felt he should.

I congratulate the honourable member for Ashgrove for his contribution. This is his first term in the House. He had enough courage to stand up here today and back the honourable member for Belmont. He gave a very lucid description of past events. He certainly opened my eyes with his very clear presentation of the facts. Before hearing his remarks I was floundering in a haze, not really knowing what to believe; but today the very lucid statements of the honourable member for Ashgrove have shown what a brilliant career he would have had at the Bar had he not become a member of this Parliament. Anyone who says he could not make a living outside this place is an idiot.

Can anyone imagine some of the old-time Labor people behaving the way honourable members opposite are behaving? We are charged here with the very grave responsibility of electing someone to fill the Senate vacancy. I have no hesitation in recommending Mr. Field. I know he is a very sincere man, dedicated to upholding the rights of this State. He has been a credit to the Labor Party for years.

As honourable members no doubt are aware, he has been a member of that party for 37 years. If they were not aware of it before, they must be now after listening to the Premier read out his qualifications. During that period Mr. Field has exhibited all the qualities of such old-time Labor men as Ned Hanlon, Jack Duggan and Bill Forgan-Smith—all good, sincere men who were a credit to the Labor Party. They had

the confidence of the people of Queensland. Some of the Labor men here today would do well to emulate their deeds.

**Mr. SPEAKER:** Order! The honourable member must come back to the matter before the Chamber.

**Mr. FRAWLEY:** I will.

**Mr. SPEAKER:** If you don't come back to it, I will have to ask you to resume your seat.

**Mr. FRAWLEY:** The whole furore today has been caused by the actions of the Federal Government, dating right back to 1972.

**Mr. SPEAKER:** Order! We are dealing with the appointment of someone to fill a vacancy in the Senate.

**Mr. FRAWLEY:** Yes, Mr. Speaker, but with respect, I would like to point out that it is the Federal Government that has caused the problems we face today. But for the actions of the Federal Government, we would have no hesitation in electing a Labor nominee—I would not, at any rate—but we have to be very careful. We cannot allow any man to go down and take a place in the Senate who does not have the rights of Queenslanders at heart.

**Mr. Katter:** What about Georges? They sent him down.

**Mr. FRAWLEY:** When Senator Georges was treasurer of the Rugby Union—

**Mr. SPEAKER:** Order! The honourable member will address the Chair.

**Mr. FRAWLEY:** I will not continue much longer; I know other honourable members want the opportunity to speak.

I firmly support the actions of the Premier and the Government. I make no bones about the fact that I will vote for the Premier's nominee, Mr. Fields, and nobody else—and to hell with anybody who does not like it.

**Mr. HOUSTON** (Bulimba) (5.30 p.m.): I wish to put the record straight on two or three points that I think I know something about. Let me deal first with Mr. Field.

I regret that Mr. Paddy Field has submitted his name in this manner. In my opinion, he is being used by the Government—when I say “the Government”, I refer particularly to the Premier and those who support his attitude. I have known Paddy Field for a long time. I have seen him work in election campaigns; I have seen election campaigns come and go in which he has not worked. The point is that on several occasions he nominated for selection as an A.L.P. candidate for the Brisbane City Council and for the State Parliament. In fact, if I remember rightly, in 1957 he was keen to nominate against me. I do not know whether he did finally nominate but he was not successful in gaining endorsement. I know that he

did nominate against other people in an endeavour to become an alderman and a member of State Parliament, and on each occasion he was unsuccessful. It is the right of every member of a political party to stand for selection as that party's candidate. I have no fight with Mr. Field for nominating, but I think it is quite clear that the members of the party rejected him both by open plebiscite and by selection.

It is also true that he had the opportunity to nominate on several occasions as a candidate for the Senate. If he is keen to go to the Senate, he had an opportunity to submit himself for selection by the A.L.P. To the best of my knowledge, he did not nominate on recent occasions. He certainly did not nominate on the last occasion, and his nomination certainly did not come before the selection committee at the electoral colleges that I attended.

**Mr. Wright:** Did he nominate more recently when this vacancy occurred?

**Mr. HOUSTON:** He definitely did not nominate on the last occasion or on the previous two occasions although it was his right to do so. As I said, I was a member of the electoral college.

It is my free choice as a citizen to join a political party, just as it is the right of honourable members opposite to join the political party of their choice. As to current membership of the A.L.P.—Mr. Field by paying his membership fees for this year and signing the membership endorsement undertook to do certain things, one of which was to abide by the rules and the constitution of the party.

**Mr. Lindsay:** What were the other things he undertook?

**Mr. HOUSTON:** The rules and constitution cover all of them. If the honourable member for Everton has not read the rules and constitution of the A.L.P., which are available to the public, I suggest that he goes to the library and reads them. It would be much cheaper for both of us if he did that, because I do not like wasting money in providing documents that someone is not prepared to read.

Mr. Field has nominated for the Senate vacancy. I assume that he knew the rules of the party; therefore his membership of the Australian Labor Party has ceased. If he goes to Canberra, let me make it very clear to honourable members that he will go there as an independent. He certainly will not be accepted in the Labor Party in Canberra. The question then is: what will happen to Mr. Field in the future? I regret that he has been nominated today, because he will be in the Senate for only a short term. He will come up for re-election at the next Senate election. He certainly will not be part of the A.L.P. team, and there is no indication that he will be a member of the official National-Liberal team. Whether honourable members like it or not,

if one wishes to be elected to the Senate one has to belong to a recognised political party—the A.L.P., the National Party, the Liberal Party, or perhaps to a lesser degree the D.L.P.

The figures at the last Senate election certainly show that that was the pattern of voting. People voted overwhelmingly (441,000) for the number one candidate in the A group, which was the Labor Party group, and overwhelmingly (494,000) for the number one candidate in the B group, which was the Liberal-National Party group, but there was only small support (2,194) for the C group, which was an independent group. Even Mr. Condon Byrne, for the D.L.P., had a vote of only 40,704. I think that shows quite conclusively that people tend to vote for the party of their choice and anyone who stands for the Senate hopes to get the number one position on the ballot paper. We can all recall many occasions when there has been in-fighting between the Liberals and the old Country Party, now the National Party, as to the positions on the joint Liberal-Country Party Senate ticket. Position was important because the order of election was the order down the line.

Even if Mr. Field does get the nod on this occasion I feel he is letting himself in for a very short political career. However, that is a decision he has made and a decision the Premier has made.

Did the Premier give the joint parties a choice? Was one name submitted or did he give a choice of three names? Certainly what was decided was not unanimous; but Dr. Colston was the unanimous choice of the Australian Labor Party.

Let me put the record straight for the honourable member for Ithaca. It is true that Mal Colston received 816 votes, but it is also true that on the ticket his name was neither near the top nor near the bottom. The names of candidates of all other parties in that position received a low number of votes. For instance, Mr. Kilmartin received 1,518 votes. If the honourable member's argument were a logical one, he should have been elected to the Senate before Senator Lawrie, who was the seventh to be elected, because Senator Lawrie received only 1,075 primary votes. The argument that Mal Colston received only a small number of personal votes is not valid at all when the situation is considered. At the last Senate election, when Senator Keeffe was on the top of the Labor ticket, he received over 400,000 votes, but on this occasion he received only 2,830. Again that is because of the relative positions of the candidates. I do not think the honourable member's argument has any validity.

Let us consider some of the views that have been expounded. It has been suggested by some honourable members that a right of choice should be given. That is fair enough for those who think that way. But the same members then say, "We are not going to put a Labor man down there."

They vilify the Labor Party, they vilify the Labor Government, and they indicate quite clearly that it would not matter what Labor man was nominated they would not put him in the Senate. What is the difference between giving three names to be knocked back and giving one name to be knocked back?

**Mr. Katter:** We have said unequivocally that we would put up a Labor man, which we have done.

**Mr. HOUSTON:** Yes, but the Government's word is not its bond; that is the trouble. In 1961 one person was nominated from this side of the Chamber. On that occasion the Government did not demand two other names. It just rejected one, and then subsequently one name was put up, and that one was selected by this Parliament—in other words, one name out of two. The first one was rejected and then the other one was accepted. But we learnt our lesson on that occasion so the party determined that in future it would select its candidate—just as the Government selected Mr. Bonner. It is true that when Mr. Bonner's name was put forward, Sir Gordon Chalk said, "If you want a choice, reject Bonner." That was the alternative. The Labor Party did not want to reject Mr. Bonner. It wanted to follow convention. That was why we did not reject Mr. Bonner. It had nothing to do with his background as a human being. He was a candidate previously, but, because he was at the bottom of the ticket, he did not get many votes. It could not be said that he was rejected because he was Mr. Bonner. He was rejected on a party-political basis. That is the whole argument.

It has been said that some members are in the middle of the road. I suppose that if we had submitted the names of three persons, Government members could have said all three were unacceptable. I do not excuse the Premier for condoning the actions of the honourable member for Belmont, because he has clearly indicated that he supported the member.

I am astounded that the honourable member for Ashgrove, a barrister, also supported the honourable member for Belmont. I hope that judges—many of whom were formerly barristers—do not accept the philosophy that it is proper to present a case based on an inquiry (it was only a police officer's inquiry) and deny the person against whom the case is presented the right to defend himself and to cross-examine the witnesses. In recent court cases police officers have been found to be untruthful; others have misread the evidence before them; and others have had their evidence rejected by judges and magistrates.

I know nothing about the investigation that was carried out, but the honourable member for Belmont presupposed that the investigations and conclusions could not be faulted, and on that premise he condemned Mal Colston. That is totally wrong. If anyone wants to make innuendoes against another

person, he should do so in a place where the person against whom they are made is able to defend himself. If the honourable member for Belmont were really so honourable and so worried by his conscience, why didn't he say these things to the man's face and ask him whether or not they were true? Long before this meeting he knew that Mal Colston was to be our nominee, so why didn't he front the man concerned and say, "This information has come into my possession. Is it true?"

This is a meeting of members of Parliament to make a selection. Isn't it reasonable to assume that if the Opposition had submitted three names, certain Government members would have attacked the character of those three persons just as that of Mal Colston was attacked? That is the position we are in.

I think the Deputy Premier, the Leader of the Opposition and certain other members have clearly stated the position. We are here to fill a vacancy caused by the untimely death of a man who was well respected in our community. Government members should not forget that on the hustings they urged the voters not to elect Labor senators. I have no quarrel with that. All of us fought for our own political parties. The strange thing is, however, that Bert Milliner was elected on the Labor Party's policy and platform, which has not altered since his election. It is as it was before.

We have heard talk about the possible election of a man who would abolish the Senate. If the abolition of the Senate is part of Labor's policy now, it was also part of it when Bert Milliner and the other three Labor candidates were elected. All we are saying is that Mal Colston, as our nominee, has the right to replace the late Senator Bert Milliner. It is up to Government members. My only comment is, "They should not seek to excuse their own actions by saying that we should have given them a choice." I have referred to when Senator Bonner was nominated. I could even go back to when Mr. Heatley replaced the late Senator Sherrington—

**A Government Member:** What about Arnell?

**Mr. HOUSTON:** The Arnell case was first, and then came Mr. Heatley, who was the only person nominated.

**Mr. Hartwig:** What about Bill Lonergan?

**Mr. HOUSTON:** On that occasion we were electing the Speaker of this Parliament. We were not sending a man to represent this State in another House of Parliament.

**Mr. Aikens:** That is only a quibble.

**Mr. HOUSTON:** It may be a quibble.

The point is that when electing a Speaker it has been customary for members to be nominated from both sides of the House. This can be seen in the records, and I am sure the honourable member recalls it. On one occasion Hughie O'Donnell was

nominated to be Mr. Speaker. There have been other similar occasions. As to the time when I was accused of demanding a choice, the Premier has become very apt over the years—

**Mr. Bjelke-Petersen:** I will relate to you later everything you said about a choice.

**Mr. HOUSTON:** About Mr. Speaker?

**Mr. Bjelke-Petersen:** Yes.

**Mr. HOUSTON:** I do not deny anything I said about the election of Mr. Speaker. That was a completely different ball game—a completely different situation. We were determining who was to be the Speaker of this Assembly. I do not wish to say anything that I did not say before, but when the honourable member for Redcliffe was nominated by the Minister for Primary Industries, and the honourable member for Mulgrave nominated the honourable member for Flinders, the Opposition did not nominate anybody. We had two nominations from the Government parties.

**Mr. Aikens** interjected.

**Mr. HOUSTON:** I did not promise Mr. Lonergan anything at all. That is typical of what happens; things are suggested when people are not here to defend themselves.

It is true that when the honourable member for Flinders was nominated, other Labor members and I were in agreement. Anyone foolish enough to think that the vote on that occasion was not tinged with party politics should not be in this Chamber. We made a decision on a party-political basis. Both Bill Lonergan and the honourable member for Redcliffe were held in high regard as persons. We had nothing against them. I had some comments to make about the job, and they are recorded in "Hansard". At that time I said certain things and I repeat, that when the Speakership becomes vacant, if our numbers approach those of the Government and if we have any inkling that enough Government members will vote for our man, I have no doubt we will take similar action. However, I am not here to defend my actions on that occasion. I am here to support the nomination of Dr. Mal Colston to fill a Senate vacancy in Canberra. There is no finer man in the State to represent it than he.

**Dr. SCOTT-YOUNG** (Townsville) (5.49 p.m.): Today we are faced with two problems. The first relates to the quality of the man, which I think has been dealt with quite satisfactorily by several speakers, especially the honourable members for Belmont and Ashgrove. The second concerns the rules applying to the appointment of a senator to fill a casual vacancy in Canberra. After listening to the debate today, I cannot help thinking that there must be a better and easier solution of the problem. I believe that it would be as well for the next Constitutional Convention to consider whether this method of filling casual Senate vacancies should be replaced by a by-election.



That would save a lot of dog-fighting, political infighting and political intrigue, and would allow Parliament to get on with its normal business of administering the State.

Labor Party members today have behaved like psychopathic children. They have bluntly and blatantly refused to acknowledge the authority of the Parliament. They have persisted in refusing to supply a panel of names when requested to do so by the Premier. If they had done so, all of this bickering, fighting and discussion would have been avoided. Dr. Colston's name could have been included in the list and most probably nothing would have been said about his past.

Opposition members talk a lot about convention. What is their attitude to convention? Look at the conventions they have recently destroyed. What about the old convention of honouring the Queen and playing "God Save the Queen"? We are sovereign States. What have they done? They have dishonoured it and cut it out of our ordinary procedures and our civil procedures and tried to give us the impression we are no longer sovereign States.

The convention was always accepted that when State Ministers went overseas, they had diplomatic status. What has happened to them? They have been reduced in status offhandedly. With a click of the fingers Gough Whitlam said, "There will be no more convention covering this. Your State Ministers are nothing and will not have diplomatic status."

Another example is their approach to referendums. When the referendums were lost, the socialist Labor Party members ignored that fact and are now legislating to circumvent the will of the people; so that the Labor members have no chance of convincing us of their sincerity by talking about the will of the people and looking after the will of the people. In their recent action to try to circumvent the lost referendums, they cut across their own arguments.

What is the meaning of the word "convention"? It is an extremely difficult word to understand. It has been bandied around this Chamber for a couple of days. I referred to Hood and Phillips to see if I could find a definition. The suggested definition of "constitutional conventions" is—

"rules of political practice which are regarded as binding by those to whom they apply, but which are not laws as they are not enforced by the Courts or by the Houses of Parliament."

That has a very important ending.

Then I wondered if we had been bound by convention in filling previous casual vacancies so I referred to "Australian Senate Practice" (Odgers) and at page 58 the following appears—

"In the choice of a Senator to fill a casual vacancy, the members of the House of Parliament of a State are free to

choose whom they may. They are not, for instance, bound to choose a person from the same political party as that to which a deceased or retired Senator belonged. When the political composition of the State Houses is predominantly that of the political party to which a former Senator belonged, the State Houses have, naturally enough, chosen a person belonging to that same party.

"When, however, State Parliaments have been controlled by political groups other than that to which a deceased or retired Senator belonged, the choice has varied. For example, in New South Wales in 1931 Senator P. F. Mooney (Labor) was chosen to fill the vacancy caused by the retirement of Senator W. L. Duncan (Nationalist). In Queensland in 1928 Senator J. V. MacDonald (Labor) was placed in the seat vacated by the death of Senator the Hon. T. Givens (Nationalist)."

So where are their conventions? They use convention as a man does a hat; they take it off when it suits them.

I think that the Premier and the Government have to be congratulated on the stand they have taken in this matter and I for one will not be voting for an A.L.P. man.

**Mr. BURNS** (Lytton—Leader of the Opposition) (5.54 p.m.), in reply: I think we have all had a fair opportunity to debate this matter today. In order to facilitate the business of the House, I shall make my reply as brief as possible.

It is my belief that we must get back to taws. We are debating the requirements of the Constitution to fill a vacancy caused by the death of an A.L.P. senator. I think the Government is well aware that if it proceeds along the course it has decided to take and endorses the second nominee, we will not be sending an Australian Labor Party man to Canberra to represent Queensland. There is no possibility of his being a Labor nominee and, if this Parliament selects him, it will be acting in defiance of tradition by sending to the Senate a member selected by the Liberal and National Parties.

The Government parties will be selecting a senator to replace an A.L.P. man who died. All members know that, in accordance with the rules of the Labor Party, this man will no longer be a member of that party. He signed a pledge year after year and he knows full well, having nominated on a number of occasions for pre-selection and having been rejected each time by the rank and file, that by signing the nomination form he automatically excludes himself under the rules of the party that he pledged himself to support.

The Government is aware that this anti-Labor man would, if elected, go to Canberra as its nominee. The Government will not be able to fool the people of Queensland that it selected a Labor man, and Government

members will not even be able to fool themselves that the man selected will represent the A.L.P. Most certainly the 450,000 people who voted for Senator Milliner, who was selected and endorsed by the Labor Party, as Mal Colston has been selected and endorsed, will not be fooled by the Government's manoeuvre. Whilst Government members might try to fool themselves, the fact of the matter is that the only man who can go to Canberra representing the Australian Labor Party is the man endorsed by the party. Under those circumstances, I ask this meeting to forget short-term political expediency. I put it this way to honourable members: if you want to honour the promise that has been made by the Government in the Press, and by many members in this Chamber, outside it, and in the newspapers, your only choice is the endorsed A.L.P. candidate, Dr. Mal Colston.

Question—That the motion (Mr. Burns) be agreed to—put.

Mr. SPEAKER: Under Standing Order No. 331, as Presiding Officer, I am required to cast my vote. I therefore ask that my vote be recorded against the motion.

IN FAVOUR: 26.

Akers	Kyburz
Burns	Lamont
Campbell	Lee
Casey	Lickiss
Chalk	Lindsay
Dean	Marginson
Edwards	Melloy
Hanson	Wright
Herbert	Yewdale
Hewitt, W. D.	Young
Houston	
Jensen	Tellers:
Jones	Hooper, K. J.
Kaus	Hooper, K. W.

AGAINST: 53

Ahern	Katter
Aikens	Kippin
Alison	Lamont
Armstrong	Lester
Bertoni	Lockwood
Bird	Lowes
Bjelke-Petersen	Miller
Byrne	Muller
Camm	Murray
Chinchen	Neal
Cory	Newbery
Deeral	Porter
Dourmany	Powell
Elliott	Row
Frawley	Scott-Young
Gibbs	Simpson
Glasson	Small
Goleby	Sullivan
Greenwood	Tenni
Gunn	Tomkins
Gygar	Turner
Hales	Warner
Hartwig	Wharton
Hewitt, N. T. E.	
Hinze	Tellers:
Hodges	Moore
Hooper, M. D.	McKechnie
Houghton	

Motion declared lost.

Mr. SPEAKER: Order! There is a further nomination. I now call on the Premier.

Hon. J. BJELKE-PETERSEN (Barambah—Premier) (6.9 p.m.): Mr. Speaker, I move—

“That Mr. Albert Patrick Field, be elected to hold the place in the Senate of

the Parliament of the Commonwealth rendered vacant through the death of Senator Bertie Richard Milliner.”

There is no need for me to reiterate Mr. Field's background. He is a man who has been held in high regard and who has been very active in Labor organisations over the years. I have very much pleasure in submitting his nomination.

Question—That the motion (Mr. Bjelke-Petersen) be agreed to—put.

Mr. SPEAKER: Under Standing Order 331, as Presiding Officer, I am required to cast my vote. I therefore ask that my vote be recorded in favour of the motion.

IN FAVOUR: 50

Ahern	Kippin
Aikens	Lamont
Alison	Lester
Armstrong	Lowes
Bertoni	McKechnie
Bird	Miller
Bjelke-Petersen	Moore
Camm	Muller
Cory	Murray
Deeral	Neal
Dourmany	Newbery
Elliott	Porter
Frawley	Powell
Gibbs	Row
Glasson	Scott-Young
Goleby	Simpson
Greenwood	Sullivan
Gunn	Tenni
Hales	Tomkins
Hartwig	Turner
Hewitt, N. T. E.	Warner
Hinze	Wharton
Hodges	Tellers:
Hooper, M. D.	Chinchen
Houghton	Small
Katter	

AGAINST: 26

Akers	Kyburz
Burns	Lamont
Campbell	Lee
Casey	Lindsay
Chalk	Lockwood
Dean	Marginson
Edwards	Melloy
Gygar	Wright
Hanson	Yewdale
Hewitt, W. D.	Young
Hooper, K. W.	Tellers:
Houston	Hooper, K. J.
Jones	Jensen
Kaus	

Motion agreed to.

ELECTION OF ALBERT PATRICK FIELD

Mr. SPEAKER: Order! The motion having been carried by 50 votes to 26, Albert Patrick Field has been elected accordingly to fill the vacancy in the Senate of the Parliament of the Commonwealth.

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

“That Mr. Speaker inform His Excellency the Governor that Mr. Albert Patrick Field has been chosen to hold the place in the Senate of the Parliament of the Commonwealth rendered vacant by the death of Senator Bertie Richard Milliner.”

Motion agreed to.

The meeting concluded at 6.22 p.m.