Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 2 DECEMBER 1975

Electronic reproduction of original hardcopy

TUESDAY, 2 DECEMBER 1975

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

STAMP ACT AMENDMENT BILL

Assent reported by Mr. Speaker.

PAPERS

The following papers were laid on the table:—

Proclamation under the Small Claims Tribunals Act Amendment Act 1975.

Orders in Council under—

The State Electricity Commission Acts, 1937 to 1965.

The Regional Electric Authorities Acts, 1945 to 1964.

Electrical Workers and Contractors Act, 1962–1974.

District Courts Act 1967–1972.

River Improvement Trust Act 1940–1971.

Harbours Act 1955–1972.

Regulations under—

Residential Tenancies Act 1975.

Liquor Act 1912–1975.

Queensland Marine Act 1958–1972.

Report of the Burdekin River Authority for the year 1974-75.

QUESTIONS UPON NOTICE

1. PROTECTION OF FAR NORTHERN DISTRICT FISHING AREAS

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

(1) Did he receive a telegram from the Chairman of the Far Northern District Queensland Commercial Fishermen's Organisation concerning large interstate vessels working and fishing out Queensland waters north of Cairns?

(2) If so, what action does he propose to take to protect the interests of Queensland-based fishermen?

Answers:—

(1) Yes.

(2) A reply from Mr. Wharton has already been forwarded, as follows:— "In absence from Brisbane and re tel 24th relative interstate trawlers stop Am urgently seeking ways to protect and preserve Queensland fishery resources and obtaining Commonwealth support to 12 mile limit stop Further consider entire Gulf Carpentaria should be restricted and closed to foreign vessels stop Will advise further at earliest stop."

2. BELL FREIGHT LINES PTY. LTD.; RAILWAYS UNDERCHARGE

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

(1) Was Bell Freight Lines Pty. Ltd. undercharged in freight for the months of April, May and June of this year to the extent of $20,588.16?

(2) How did this undercharging come about?

(3) What investigative procedures does the Railways Department use to determine whether persons have been undercharged?

(4) Has the Government recovered the amount undercharged from the company concerned?

Answers:—

(1) No.

(2) There was an undercharge due to the firm's declared weights being less than the weights actually loaded.

(3) The incorrect declaration of weights was determined by spot-check weighing of wagons, which procedure is continuing.

(4) Yes.

3. COMMONWEALTH LABOR DENIGRATION OF GOVERNOR-GENERAL

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

As the Constitution states that all Commonwealth parliamentarians must swear an oath of allegiance to the Queen as set out in the schedule to the Constitution, are those Commonwealth Labor politicians who have denigrated the Governor-General guilty of breaking the Constitution?

Answer:—

However one might regret the use of intemperate, abusive and inaccurate comments made by Federal Labor politicians concerning the Queen's representative, such abuse would not constitute of itself a breach of the oath of allegiance. Nevertheless, every freedom-loving citizen should note that it is the intention of the A.L.P. to establish a socialist republic in Australia and, by making derogatory remarks about the Queen, the Governor-General and the Governor, hope to encourage public support for their move. Should that move be successful, it would pave the way for Whitlam socialist dictatorship and there would be nobody to protect the citizen against the tyranny of government.

4. CHANGE OF NAME OF COMMONWEALTH GOVERNMENT

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

As the Constitution clearly states that the people shall be united in a Federal Commonwealth under the name of "The

Commonwealth of Australia", have the people of Queensland any legal redress against the former Commonwealth Labor Government for changing the name of the Government from "Commonwealth Government" to "Australian Government"?

Answer:—

The correct title of the Federal entity is "Commonwealth of Australia". Even the former Government was forced to use that title in respect of litigation to which it was a party. However, the use of the terms "Australia" or "Australian" is not illegal. One might wonder at the motives prompting the use of these terms, but there is nothing which would give rise to any legal action merely by using them. It is interesting to note that the Governor-General's flag still is inscribed with the words "Commonwealth of Australia".

5. COMMONWEALTH CENSORSHIP OF NEWS AND MAIL

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

(1) Has his attention been drawn to a newspaper report wherein it was stated that some of the Bills rejected by the Senate in Canberra, if passed, would have allowed the former Whitlam Government to censor any news not favourable to the socialists and allow letters to be opened for unspecified reasons?

(2) With regard to the latter, would this include the mail of members of this Parliament?

Answers:—

(1) I am aware of such a report.

(2) Whether the provision authorising the opening of letters would extend to parliamentary mail is a matter which would need consideration in the light of particular facts. There is no doubt that the A.L.P., in keeping with its ambition to establish a socialist republic, would want to interfere with the privacy, rights and liberties of the subject and the indiscriminate opening of letters would be part of that programme.

6. LOCAL FLOODING, BALERANG STREET, STAFFORD

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

(1) Is he aware that obstructions in the watercourse through Hickey Park cause a build-up of water and the localised flooding of homes in Balerang Street, Stafford, whenever there is heavy rain?

(2) As the local alderman refuses to answer letters and representations from myself and other local residents on this matter, may the local people take any action to force the Brisbane City Council to face up to its responsibilities and carry out the relatively minor works needed to alleviate this flooding problem?

Answers:—

(1) I am not aware of obstructions in the watercourse, but understand that flooding of the area does occur from time to time owing to water from Kedron Brook backing up through a drain in Hickey Park.

(2) The responsibility for flood mitigation rests with the Brisbane City Council under the City of Brisbane (Flood Mitigation Works Approval) Act 1952-1974. Plans have been prepared by the council for works to lower flood levels in Kedron Brook and these are presently receiving consideration. If the local alderman is refusing to answer letters and representations made to him and, presumably, to pass such letters and representations on to the council for consideration, I would suggest that the representations be made direct to the Town Clerk or to the Right Honourable the Lord Mayor. Any electors dissatisfied with any local aldermen obviously will also have an appropriate remedy at the March 1976 election. They will probably put the skids under him. He will receive the same treatment as Cairns, Crean, Connor and company.

7. QUEENSLAND TEACHERS' UNION POLITICAL ACTIVITIES

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

(1) Is he aware of a news flash sent recently by the Queensland Teachers' Union to its members in which the union described itself as the chief spokesman for education in Queensland and informed its members that the executive of the union had decided to spend $1,000 of union funds on publicising their pro-Labor statements?

(2) As there is attached to this statement a series of further statements from other teachers' unions throughout Australia in which it is affirmed that they are non-political and that their campaign is a non-party political one, though amongst other things they describe the seizure of power by Mr. Fraser as a Right-wing coup and seek A.C.T.U. action for nation-wide stoppages and more rallies, can these views be considered to be an expression of this Government, of the Education Department or of teachers generally?

(3) As the union statement on the political crisis said that the teachers of Queensland are anxious that next year they can continue to teach that Australia is a democracy and intimated that the election of a Liberal-National Government would mean the end of this, will he assure the House that, as long as the people of Australia are entitled to exercise a vote

at the ballot-box, democracy is alive and well and such is what teachers believe and teach democracy to be?

(4) Will he assure the people of Queensland that the statements of the Q.T.U. executive are no more than the expressions of a biased few usurping the role of education spokesmen and, for their own personal reasons of power, expressing views contrary to those of the many teachers who truly support democracy?

Answers:—

(1) Yes. I am aware of the union publication.

(2) Obviously, the Queensland Teachers' Union cannot speak for the Queensland Government or the Department of Education. It is even doubtful whether, in matters such as the one under discussion, the union executive can even claim to speak for teachers. Invariably, when some of the union's officers demonstrate their political bias towards the Left, I have received assurances from many teachers that they do not support their union's Leftist leanings. Often they ask how they can make their views known. My advice to such teachers is that they will have two opportunities soon to make their views known democratically—one on 13 December, when they vote in our national election, and the other when they vote in the union election.

(3) The statement referred to is a somewhat sanctimonious one and I doubt whether those who composed it really believed it. I have great confidence in the professionalism of the majority of teachers, and I am sure that, however strong their feelings, they would not abandon their professionalism.

(4) I note from week-end Press reports that teachers have already begun to protest over the union executive's statement and decision to spend $1,000 of union members' money to publicise the statement. I think the executive can expect many more protests from teachers throughout the State.

8. KNOWN COMMUNISTS IN QUEENSLAND

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

(1) What are the names, occupations and union positions of all known Communists in Queensland?

(2) Have any of these known Communists accompanied Labor leaders on political platforms and, if so, what are their names and their union positions?

Answer:—

(1 and 2) I can fully appreciate the honourable member's rightful concern on a subject that should be a cause for anxiety by every responsibly minded Australian, for the infiltration of Communists into key posts in the trade union movement jeopardises the very position of the workers themselves. Such is the widespread nature of this infiltration that to fully document the position as the honourable member seeks in this question would be a time-consuming task. However, as a result of the frequent reports in the daily Press of the activities of these people who lose no opportunity in their attempt to frustrate democratic government, I am certain that the electors of this country can readily identify them and will, I have every confidence, express their strong disapproval on 13 December.

9. COMPENSATION FOR FLOOD VICTIMS

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

(1) In relation to the unfortunate victims of the January 1974 floods in Queensland—are there any funds still available to recompense those who to date have not been compensated?

(2) If so, to what authority or department should such victims and their parliamentary representatives refer submissions and inquiries?

Answer:—

(1 and 2) The closing date for the receipt of applications for Government financial assistance for the relief of personal distress and hardship, and for the repair and rebuilding of private residences, expired some considerable time ago. The honourable member will recall that this financial assistance came from funds provided by the Commonwealth and State Governments. All applicants would have now received financial aid to the fullest extent to which they were entitled.

10. REVIEW OF CITY VALUATIONS

Mr. Doumany, pursuant to notice, asked the Minister for Survey, Valuation, Urban and Regional Affairs—

In view of the unprecedented slashing by the New South Wales Valuer-General of at least $300,000,000 from the valuations of Sydney's central business district, will he give urgent consideration to an immediate review of parallel valuations in Brisbane and the major provincial cities of Queensland?

Answer:—

The Valuation of Land Act 1944-1975 of Queensland provides that complete valuations of local authority areas may ordinarily be performed at minimum intervals of five years and maximum intervals of eight years, although there is provision in special circumstances for the varying of these statutory limits. The existing area valuation of the city of Brisbane was

made at 30 June 1966, and the new area valuation, which will come into force and effect on 30 June 1976, was related to a common date of 30 June 1972, at which latter date "boom" or inordinately high sale levels did not exist in Brisbane. On the other hand, the central business district of the city of Sydney was valued at the common date of 1 January 1973 and again at 1 January 1975. I understand that at 1 January 1973 certain factors contributed to a very intense demand for business and commercial sites, and that these factors did not exist at 1 January 1975. I am advised that the reverse then applied, and this resulted in the Valuer-General reducing values. There is no parallel between the Brisbane situation and the Sydney situation as the new valuation of Brisbane is not based on "boom" sales, and the factors creating the intense demand in Sydney on 1 January 1973 did not exist in Brisbane on 30 June 1972. Furthermore, 1974 and 1975 sales in the business and commercial heart of Brisbane indicate that, except for one sale by a mortgagee exercising power of sale, sale prices have held above the 30 June 1972 level, although the volume has decreased. I do not think any comparison can be drawn between the situation in Sydney and the provincial cities in Queensland, which latter would all be valued on the local evidence available. I would add further regarding the trend in the major provincial cities of Queensland that over the last six to seven years values have shown a much lesser rise in the business area than in the industrial and residential areas. The reasons for this are many and varied. Summarised, my view is that, even if he could do so, I see no reason for the Valuer-General to review valuations in the manner suggested by the honourable member.

11. HOUSING COMMISSION ACTIVITIES, ROCKHAMPTON

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

(1) How many Housing Commission houses for (a) rental, (b) purchase and (c) aged persons are planned for construction in Rockhampton during 1975-76?

(2) What plans are afoot for the commission to purchase suitable blocks of land in Rockhampton near shopping centres and other service facilities for the construction of the cluster or group-title-type homes for aged persons?

(3) If no such plans exist, will he give special consideration to the idea because of the obvious advantages?

Answers:—

(1) (a) 17 rental (b) 3 home-ownership (c) nil pensioner units. Home-ownership applicants may accept further tenders during the balance of the year. Seventeen pensioner units have been completed previously. In addition, $506,160 has been made available direct to the Rockhampton Co-operative Housing Society. As honourable members are aware, the former Labor Commonwealth Government reduced the allocation of Housing Agreement money to Queensland by 29 per cent compared with last lear. This has drastically limited the capacity of the Queensland Housing Commission to enter into further contract commitments. It has also reduced the amount for the Co-operative Housing Society.

(2 and 3) The commission has land available for further pensioner accommodation, when finance permits, close to a shopping site on its estate off Thozet Road. The units would be in a group designed to take the best advantage of the site. Acquisition of sites for future projects in other localities would depend on availability of finance. Subsidised pensioner accommodation is for pensioners with a minimum of other income and no question arises of subdivision under the group title system.

12. INTENSIVE-CARE, NURSING-CARE AND AGED-CARE FACILITIES, ROCKHAMPTON

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

(1) In view of the increasing demand for and pressure on intensive-care and nursing-care accommodation in Rockhampton, what action is planned by his department to relieve this situation?

(2) As there is a growing waiting list for general accommodation at "Eventide," Rockhampton, what plans have been made for expanding the State aged-care facilities in this city?

Answer:—

(1 and 2) While there is at present a waiting list of persons desiring to enter "Eventide", Rockhampton, these persons have been seen by the Community Health Service at Rockhampton and provided with the necessary support. Because of the services provided by my department and the co-operation of other supportive services, I am informed that there are at present satisfactory alternatives to admission to such institutions as "Eventides". The department's health services are now using an effective assessment method to determine the particular needs of each individual more clearly, and priority can be given to those who are seen to have the greatest need to enter "Eventide". There has been set up within my department a committee of senior administration and medical officers to examine the whole question of the requirements of nursing home beds throughout the State and to make recommendations as to the action

which should be taken. The needs of Rockhampton and in fact all parts of the State will receive the closest consideration.

13. POLICE DISTRICTS STAFFING

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

(1) What are the present staff complements of the newly formed police districts?

(2) How many of these districts are under strength on the basis of the police-population ratio adopted by his department?

Answers:—

(1) The established strength of the newly-formed police districts is as follows:—

District	Established Strength	
	Police	Civilian
Gympie ..	64	9*
Sunshine Coast	59	11*
Beenleigh ..	48	7
Southport ..	55	7
Gladstone ..	61	9*
Redcliffe ..	64	15*
Gatton	48	3
Livingstone ..	39	6
Whitsunday ..	56	6
Dalby	62	8

* Includes Civilian Drivers' Licence Testing Officers.

The civilian strength shown includes staff approved for appointment in 1975-76.

(2) The allocation of police strength is not based solely on a police-to-population ratio. It is but one factor in the allocation of police resources. The basis utilised includes other factors such as work-loads as affected by all phases of police responsibilities.

QUESTIONS WITHOUT NOTICE

USE OF OFFICIAL AEROPLANE BY PREMIER TO ATTEND INTERSTATE ELECTION MEETINGS

Mr. HOUSTON: I ask the Deputy Premier and Treasurer: Does he, or does he not, approve of the Premier of this State using the State Government aeroplane to transport him to his election meetings in other States at the invitation of Mr. Anthony on behalf of the National Country Party?

Sir GORDON CHALK: The Premier is in the South at the present moment for the purpose of furthering the political campaign that is being waged throughout Australia by both the Labor Party and the Liberal-National Parties. The Premier has a responsibility not only to this State but also to all Australian people. The use of the plane to transport him to the various places at which he is billed to speak is justified, I believe, on the basis of security for him and, further, its use for this purpose is in keeping with the policy that was adopted by the Labor Party whilst it was in control of the Commonwealth Parliament. On that basis, I am quite in accord with the Premier's using the plane for the purposes for which he is using it at the present time.

Mr. HOUSTON: Mr. Speaker, I ask the Deputy Premier and Treasurer a supplementary question: As we live in a democracy——

Mr. SPEAKER: Order! The honourable member for Bulimba will ask the question.

Mr. HOUSTON: I am asking the question of the Acting Premier, Deputy Premier and Treasurer, Treasurer, or whatever the case may be, supplementary to my previous question: As this is a democracy and as both sides of the story should be told fully and effectively, I presume that the State Government will make available to the Opposition in this Parliament of Queensland the same free facilities as the Premier is now using.

Sir GORDON CHALK: I do not think that that policy has been adopted in the Commonwealth; but, if the honourable member makes an application, I will give it consideration.

A.L.P. ADVERTISEMENT IN PROVINCIAL NEWSPAPERS

Mr. AIKENS: I ask the Deputy Premier and Treasurer: Has he been informed of the big advertisements which have appeared in provincial city newspapers, complete with a crude cartoon, stating that, if a Liberal-National Party Government is elected on 13 December, the State Government will again levy a State income tax? If so, and the statement is not true, can any action be taken to expose this frenetic lying by the A.L.P.?

Sir GORDON CHALK: My attention was drawn to this advertisement yesterday morning. I issued a Press statement yesterday afternoon which has appeared in certain country newspapers and was read by a news reader over one radio station this morning. To clarify the position, and anticipating that an honourable member would ask this question, I have with me a copy of that statement and have adapted it so that I can repeat it in this Chamber.

Double taxation is definitely not involved in the new tax formula of the Liberal-National Parties. I flatly refute the claim in an A.L.P. advertisement that Queenslanders will pay more tax under the plan. In my opinion the advertisement is deceptive advertising, based on half truths and designed to hoodwink the people. And the A.L.P. is very much aware of this.

Under the Federal Liberal-Country Parties' tax formula, the Commonwealth will vacate

an area of the income tax field. The precise figures are not available, but the area vacated would be in the vicinity of 30 per cent of the total. This would then be taken up by the States. But to suggest that the plan provides for double tax is nothing more than cheap political trickery.

I am not unhappy at the concept of the new scheme for one or two reasons. One is the fundamental basis of equalisation grants being made by the Commonwealth to the States with less taxable capacity. My concern has been to ensure that Queensland, with its lower population compared with some other States, does receive a fair share of funds under the equalisation formula. I would expect that equalisation grants from the Federal pool will ensure that there is no variation in the standard of public services anywhere in Australia. It is a basic philosophy of the Liberal-National Parties that the States should have the financial resources to provide the type of services that are normal responsibilities of the State. And I am right behind that.

To give some idea of the inability of the A.L.P. to state the facts—I draw the attention of the House to the advertisement itself where it attributes a newspaper cutting and an article to Mr. Ian Miller and refers to it as coming from "The Courier-Mail". Everyone knows that Mr. Miller writes for the "Telegraph". In fact the cutting that appears in the advertisement came from the "Telegraph" and not "The Courier-Mail". As I said, that indicates the inability of the A.L.P. to be truthful and accurate.

ADVERTISEMENT BY ACADEMICS ADVOCATING RETURN OF LABOR GOVERNMENT

Mr. MILLER: I ask the Minister for Justice and Attorney-General a question relating to an advertisement on behalf of a number of academics calling for the return of the Labor Government. What is the significance of academics' supporting the return of a socialist Government in Australia, and why should academics have need to be concerned if the A.L.P. Government was not re-elected on 13 December?

Mr. KNOX: This rather remarkable advertisement supported by 1,600 academics throughout the nation bears some analysis——

Mr. Aikens: Half of them can't read or write.

Mr. KNOX: I am not in a position to establish their qualifications in that regard. I have no doubt that in their fields they are highly regarded at the universities by their colleagues and by their students. I am not disputing their standing as academics and intellectuals in the universities, but I do dispute their standing as people capable of advocating to the people of Australia where this nation should go. Indeed, most of them——

Mr. Jensen: They know the Labor Party has looked after them.

Mr. KNOX: Let us deal with how the Labor Party looks after people. Most of them are card-carrying members of the A.L.P., to start with; let us understand that. They are not coming forward as independent commentators on the political scene as they are trying to pretend. They are in the main card-carrying members of the A.L.P., and some of them are card-carrying members of other political parties of the extreme Left Wing in this country.

Mr. Aikens: And a couple of them have criminal records. Why don't you mention that?

Mr. KNOX: Because I am not in possession of the information that the honourable member is, I hesitate to do that, and I do not think it is the sort of thing the House wants to hear. But the point is that they are themselves a group of highly biased people trying to pretend that they are unattached, impartial observers of the political scene of this nation. They are nothing of the sort.

Getting back to what the A.L.P. does for the people—it was born out of the needs of the working people of this nation at the end of the last century, and since that day, with the intrusion of the extreme Left-wing socialists and the Fabians and the rest of them—you name them—it has moved further and further away from the average man's position in the community and made itself not only the prisoner of the extreme Left but the prisoner of intellectuals who know nothing and who have never left school. They have gone from school to university and stayed at university. They know nothing about the ways of the world. They know nothing of the problems of the average man looking for a job and the average housewife trying to do battle with inflation. These are the people who muddle round with bits of paper, but they know nothing about how to do anything practical. Yet they have been employed in their thousands by the Labor Government as advisers on a host of problems. Let me read to honourable members a statement by a very prominent citizen of this nation regarding that position.

Mr. Aikens: You have my authority to read it.

Mr. KNOX: I presume that the honourable member would like to see the authority. It is an interview with Mr. Egerton.

Mr. Jensen: If he said this, I'll go out.

Mr. KNOX: I know the honourable member does not want to hear what Mr. Egerton said. This statement was made in answer to a question published in the November issue of "Rydge's". The question was—

> "Judging by the polls, the Labor government is very unpopular. Why do you think this is so?"

This is what Mr. Egerton had to say—

> "Well, we've had a hostile press but I'd have to admit that we've supplied the material for the hostility in a lot of cases. First of all, I think the Labor Party's priorities have been bad. We had the situation where every minister was competing for money and parliamentary time and passage of Bills. Each minister seemed to want to out-spend the rest. No real priorities were framed and we'd have done better to just concentrate on one or two important policies which required a lot of money. There were far too many really complex issues put before the Australian public and they just didn't understand that they would have to pay for them.
>
> "There's another factor too in the government's performance. It attracted a host of well-meaning intellectuals who were qualified in their own professions but had no political nous. One of the tragedies of the Labor Party is the type of adviser it attracted."

I can tell honourable members that 1,600 academics are the people that the Labor Party attracted as advisers. It may well be that, because the Labor Party has moved so far away from the ordinary citizen and the ordinary working man, the 1,600 academics will be the only people left to vote for that party.

PROPOSED IMPOUNDING OF MOTOR VEHICLES FOR SPEEDING AND NOISE OFFENCES

Mr. JENSEN: I ask the Minister for Transport: As monetary penalties have failed to prevent speeding and noise, is the Government still considering introducing the impounding of cars and motor-bikes to prevent louts drag-racing down streets, with screeching tyres and loud exhausts?

Mr. K. W. HOOPER: If the honourable member will give me an indication of where that is happening, I shall be happy to have it investigated.

MR. WHITLAM'S RIGHT OF VETO OF PERSONAL MINISTERIAL STAFF

Mr. GYGAR: I ask the Minister for Justice and Attorney-General: Did he hear Mr. Whitlam state on the A.B.C. radio programme "P.M." last night that he would insist on the right of veto over any personal staff that any Ministers might appoint if he were re-elected as Prime Minister? Does this mean that Mr. Whitlam does not trust the judgment and integrity of those who would be Ministers in any Government that he might lead?

Mr. KNOX: I am aware of the statement by the former Prime Minister, and it is not the first time he has made such a statement. The previous occasion he made it——

Mr. Moore: Was Junie still there?

Mr. KNOX: Well, it was after the dismissal of Miss Morosi. He made the statement that in future all staff would be vetoed by him. It may be that the Prime Minister feels he has that prerogative, but I think it does rather suggest that he does not have confidence in his ministerial colleagues—I am not saying he does not trust them—in the way they select their staff. I do understand that the staff of Commonwealth Ministers has to be subject to security screening, although there appears to have been some doubt about it prior to the date on which which Mr. Whitlam sought certain staff changes with his Ministers. He said that in future that would be done. I do not think there could be any objection to that.

When it comes to the personal selection of ministerial staff by the Prime Minister it suggests another thing which I think is of grave concern, that is, that certain people will be favoured to get these positions over the wishes of the individual Ministers. That, of course, leads to another situation where there are virtually what are known as camp pimps who can report back to the boss what is going on in the Minister's office. That sort of distrust among Ministers themselves under the Whitlam Government could only lead to further distrust by the public in a Government structured in that way.

DISTRIBUTION OF COPIES OF ANTI-ABORIGINAL POEM

Mr. M. D. HOOPER: I ask the Minister for Justice and Attorney-General: Is he aware of untruthful and defamatory statements made by Senator Jim Keeffe, as reported in "The Townsville Daily Bulletin", that the Liberal Party candidate for Herbert had distributed copies of a poem that had the intention of alienating the Aboriginal vote from the Liberal and National Parties? Further, will the Minister deny the statement by Senator Keeffe that Mr. Fraser would abolish the Federal Department of Aboriginal Affairs after his election on 13 December?

Mr. KNOX: By some way or other I have received a copy of the statement by Senator Keeffe, who, as we all remember, is the man who burnt a copy of the Aboriginal Act of Parliament in public. He professes to be concerned for the future of Aborigines. Of course, he has nothing to be concerned about. Aboriginal leaders generally feel confident that the Fraser Government will have their interests very much at heart, and that it certainly will not do the stupid things that the Labor Party did when it was in office, and indeed hopes it will be able to continue to do. The Labor Government made the Aborigines virtual mendicants and beggars; it deprived them of their rights and dignity; it made them mere vassals and serfs of the States. That is all the A.L.P. is interested in doing to the

Aborigines. It did not give them the dignity that they were entitled to receive under time-honoured legislation.

As for Senator Keeffe's attack on the Queensland Government's legislation—for the benefit of his memory as well as that of A.L.P. members in this House, I point out that 80 per cent of that legislation was introduced by a Labor Government in Queensland and supported by it—and, of course, also by us. So his claim that that legislation comes from this Government, whereas in fact it came from a Government of his own political colour, is an attempt to grossly mislead the public.

Quite obviously the song and poem do not emanate from Liberal Party sources. However, they undoubtedly reflect the feeling of a number of people in that area. I have no further comment to make on it.

PROPOSED DEVIATION OF CENTRAL RAILWAY LINE AT DUARINGA

INITIATION

Hon. K. W. HOOPER (Greenslopes—Minister for Transport): I move—

"That the Speaker do now leave the chair and the House resolve itself into a Committee of the Whole to consider the following resolution:—

'That the House approves the working plan and section and book of reference of the proposed deviation of the Central Railway Line at Duaringa.' "

Motion agreed to.

COMMITTEE

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

Hon. K. W. HOOPER (Greenslopes—Minister for Transport) (11.57 a.m.): I move—

"That the House approves the working plan and section and book of reference of the proposed deviation of the Central Railway Line at Duaringa."

As part of the over-all scheme to upgrade the Central Railway Line between Blackwater and Gladstone, it is desired to carry out a deviation of the Central Line in the vicinity of Duaringa to eliminate the existing timber bridge and to improve the existing grade and alignment. The length of the deviation will be 1.37 kilometres.

When this proposed deviation is constructed, the effective ruling grade for coal trains between Blackwater and Rockhampton will be reduced to 1 in 80, and this will enable trains at present hauled by four diesel-electric locomotives to be hauled by three.

As the proposed deviation will extend to a greater distance than 20.1 metres (22 yards) from the existing railway in passing through the town of Duaringa, the deviation will require to be approved by a resolution of Parliament in accordance with section 41 of the Queensland Railways Act, 1914-1971.

During the preliminary investigations in connection with the increased haulage of coal for export from the Blackwater field, involving the intention to use larger type capacity wagons, marshalled in longer train loads and hauled by multiple diesel locomotives, it was recognised that the existing permanent way and pertinent structures would be found eventually inadequate to cope with the cumulative effects brought about by the passage of long mineral trains.

In addition, longer trains would necessitate longer passing loops and the use of power-operated points at crossing stations or trailable point lock equipment. As well, increased traffic flow would necessitate the introduction of centralised traffic control signalling to obtain greater availability of sections of track.

These and other factors made it imperative that an upgrading of the section from Blackwater to Rockhampton on the Central Line and from Rockhampton to Gladstone on the North Coast Line be embarked upon at the commencement of the export coal traffic with the intention of completion when the designed traffic volume was reached.

The programme also required—

Replacing existing 60 lb. rail with initially 82 lb. rail. Further increased tonnages have made it necessary to increase rail size to 107 lb. on latter stages of the project.

Elimination of timber bridges by reconstruction in prestressed concrete to withstand heavier axle loading.

Strengthening of existing steel bridges.

Rearrangement of certain station yards and lengthening of crossing loops, particularly at terminal stations.

From a study of main line gradings, made when increased traffic haulage commitments indicated the need to progress from triple-headed to four-headed trains, it became apparent that an improvement in grades would be more economical than the acquisition of additional locomotives. It was decided to adopt an effective ruling grade of 1 in 80 against loaded mineral trains.

Deviations of this type have been provided at Yarwun, Mt. Larcom and Callemondah, and are proposed between Tunnel-Edungalba, at Gogango, Spectacle Creek and two other minor projects on the Central Line.

Most bridge reconstruction works have been on deviations adjacent and parallel to the existing structure to minimise interference with traffic on the original bridge, to provide quicker and more economical construction, to lessen land resumptions and, where desirable, to improve approach gradings and alignment. The deviation under review is in this category. Improved grading and alignment will be possible in conjunction with the reconstruction of the bridge.

The upgrading of the section of line between Blackwater and Gladstone commenced in the 1967-68 financial year using departmental resources, and has progressed since through the availability of security deposits from the developers of coal-fields on the Blackwater field for this work as well as for rolling-stock requirements.

State funds have also been made available to upgrade the line and purchase rolling-stock for the operations of the powerhouse at Gladstone.

A summary of expenditure to date from all sources is as follows—

	$ million
Construction works	15
Rolling-stock	22

The main dissection of construction works is as follows—

	$ million
Bridges	4.1
Passing Loops	1.7
Relaying	0.9
C.T.C. Signalling	2.8
Regradings	2.9

Apart from the long, low timber bridges at Yeppen and Gavial Creeks, only four bridges remain on which work has yet to commence.

It will require approximately $17,000,000 to attain the ultimate goal set for regrading, escalation of costs to the extent of approximately 50 per cent being a major set-back to this work.

On the credit side, rail haulages of coal from Blackwater have grown from a mere trickle in 1967 to 4,945,000 tonnes for revenue earnings of $22,826,000 during the 1974-75 financial year.

I commend this resolution to the Committee and ask that honourable members give it their support.

Mr. MELLOY (Nudgee) (12.4 p.m.): The resolution outlined by the Minister seems desirable. If the proposed deviations improve the transport communications from Duaringa, the move will certainly prove to be advantageous to the State. Obviously, the economics of coal transportation on the line will be improved by a reduction in the number of engines necessary from four to three. It is without doubt that any improvements in the grade of the line will help to preserve the life of the railroad, which is to carry such heavy tonnages of coal. Over a period of years the reduction in the grades will have a marked effect on the maintenance of the line and the rolling-stock.

Although the cost seems to be high—I think the Minister mentioned $17,000,000—I suppose that that is in line with the current economic trends. If I misunderstood the Minister's quotation of the cost, he can correct me. This work cannot be carried out cheaply in these times.

From what the Minister has said, I do not think there is anything to which the Opposition will object. It is a necessary Bill——

Mr. K. W. Hooper: It is a resolution, not a Bill.

Mr. MELLOY: Resolution. The works to be carried out are very necessary on this line. If there is anything in the resolution which we find is not as we think it should be, maybe we will be given a later opportunity to discuss it.

Mr. K. W. Hooper: The resolution and the book of reference were laid on the table of the House.

Mr. MELLOY: At this stage the Opposition is prepared to go along with this proposal as put forward by the Minister.

Hon. K. W. HOOPER (Greenslopes—Minister for Transport) (12.6 p.m.), in reply: I thank the Deputy Leader of the Opposition for his support. I am sure that he will be satisfied. I allowed some time for the book of reference and the resolution to be absorbed by honourable members. I am sure that, once they have absorbed that material, they will be quite satisfied with the resolution.

Motion (Mr. Hooper) agreed to.

Resolution reported.

AURUKUN ASSOCIATES AGREEMENT BILL

INITIATION IN COMMITTEE

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

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Energy) (12.8 p.m.): I move—

> "That a Bill be introduced with respect to an agreement between the State of Queensland, Tipperary Corporation, Billiton Aluminium Australia B.V. and Aluminium Pechiney Holdings Pty. Limited and for purposes incidental thereto and consequent thereon."

The purpose of the Bill is to seek the approval of this Parliament of an agreement for Queensland's entry into a vast new bauxite-alumina venture on Cape York Peninsula. The completion of this agreement is another great milestone in Queensland's unprecedented development in recent years. It will result in a further substantial upsurge in the economy of this State and I am confident that it will be welcomed by the vast majority of Queenslanders.

It is fitting that the centenary year of the Department of Mines in Queensland should come to a close with such an important piece of mining legislation as that embodied in this agreement. There can be no doubt that during the past 100 years the mining industry

has made a major contribution not only to the decentralised development of Queensland but also to the economic progress of this State and of the nation. The project envisaged in this agreement will cost in excess of $500,000,000. Eventually it will include an alumina refinery, a new port, a new town, and will employ at least 1,500 people.

Once again the wonderful diversity of Queensland's mineral wealth is brought to light and there will be a very satisfactory addition to Australia's balance of payments position when the project becomes operational. It cannot be stressed too often that, despite the current economic problems facing Australia, Queensland has one of the brightest futures of any State in any country. Australia —and in particular Queensland—is already a force in the international minerals market, and will be a significant source of basic and processed minerals for many years to come. Our State is in the economic box seat, both in the short term and the long term, because of our mineral wealth. Honourable members know that the success of the development of Queensland's natural resources has led to the establishment of thriving communities in isolated parts of the State.

The partnership for progress between this Government and private enterprise has brought unprecedented growth in the utilisation of our natural resources and has paid great dividends for Queensland over the past 18 years and will continue to do so. It has led to Queensland playing an increasingly valuable role in the Australian economy from year to year and to several outstanding achievements. Compare the progress we have made with the restrictive socialist approach of the former Federal Labor Government in Canberra. Mining, oil and gas search programmes brought great prosperity and employment opportunities to Queensland and our policies were able to cushion to some extent the severity of the stagnating socialist approach by Mr. Whitlam and his former Energy Minister, Mr. Connor. Canberra must recognise the right of this Government to function as the Government of a sovereign State, and of private enterprise to function freely and without undue restriction or harassment.

The Aurukun Associates Agreement Bill is the culmination of detailed negotiations between the Queensland Government and the Aurukun Associates—comprising Tipperary Corporation (40 per cent), Billiton Aluminium Australia B. V. (40 per cent) and Aluminium Pechiney Holdings Pty. Ltd. (20 per cent). The bauxite deposits to which this Bill refers are on northern Cape York Peninsula, 50 kilometres south of Weipa and 20 kilometres from the coast, mainly in the Aurukun Aboriginal Reserve, tribal home of some 700 Aborigines representative of four tribes. The proposed mining lease occupies 1,905 square kilometres, of which 1,800 square kilometres are within the reserve. The total reserve area is approximately 7,503 square kilometres.

At this point, I should also mention that at the request of the Aboriginal council on the reserve, the companies agreed some time ago to relinquish about one-fifth of the original area of their authority to prospect for the Aborigines' hunting and fishing purposes. Proven deposits of several hundred million tonnes of high-grade bauxite have since been established by a three-year close grid drilling programme on the remaining part of the companies' lease. By world standards, the Aurukun bauxite deposits constitute a major reserve, which is approximately of the same magnitude as those of Gove in the Northern Territory and of the Darling Ranges in Western Australia. I understand the combined leases of Comalco, Alcan and Aurukun Associates comprise one of the largest single reserves of bauxite in the world.

Development of the Aurukun mine will create employment opportunities for many hundreds of men, including many of the local Aboriginal population. The Agreement makes provision for the construction of an alumina refinery, either in the Aurukun area or elsewhere in Queensland, providing employment for at least 1,200 people. In addition to the refinery, it is possible the companies will build an aluminium smelter in this State. It has been agreed that a feasibility study on the construction of a smelter will be carried out within eight years of the refinery's completion.

Before going into details, let me now list quickly other developments associated with this large project.

The companies have undertaken to build an alumina refinery, of not less than 600,000 tonnes a year capacity, construction to commence by 1983.

The joint ventures are required to lodge a $2,000,000 bond as security for the performance of their obligation to construct this plant which, as I have already indicated, will be on Cape York Peninsula or perhaps on the east coast adjacent to an energy source.

Port facilities will be constructed possibly in the vicinity of Pera Head.

The harbour will be under control of a board to be constituted by the State, and it will be open to other users, as well as the companies associated in the Aurukun project.

Another essential part of the project will be construction of a township—a public town —under a local authority, under the Local Government Act.

Construction of an ample water supply system will also benefit other users in the area.

At this point, I would like to refer to the magnificent benefits flowing from the alumina refinery at Gladstone. Establishment of this refinery has resulted in a great strengthening of Queensland's industrial base. I know the member for Port Curtis appreciates what this project has meant to Gladstone.

What have the benefits been? Employment opportunities for hundreds of men and women; the purchase of sophisticated Australian-made plant and equipment worth millions of dollars; taxes; freights and other payments to both the Commonwealth and Queensland Governments. At Gladstone, most of the capital cost of the completed plant was spent with Australian manufacturers and suppliers. Spending on goods, services and raw materials amounts to millions of dollars every month. The refinery to be constructed and operated for the Aurukun bauxite project will bring benefits comparable to those we now see at Gladstone.

As I have said, the Aurukun project will have its own port and harbour facilities. Here again, the joint venturers will lodge security deposits to cover the costs of harbour construction. The Government will define the limits of the harbour, after consultation with the companies, assign a name to it, and constitute a harbour board. The harbour board will survey and construct the harbour and works including any channel, wharf, or handling facilities and navigation aids. The companies will manage and maintain harbour works subject to agreement with the harbour board, which will also determine the extent and conditions for other users of the harbour and its facilities.

I now turn to the town. This is another of the benefits the Aurukun project will provide. The planning and construction of a new, attractive town with all facilities necessary for a high standard of community life for a population of some 3,000 is contemplated.

The Government and the companies will co-operate in selecting the most suitable site for the town, either within the special bauxite mineral lease or adjacent to it. The survey and planning for the town will be carried out by the companies, and submitted to the Government. Development of the town, including roads, water supply, sewerage, drainage, recreation grounds, and other necessary urban infrastructure, will be carried out by the companies at no cost to the local authority.

Once the town is built, the various community facilities will be handed over to the local authority for maintenance and operation. The State will provide and maintain education and police facilities. All by-laws necessary for the proper functioning of the town will be made and enforced by the local authority.

The companies will have the right, subject to rights previously conferred in respect of the nearby Weipa project, to obtain water from rivers and underground sources. The Commissioner of Irrigation and Water Supply will ensure that supplies to other licensees are not unduly depleted, and that the possibility of the intrustion of salt water into aquifers is avoided. If the companies wish to construct any water storage, the Government reserves the right to negotiate for a larger storage. In determining the amount of water to be stored, the companies will make allowance for water that may be required upstream and downstream for stock, domestic and housegarden purposes.

AGREEMENTS

The joint venture companies are bound by two separate agreements with the Queensland Government. These form a schedule of this Bill and are known together as the franchise agreement. Generally, the franchise agreement sets out rights and obligations between the companies and the Government, on the one hand, and between the companies and the Director of Aboriginal and Islanders Advancement, on the other.

In the first part, the franchise agreement provides for—

* Royalty payments to the Queensland Government on bauxite produced—at rates prescribed from time to time by regulations under the Mining Act.
* Good mining practice and land-restoration provisions.
* The joint venturers to have a 42-year special bauxite mining lease, with the option of renewal for a further 21 years.
* Land rent, on all land held under the special lease, of $3 a square kilometre for the first five years, increasing to $6 for the following 10 years and between $12 and $20 thereafter—the rate to be determined by the Governor in Council.
* Expenditure conditions requiring the joint venturers to spend annual sums (excluding the cost of the refinery) ranging from $1,000,000 a year after the start of mining to $5,000,000 from the twelfth year of mining operations.
* The joint venturers to lodge a $2,000,000 performance bond in 1983 to guarantee completion of the proposed refinery by December 1987—the agreed date.

Now to the second agreement—that between the Director of Aboriginal and Islanders Advancement and the companies. This agreement documents letter agreements which confirmed certain arrangements made among the then president of Tipperary Corporation, which was then the sole holder of the authority to prospect, the council and the elders of the Aborigines at the reserve, the Rev. H. E. Gillanders, the superintendent of the Presbyterian Mission at the reserve, Mr. S. E. Edenborough of the Australian Presbyterian Board of Missions, and Mr. P. Killoran, then the Director of Aboriginal and Island Affairs.

Under this agreement the joint venturers are required, among other things, to:

* Encourage maximum participation by the reserve's Aborigines in the mining and associated operations.
* Pay award rates to Aborigines employed on the project.

* Pay to the director on behalf of Aborigines 3 per cent of annual net mining profits, the first payment to apply to profits in the third year of mining activity.
* Give the director and the Presbyterian Mission on the reserve at least six months' notice in writing of those areas within the bauxite field about to be mined.
* Dismiss and remove from the reserve any employee, contractor or agent guilty of conduct known to be offensive or sacrilegious to the Aborigines.
* Respect and leave undistributed any Aboriginal relics and sacred sites on the reserve.
* Recognise the inviolable rights of Aborigines to live subject and according to the law, custom, religion and established practices of their respective tribes.

The full terms of the agreement are contained in the Bill, and if any honourable member desires to have any point elaborated on, my colleague the Minister for Aboriginal and Islanders Advancement and Fisheries will be pleased to do so during the second reading debate.

EMPLOYMENT

As I have said, the mining operations and the refinery will eventually employ at least 1,500 people.

The joint venturers are looking forward to establishing a close and harmonious relationship with the mission and the Aboriginal council on the reserve.

Perhaps the greatest contribution the Aurukun Associates could make to the Aborigines would be to give them employment and with this in view the joint venturers at an early stage will establish a training scheme designed to ascertain the most suitable jobs for the local population.

ENVIRONMENTAL

This Bill provides that proper care will be taken of the environment. The joint venturers will carry out a full programme of land rehabilitation as the surface mining operations progress, and will report to the Government on environmental matters. Investigations conducted by others in the area indicate that the growing of certain cash crops might be possible. However, it must be stated that the bauxite mining area is among some of the most desolate country in Northern Queensland. Vegetation is poor and sparse, owing to the light overlay of surface soil on clay and bauxite.

The agreements embodied in this Bill establish rights and obligations for the companies and a fair return to the State. They are the result of protracted negotiations held in an atmosphere of mutual trust. Compare this with the frustration and abuse which, during the last three years, became the hallmark of the Whitlam Government's relationship with the mining industry. It cost Australia and the State of Queensland hundreds of millions of dollars by its futile attack on overseas investment.

Only a few months ago, the former Labor Government insisted on 100 per cent Australian ownership and control of energy resources.

It has now settled on a minimum of 50 per cent Australian ownership for all new mineral development, with the exception of uranium (which remains at 100 per cent). This is a realistic target and one that this State and the mining industry has encouraged. But why the two-year delay? Why the costly frustration and confusion which have jeopardised great new mining ventures all over the country and made many foreign companies look elsewhere for their investment prospects?

LOCAL EQUITY

After the enactment of this Bill the participants intend to start their research and negotiations for the formation of a consortium capable of handling this project, keeping in mind the desired Australian equity. The joint venturers hope to attract Australian equity capital—up to 50 per cent—and that large Australian companies will be interested in having a share-holding in the Aurukun venture.

HISTORY OF PROJECT

To date, the partners have spent more than $4,000,000 on exploration and various investigations on a project which can have enormous benefits for the people of Queensland.

For more than a decade the mineral industry has made a tremendous contribution to Queensland's growth—to Australia's growth—and has done most to speed the development and decentralisation of this vast State. It has provided millions of dollars of investment capital, homes, roads, power and water supplies, and countless job opportunities.

With the confirmation in office on 13 December of the Fraser Government, Australia can expect a mineral boom which, in the next decade, will earn more in export income than all of our rural exports put together. Official figures indicate that earnings from uranium alone will be at least $1,000 million a year.

I am glad to say that Queensland is richly endowed in minerals. We have enormous reserves of coal, uranium, silver, lead, zinc, phosphate and copper and the world's largest known deposits of bauxite.

The Aurukun Associates Agreement Bill is a new, major step in the minerals development of Queensland. It provides a sound basis for the operation of the project with national and State benefits in terms of employment, taxes, royalties and the use of

Australian-made plant and equipment, and it also provides immediate and long-term benefits to the Aurukun Aborigines.

I commend this important Bill to the Committee.

Mr. MELLOY (Nudgee) (12.27 p.m.): The Bill is one of great importance to Queensland, and one that embodies principles that have been apparent in most negotiations with mining companies.

At Aurukun there is to be developed an industry that could make a tremendous difference to North Queensland. However, again as on previous occasions we see an intrusion into the traditional tribal lands of Aborigines. Such a situation is fraught with problems—problems that should be resolved before any work is undertaken in the area. If they are not resolved with the co-operation of the Aborigines concerned, trouble will arise in years to come.

The Aborigines have always regarded the lands referred to in the Bill as their own—their claim may be a matter for dispute—and with the discovery of vast natural resources on these lands, the Aborigines, rightly or wrongly, have the view that those resources, too, are theirs. Unless we reach an agreement with these people, trouble will arise.

The Minister has stated that the agreement that has been drawn up is the result of negotiations among the companies concerned, the T.L.C., the Government, the Aboriginal council and the Department of Aboriginal and Islanders Advancement. That view does not seem to be held by either the Presbyterian Church or the Aboriginal council, which claim that they have been overlooked in the negotiations.

The venture is an ongoing operation that will run apparently for 20 years. The Minister has said that the area contains about 100,000,000 tonnes of ore. Employment will be provided eventually for about 1,500 people, but this undertaking will disturb the whole of the Aboriginal community. We should not proceed with such a venture without first reaching substantial agreement on it with the people in the area.

It is proposed to train local Aborigines to work on the project and it seems that employment will be available for most of the Aborigines who are able to undertake the work. The Bill contains a provision under which 3 per cent of the net profit is to be paid to Aborigines. That has never been accepted by the Aborigines or the Presbyterian Church, which runs the Aurukun Mission. The attitude of the church has always been that a royalty should be paid to the Aboriginal community in the area. Negotiations have been continuing since 1968 when the Tipperary Land Corporation first moved in to undertake surveys of bauxite in the area. The Aborigines have been concerned ever since the surveys commenced.

The Bill provides that 3 per cent of the net profit from the project will be paid yearly to the Director of Aboriginal and Islanders Advancement from the third year of operation. I do not know whether that is a good provision. The Aboriginal community deserves more consideration. I question whether the 3 per cent is high enough. To what extent have the rights of the Aborigines been taken into account? Do they have only a 3 per cent interest in this area, which they regard as their traditional tribal lands—their property? The 3 per cent of the net profit could mean anything, because net profit is affected by many factors. It could be that 20 years will pass before any reasonable profit is forthcoming for the Aborigines. The Bill certainly provides that the 3 per cent shall be paid from the third year, but will there be any profits in three years' time? It could be 10 years before any substantial amount is payable. In the meantime, millions of dollars in profit could have been made from the area.

Mr. Lindsay: What about the jobs that will have been provided in the same period?

Mr. MELLOY: That is not a concession. They will work for any wages they get. The wages will have no relation to the profits made from this project. We cannot take into consideration the wages that are paid; the Aborigines will not get something for nothing in the way of wages. It cannot be said that they will be adequately compensated by the payment of wages for the loss of their land or its resources.

I have a statement from the Presbyterian Board of Missions, part of which is in these terms—

> "It should be stressed that neither the Aurukun Community nor the Board of Missions agreed to the 3 per cent. profit participation being directed into an Aboriginal welfare fund. The Community has always been firm on this; the clause 'a sharing of the Aborigines in the success of the industry' is in direct opposition to the Director's agreement on behalf of the Aboriginal Welfare Fund."

Until we see the Bill we will not be able to assess properly many of its provisions. We will have to examine it closely to determine the responsibility of the State Government as it relates to the rights of Aborigines. Over the years we have had trouble with our mining leases and our mining agreements. In many cases it has been shown that not until many years have elapsed have we reached equitable Government participation. We would not be receiving the royalties that we are today but for the actions of the Federal Labor Government in the mining sphere.

Mr. Camm: Rubbish!

Mr. MELLOY: That is true. The Minister moved in to increase his royalties in Queensland when he found that the Commonwealth Government intended getting a cut out of this country's resources. The Minister would have been content with a royalty of 5c a tonne.

Mr. Camm: The A.L.P. would have been content with a penny. Have a look at your legislation.

Mr. MELLOY: That is ridiculous. What significant mining ventures operated 17 years ago?

Mr. Houston: There were none then.

Mr. MELLOY: That is right. If there had been, the Australian Labor Party Government in this State would have ensured that the State received its fair share from royalties. The development of our mineral resources has occurred over the past 10 to 15 years. It is in that time that discoveries of our mineral resources have been made, and the development has taken place only in that time. If the overseas companies had moved in earlier, the Labor Government would have guaranteed that Queensland was not sold out. It would have ensured that the resources of this State were not given away, as has been the case under this Government until recently.

This is a very important measure. We have to look very closely at all the implications of the agreements that are signed. We must study the legislation to ensure that the housing arrangements for the workers are equitable and just and that the working conditions of the Aborigines are beyond complaint. There has been a tendency to exploit Aboriginal labour in the past. If we ensure that they are paid award wages, as they should be, this measure will prove to be a great blessing for the Aboriginal population in the northern part of the State.

Queensland cannot afford to give its mineral resources away. For that reason we must look closely at the conditions laid down under the agreements. We have to make sure that Queensland gets its share from the valuable resources that are being exploited. Doubtless, we must have the international companies developing the areas. The Labor Party agrees with that so long as Australia has a fair equity in that development.

I will not speak at length on this; I am not an expert on mining.

A Government Member: You can say that again!

Mr. MELLOY: Some members may say that that is quite obvious.

Mr. Camm: You are doing a good job.

Mr. MELLOY: As the Minister realises, I am taking the place of our shadow Minister, Marty Hanson. The Opposition proposes to have a close look at the Bill. If we come up with any suggestions for the Minister, we will make them. I assure him that we agree with the development of our State, but we want to ensure that nothing is put over Australia and, more particularly, that nothing is put over the Aborigines. As presently advised, I do not think they have been given a fair go in the negotiations surrounding bauxite mining at Aurukun. I do not think they are happy about it. The Board of Missions is certainly not happy about it. I would like to hear greater detail about the extent to which the board participated in the negotiations. Apparently they do not feel that they were invited to get down to the nitty-gritty of the negotiations at all. The chairman of the council was brought down from Aurukun at one stage and assured that everything was fair and above board and that the community up there would be given a fair go; but I do not think that was a fair go to him. He would not be versed in the art of negotiation and would have to accept what was told to him by the parties concerned. The Presbyterian Board of Missions should have been given greater participation in the negotiation. We will leave it until we see the Bill.

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Energy) (12.40 p.m.), in reply: I thank the Opposition spokesman for his contribution. He did get off the subject a little when he dealt with royalties. He indicated that he does not know much about mining. Obviously he does not know much about the history of royalty payments on minerals in this State. Under Labor Governments no royalties were collected on any minerals mined in this State, except some on coal.

The records of the Mines Department show that when the coal companies started to mine in Queensland the royalty was set out precisely for them. It was 6d a ton for the first 1,000,000 tons, 3d a ton for the next 1,000,000 tons and 1d a ton thereafter. So it is no good the honourable member claiming that this Government has given away our natural resources. Over the years, we have increased royalties considerably and have also increased the rents for mining enterprises. We have looked after the resources of this country.

The honourable member spoke about the valuable resources in this area of Aurukun. Certainly there are valuable resources but their value cannot be realised unless a company is prepared to spend hundreds of millions of dollars to mine them. That is what the Bill will bring about. For many years we have known of the reserves of bauxite deposits in that area and a company is now prepared to develop them. We have negotiated agreements which we feel will be beneficial to the people of Queensland, including the Aborigines who inhabit this area.

The honourable member mentioned trouble with mining leases. I have been Minister for Mines for 10½ years and not once have I had trouble with mining leases after they had been issued.

The honourable member spoke at length on the Presbyterian Board of Missions. I have one of its pamphlets. I have indicated in the Bill that this is the province of the Director of Aboriginal and Islanders Advancement (Mr. Killoran) and the Minister who controls that department. They conducted the negotiations. I have also indicated that that Minister will speak at the second-reading stage.

As the honourable member raised this subject I inform the Committee that I have received telegrams from a Melbourne solicitor. I honestly did not know him because I was not involved in the negotiation of any agreement between the mining companies and the Aboriginal council. That is the affair of another Minister. I did not know this gentleman in Melbourne but I found out his qualifications by ringing the church yesterday. I have arranged to speak with him and a member of the church if they are available next Tuesday in my office so that they can outline what has been done. I took the trouble to find out what had been done in the negotiations because I am responsible for the presentation of this Bill.

I have here an extract of a report made in the Presbyterian Church of Queensland Assembly in 1972 dealing with action on land rights. On page 76 it is set out that they knew all about the matter. In fact, the report on this matter covers many pages. It commences—"Negotiations began in early 1968 . . ." It states that they had some problems but—

> "This led to two complementary agreements after one of the top officials of Tipperary (an Elder of the Presbyterian Church of U.S.A.) conferred with the three parties at Aurukun and Brisbane. The first agreement (2nd August 1968) was with the Aurukun people and the Board. There were many clauses in all! the important ones were—"

They are all outlined and these are the clauses that had been agreed to. Further on the report reads—

> "In negotiations with the Government, the representatives of the consortium suggested the agreements made earlier with T.L.C. did not hold now with the consortium."

The board insisted that the conditions that were negotiated form part of the agreement. They were fearful that the provision for 3 per cent of the profits would be taken out of the agreement and replaced by royalty provisions. All of this is outlined in the report.

However, we were successful. The Minister for Aboriginal and Islanders Advancement and his director (Mr. Killoran) were adamant that the terms of the agreement entered into must be honoured. So far as I know, they are the terms in respect of the Department of Aboriginal and Islanders Advancement that are incorporated in the Bill. I am prepared to discuss them with representatives of the board and I believe that a legal representative has been appointed to speak on their behalf. I am only too happy to have such a discussion next week and, as I indicated, I hope the Minister who is responsible for the welfare of Aborigines and the policing of reserves will be able to reply at length during the debate on the second reading.

Motion (Mr. Camm) agreed to.

Resolution reported.

FIRST READING

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

URBAN PASSENGER SERVICE PROPRIETORS ASSISTANCE BILL

INITIATION IN COMMITTEE

(Mr. Miller, Ithaca, in the chair)

Hon. K. W. HOOPER (Greenslopes—Minister for Transport) (12.48 p.m.): I move—

> "That a Bill be introduced to authorise the Minister for Transport on behalf of the Government of the State to guarantee the repayment of moneys borrowed for certain purposes by proprietors of urban passenger services and to pay to those proprietors subsidies and for matters incidental thereto."

Honourable members will recall that in submitting the estimates of the Department of Transport to the House, I outlined plans to assist the proprietors of privately owned urban bus services to maintain and improve their services. An amount of $600,000 has been made available for the present financial year. This provision has been made to implement the stated policy of the Government to preserve the private bus system in the metropolitan area and provincial cities by subsidising them so that a brake can be applied to increasing fares and every effort be made to keep the services economically viable.

The Bill provides for guaranteed loans for new buses over a five year period and for the payment of an interest subsidy on loans for this purpose. It will also provide for pensioners to benefit by concessional fares on private urban bus services and the payment of a subsidy to operators providing these concessions.

This Government recognises the important contribution the private bus industry has made to the development of public transport in our cities and appreciates its efforts in endeavouring to maintain a satisfactory standard of service despite escalating costs outside its control. So far as urban services are concerned, the objective of the Bill is

directed towards providing an efficient service to the public. I think it is generally accepted that private operators are operating under difficult conditions in endeavouring to provide an acceptable service at the present time. They have had to contend with rapidly escalating operational costs, the highest rate of inflation the nation has known, soaring costs of replacement vehicles, the highest interest rates in our history, as well as difficulty in obtaining loan moneys for the purchase of vehicles.

Many operators have achieved significant economies. However, without positive Government assistance to the industry, there must be steeply escalating fare increases and curtailment of services, which compounds the problems facing the industry today. The inevitable result of such a trend is the decline in the private sector of urban transport at a time when private enterprise generally should be stimulated.

The problem of maintaining urban bus services is not confined to this country and it is by no means confined to private-enterprise operators. This year the Government of Great Britain, for example, has committed multi-millions of dollars in support schemes for its national bus company and its various subsidiaries. In fact, in comparison to the overseas experience, Queensland up till now has managed to sustain a reasonable level of urban services consistent with demand, by the cost saving measures of its private urban bus operators.

The Bill will give some assurance of viability to the industry, encouragement to implement and maintain proper bus replacements, ability to maintain some unprofitable routes, and an incentive to improve services to the urban passenger.

We have looked carefully at support schemes that operate in other Australian States, but have not found in these or in overseas situations anything that is entirely suitable to our local situation. The Bill has been framed to meet the particular circumstances of urban services in Queensland without imposing an unnecessary extra burden on the State's finances.

Over the years the Government has assisted the bus passenger industry by subsidising school transport services. Honourable members would have noted that provision amounting to almost $10,000,000 was made in the Budget for this purpose. In addition, of course, there is the special subsidy of some $955,000 payable to the local authority bus operators, the Brisbane City Council, and the Rockhampton City Council, for the school transport services they provide.

This measure is only one part of the Government's policy to promote and improve public transport. It deals with the private sector where it is intended to provide an alternative to the private motor car. With the measures we are taking to improve services and hold fares at a reasonable level, there is no reason why the decline in patronage of the private urban services should continue. If this trend can be arrested and improvement made to services, the public will benefit.

I therefore commend the proposed Bill to honourable members as a most practical and important piece of legislation deserving of their utmost support.

Mr. HOUSTON (Bulimba) (12.54 p.m.): Because basically the legislation is designed to help those who are required to provide an adequate public transport system, the Opposition certainly will not oppose its introduction. However, it is to be regretted that the transport commission that has been talked about for so many years, and which is in fact in existence, is hastening very slowly. There may be many reasons for that; but one would imagine that, as it has been talked about by the Government for a number of years, the transport commission would have made known its findings on the operation of Brisbane's transport system and that co-ordination would now be well under way. It is unfortunate that the Brisbane River is not used to a greater extent for public transport. It is unfortunate, too, that there is overlapping of road and rail transport systems. It is also to be regretted that the electrification of the railways is proceeding so slowly because of the Government's attitude.

It would be impossible at this stage or in the foreseeable future to leave public transport entirely in the hands of the Government or the local authorities. It is recognised by all political parties that the private transport operator has done a tremendous job in the development of public transport. No-one wants to take any credit away from him. This is a new concept of financially assisting the private operator. It is remarkable that we have a Government that is prepared to become a guarantor for the private operator—if the private operator goes bad the Government has to foot the bill—and a Government that is going to assist the private operator with his fare structure.

To me this is straight-out socialism. It is the application of a socialistic principle. The same Government is crying, "We don't want any part of socialism at all." Now it is introducing a Bill that adopts a socialistic principle—that of using public money for the development of private enterprise. I said that the Opposition will not be opposing the introduction of the Bill. If that is the way things are to be, we are not opposed to it.

One of the problems associated with the development of the State's main cities has arisen because land developers have been allowed to develop housing areas far removed from public transport. They have developed and sold land and virtually told the buyers of that land, "Find your own way to public transport." Over the years land developers

have told prospective buyers, "Don't worry, there will be a public transport service going in here." No-one can expect the private operator to run at a loss. He is in business to make money, and I have no fight with that at all as long as it is legitimate profit. Private operators cannot be expected to run services to areas where they lose money.

I take it that what the Government will do under this Bill is subsidise the private operator in an endeavour to have a service provided in a particular area. The Government will subsidise the private operator's fare structure so that it will pay him to go into a particular area. If that is the principle behind the Bill, I have no fight with it. Complementary to this type of legislation and activity we should be telling the land developers that they cannot develop land for residential purposes unless there is an existing public transport system to serve the area or they can guarantee the development of one.

Although private motor vehicles are used extensively today, many people would be prepared to use public transport if it were available to them. However, once the use of the private motor vehicle is established as a part of the way of life, with perhaps a second car in the family for use over comparatively short distances, it is very difficult to persuade people to come back to public transport, particularly when time-tables do not suit their convenience.

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

Mr. HOUSTON: When granting assistance to private bus operators, the Government should give more thought to forms of assistance other than financial support—in this instance, by way of guarantees. More consideration should be given to the costs of vehicles and of spare parts.

In his introductory speech the Minister said that the operating costs of buses were high. I quite agree that they are. I am also aware of the fact that spare parts are very expensive and, in many instances, more expensive than they need be simply because the manufacturers will not market single small parts that are required. I have spoken to many motor vehicle repairmen who confirm my view that, quite often, in order to replace one damaged or worn small part a whole new assembly containing that part has to be purchased. They say that that adds to repair bills. So I suggest to the Minister that he let the car manufacturers and dealers know that this state of affairs is quite unsatisfactory in that it adds to the cost of repairs and insurance premiums and, as well, creates delays.

The Minister also commented that interest rates are a problem. They are high; but, let's face it, all major political parties have a policy of trying to combat inflation by fixing high interest charges in an endeavour to deter people from borrowing money.

In this instance, where the Government will be guarantor, is it intended that the operators who want to borrow the money will do so from recognised banks instead of from some of those lending institutions that charge very high interest rates? Among the responsibilities of banks is the provision of money for legitimate business development, so I hope that they will play their part and that the Minister will make sure that the money that is borrowed is obtained from legitimate lending organisations—the banks —which offer lower interest rates.

I could speak at length on bus services, time-tables and so on. I do not intend to do so, however, because I think it is sufficient to say that we should encourage people to use public transport instead of private transport. Any measure that is designed to provide assistance to bus operators and thereby allow them to provide an efficient service and to run their buses both on working days and at week-ends to regular time-tables will be of benefit to our city. Unfortunately some bus services are not run to regular time-tables and therefore do not meet the needs of the travelling public. An efficient, comfortable and regular bus service will induce people to travel by public transport.

Mr. AHERN (Landsborough) (2.20 p.m.): In principal, the proposition that the Government should subsidise private transport operators is good. It has been recognised throughout the world that the provision of adequate transport amenities to the public is not very profitable. In fact, in many situations, it is quite to the contrary. Frequently governments have had to step in to subsidise reasonably adequate services, and that has been accepted by all political parties.

I commend the principle by which this Government, in the light of its political philosophy, intends to integrate private transport operators in the general system rather than nationalise the whole system and get rid of private transport operators. Private operators have a part to play. They have provided good, courteous services and they deserve assistance in these inflationary times. Their major problems have been caused by increases in wages, petrol, tyres and general maintenance costs. In these circumstances it has been extremely difficult for them to operate on their fare structures. All are in difficulty. It is noteworthy that this Government is taking the initiative to assist them in their hour of need by integrating them in the general system.

I am seriously concerned in that, apparently, the Government intends to restrict the payment of subsidies and other concessions announced in the Budget to operators in the capital city and the provincial cities classified under the Local Government Act. I am extremely disappointed by that decision. On my reading of the various announcements made in the Budget presented in this Chamber, the Treasurer said quite clearly, "We will subsidise urban transport operations of a private nature." He did not qualify

his statement by saying that help would be restricted to the city of Brisbane and provincial cities. The Treasurer should reconsider the proposal. It is not good enough to say that the city of Brisbane and provincial cities classified under the Local Government Act are to be the only ones to participate.

Mr. Moore: It is discriminatory.

Mr. AHERN: It is discriminatory.

In many places throughout the State, urban transport operations are carried on by private enterprise. In the Maroochydore area the situation is very similar to that in the city of Bundaberg. Under this legislation we propose to provide concessions for pensioners and subsidies to transport operators in Bundaberg, but Maroochydore will not be included. The operator in Maroochydore has been struggling—I refer to him as only one of many such cases—to provide an excellent public service. He has done his level best. He is beset by the same cost increases as those which affect operators in municipalities. There is no difference between the operations; therefore there is no justification for saying, "We will subsidise Bundaberg but not Maroochydore."

Surely the Treasurer would not want the fare structure in Maroochydore to be higher than that in Bundaberg, or that pensioner concessions should be available in Bundaberg but not in Maroochydore. That is not good enough. I ask the Minister, when he replies, for a clear definition of what he intends to do under this legislation. I ask the Treasurer to explain how he justifies offering concessions to people merely because they happen to reside in a municipality as against a shire. In my opinion it is ridiculous to contemplate an artificial cut-off point. Somebody said, "Let us restrict it to towns of a population greater than 10,000 or 15,000." Again, it is ridiculous to arrive at an arbitrary classification. In almost every community in Queensland, private transport operators endeavour to provide a service. In my view pensioners in those areas are entitled to the pensioner concession that we announced to our electors was available. From the text of the Treasurer's Financial Statement, we assumed that that would be so, but it seems that it is to be restricted for some reason—budgetary, no doubt.

It is discriminatory. I do not think the smaller communities of Queensland deserve such treatment. They certainly will not wear it. I suggest to the Government that, when the fine print is being drawn up for this proposal—worthy though it is, as I admitted initially—closer consideration be given to what is being done. Communities alongside one another will have vastly differing transport cost structures. Pensioners in adjoining areas will be discriminated against. My understanding is that transport operators in some areas will be offered loan concessions but those in other areas will not. It is not good enough.

Now, when we are discussing the measure, is the time for the Government to have another look at the vexed matter of public transport. As a Government, we have to encourage a viable form of public transport. In general terms we have to consider providing a reasonable public system. I do not suggest that we go the whole hog and insist that people get out of their cars—they never will—and inject a massive investment into public transport that people will not take advantage of. We have to follow a reasonable, middle course. We have to seek the middle ground in this matter and provide reasonable public transport. From a philosophical point of view, it is very wise for private enterprise to be involved in it in some way.

In terms of general transport needs, the motoring public should not be ignored. They will demand consideration. Thus, as a Government, we have to seek a responsible, middle ground where the losses will not far outweigh the advantages. The public as a whole are looking to us to take that action. They are not looking for Utopia: they are looking for a reasonable middle ground.

My purpose in rising in this debate was to bring that to the attention of the Parliament and to ask the Minister and the Government to reconsider the matter on behalf of the smaller communities in Queensland. As I understand the legislation, they will be heavily disadvantaged.

Mr. MELLOY (Nudgee) (2.29 p.m.): This proposal introduced by the Minister to assist private bus operators in the metropolitan area and the provincial city areas is one that requires a good deal of investigation. I hope the measure is not one that seeks to bolster inefficient operators.

The value of the services provided by private bus operators in the metropolitan area is rather doubtful. Time and time again it has been necessary for the Brisbane City Council to provide bus services in areas that are not an economic proposition. The private operator is not inclined to go into areas where he collects only a few passengers. In fact, the private bus operator picks the eyes out of the transport services in the metropolitan area and provincial cities. He is not prepared to go into areas with only two or three houses. People have often said that they would prefer a private bus service to a Brisbane City Council bus service.

Mr. Gygar: Because they get a better service.

Mr. MELLOY: The private bus operator is not prepared to provide a service unless he makes a profit out of it. In the more remote areas of the city, public transport is left to the Brisbane City Council. Where a residential area has been developed and all of the blocks have not been built on, the Brisbane City Council is the only transport body that will provide a service.

I do not know that the Government can afford to provide finance for a bus operator who is not a good businessman and is therefore unable to provide an economic service. At the same time I do not think it should bolster up the operator who is not prepared to go into newly developed areas. It is all right to say that the Government will guarantee repayments on land, but there must be a degree of inefficiency in some of these services if it is necessary for the Government to provide financial backing for their loans.

There are exceptions to this rule. The Cribb Island and Nudgee Beach areas have a bus service. The operator runs the service in the Nudgee Beach area at a loss, but he does provide a service for that area. It is public service and he is to be commended. I do not think that bus operators generally are prepared to provide this sort of service.

I go along with the Government providing subsidies to enable pensioners to travel on private buses at reduced rates.

Mr. Moore: What is wrong with that?

Mr. MELLOY: Nothing. I said I go along with it. I commend the Government on this proposal to provide for pensioners who travel on private buses concessions that they cannot get at the present time.

Mr. Houston: It is part of the Government's socialist philosophy.

Mr. MELLOY: It is an extension of the Government's activity in the socialist field and I am very pleased to see it.

Mr. Moore: You will hang yourself.

Mr. MELLOY: I am too old to be hanged.

The honourable member for Landsborough raised a very good point about the restriction of this financial assistance to bus operators in the metropolitan and provincial city areas. The bus operator in the smaller towns travels many more miles per passenger than a metropolitan bus operator. Therefore his costs must be much greater in proportion to the number of passengers he carries. As I said, the metropolitan bus operator operates only in the areas in which he can show a profit. In many cases the country bus operator must travel many miles to pick up two or three passengers.

I travelled on the bus from Port Douglas to Cairns. Actually it became a tourist trip because we were taken into all of the little villages and hamlets on the way down the coast from Port Douglas. We went two or three miles down side roads to pick up a mail-bag. I suppose that activity is covered by a P.M.G. contract. In addition, the driver picked up passengers. It is this sort of thing that makes the country bus operator work under much harder conditions than the metropolitan bus operator. I think it would be well worth the Minister's while having a look at the suggestion made by the honourable member for Landsborough in relation to country bus services.

I suppose it is true that the Government cannot be expected to subsidise every little service around the country; however, as has been pointed out, the scheme could well be extended to areas such as Maroochydore as long as the Government is not going to bolster up inefficient operators. This is one of the risks with any scheme of this nature. I think the Minister said he was going to provide approximately $600,000 a year under this scheme. That will not go a long way, although I suppose there is a limit to the finance that the Government can provide in this regard.

The Bill's operations are being restricted to metropolitan and provincial cities, but there are many bus operators throughout the State who could well benefit from an extension of the scheme and this benefit could then be extended to travellers in country areas. I do not know that the Opposition is going to oppose this measure. The Government feels that it is necessary to provide adequate transport services, but I think it will have to be very judicious in using this money.

When the Bill is printed we will have a look at its provisions to see if there is anything in it which we feel we can confidently object to.

Mr. ELLIOTT (Cunningham) (2.37 p.m.): I congratulate the Minister and the Government on the introduction of this measure. I believe we must do all we can to maintain private enterprise and privately owned bus companies because we realise they fill the gap left by public transport services. We see a large number of examples of this in Brisbane and in provincial cities such as Toowoomba. But I am rather inclined to agree with the honourable member who just resumed his seat——

Mr. K. W. Hooper: I suggest you wait and see the Bill.

Mr. ELLIOTT: There is something I would like to mention. I ask the Minister to look at the bus services in my electorate, particularly those which carry through my electorate and beyond. Later on I will be making a submission to the Minister about this problem because I think we have to look to improving bus services in country areas wherever we possibly can. In the past certain companies have had certain aspects of their operations fairly well under control and I suggest that we must look at every opportunity to improve country services.

While I am on my feet I would like to commend a company in Toowoomba which had the foresight to establish a service through my area. I commend the Minister also for allowing the company to do this. This service leaves Toowoomba and goes

through my area and up into Central Queensland. I think the honourable member for Belyando and many other honourable members whose areas are serviced by this run——

Mr. Moore: What company is that?

Mr. ELLIOTT: Jack McCafferty's travel service. He has done an excellent job, and I for one believe we should be encouraging people with that sort of enterprise to improve country services because, by and large, since the Federal Labor Party assumed office, country air and mail services have been curtailed rather than improved. I hope that, after we have a change of Government on 13 December, the services will improve further. I thank the Minister.

Mr. MARGINSON (Wolston) (2.39 p.m.): I am glad to join in this debate for just a few moments. I want to refer to some of the bus services in Ipswich generally and particularly in my electorate. It was not so many years ago that Ipswich had a very good night bus service. Bus services in Ipswich are conducted by private enterprise.

I am prepared to admit that, as a result of the increase in the number of motor-cars (the private conveyance of the people), bus services have had to face stiffer competition. In my electorate in particular, they are also in competition with the railways.

I join issue with the honourable member who spoke about developers. Local authorities stipulate that developers shall provide roads, kerbing and channelling, water and so on, and I believe that public transport should be brought into the same category. In the area that I represent, there are quite a number of Housing Commission houses, and Carole Park is one area that has not had a public transport service until recently. The honourable member for Fassifern represents part of the area; I represent another part. People in Carole Park have had to walk up to two miles to the railway station.

Mr. Frawley: It keeps them fit. They should walk a couple of miles a day.

Mr. MARGINSON: They do not kick dogs on the way. As I said, they have to walk up to two miles to the railway station in order to use public transport. People in Housing Commission areas frequently do not have a private motor vehicle.

An area south-west of Goodna, which is also in the Wolston electorate, has been developed by the Housing Commission. It is the subject of a communication from me to the Minister in which I seek public transport for the area. Again, people have about a mile and a half to walk to the railway station. If one thinks of shift workers, it soon becomes apparent that, for example, young girls on shift work have, for their own protection, to hire private taxis to get home from work each night. In my opinion, the provision of public transport in the area should be considered very quickly and urgently.

When I have applied for an extension of a bus service, I have noticed that the question has been put to the owner of the bus service in the particular locality, who in effect has a monopoly in the area. He then decides, through the Transport Commissioner, whether he will or will not provide additional services. That is a point that I do not like.

Mr. Frawley: Do you want him to run at a loss?

Mr. MARGINSON: No, I do not want him to run at a loss; but I do not want him to pick the eyes out of the services and run only those on which he makes a profit and fail to carry out his responsibility to the public to maintain some sort of service during the hours that may not be as profitable as peak hours. Some bus proprietors run only the services that suit them and ignore all the others. I stress that point again.

Mr. Frawley interjected.

Mr. MARGINSON: As the honourable member for Murrumba said, where would we be if the railway services did that? What would happen if the department provided only the train services that suited it and that were profitable? Although private bus proprietors are facing competition from many directions, I believe that they should implement a policy similar to that adopted by the Railway Department for the benefit of people in particular localities.

I was not aware of the point raised by the honourable member for Landsborough and I do not intend to dwell on it. However, I am happy to note that the provisions of the Bill will be extended to provincial cities.

I look forward to seeing the Bill. I am very happy that some concessions are to be given to pensioners. I am anxious to see what subsidies will be made available and what the rate of subsidy will be. The Minister indicated that the Bill provides for a guarantee of loans for certain purposes—he mentioned new equipment—and I shall be interested to see how far that provision goes.

I reiterate that it should not be left to some of the bus proprietors to decide whether or not they will provide a bus service. If they are happy to take the cream off the milk, I think they should contribute something by also drinking the milk.

Mr. M. D. HOOPER (Townsville West) (2.45 p.m.): It gives me the greatest pleasure to add my support to the proposed Urban Passenger Service Proprietors Assistance Bill. Prior to the last election I made it a strong part of my campaign that if I got into office I would urge the Government to assist urban transport operators in the major provincial cities.

I do not agree with the honourable members for Nudgee and Bulimba that we are bringing in socialist legislation. I do not believe it is. We are not going to implement new bus services; we are not going to operate the bus services ourselves; we are not going to stand the heavy losses that sometimes Government-operated transport services sustain. Rather it is a practical demonstration by a free-enterprise Government that it is prepared to assist free-enterprise operators who are running efficient, viable transport services, but who cannot afford to run their services at a loss in some of the weak sections of the routes. We are going to give them some assistance to enable them to carry on and provide the desirable standard of service that we see only in private enterprise and owner-operated bus services.

In Townsville we have three privately owned transport companies. One is a very large company which shows a handsome profit, but the other two just struggle on. One Townsville company is operated by two partners. Those two men work seven days a week. They maintain and service their whole fleet of buses. They are old buses, but they are well maintained and meet all safety regulations and standards. Despite the amount of capital they have involved and the amount of work they do, those two men cannot show a net return equal to the wages they are paying individual bus drivers. That is not right.

Our first priority should be to assist pensioners and school-children, particularly the latter because they are the citizens of tomorrow and the people we ought to be assisting by paying subsidies direct to owners or in some other way so that families can afford to send children to school in buses. We do not want children walking on the roads or travelling on bicycles.

Mr. Aikens interjected.

Mr. M. D. HOOPER: The honourable member is more than a child. He is quite safe in traffic.

Children should travel to and from school by public transport, where they can be safe at all times. It costs the average family about $2 a week to send a child to school by public transport.

I know there has been a lot of talk in some areas of government about the provision of bicycle tracks in the major cities so that children could ride to school safely on bicycles. In my estimation that is a rather airy-fairy idea. It is all right to provide bicycle tracks in Canberra, where the Government has hundreds of millions of dollars of public money to waste. It is very desirable if it can be done, but in most cities and towns the carriageway is not wide enough to have a separate area set aside for the use of bicycles. In part of Townsville that would be possible. In the large drainage areas, which are used for parks in the dry weather, bicycle tracks could be provided for cyclists travelling from Aitkenvale to the suburbs of Pimlico and Hermit Park. The Townsville City Council is now looking at the possibility of providing some bicycle tracks. But in most centres that is not the answer. Urban transport provided by private operators is the right answer. I do not believe that local authorities should be involved. We have already been told by the Minister how much assistance this Government gives to the Brisbane City Council and the Rockhampton City Council to help offset the losses on bus operations by those two local authorities.

I believe that the system proposed by the Minister of subsidies for the purchase of new buses is very desirable. The proposed subsidy towards the cost of transporting school-children is particularly desirable. I suggest that the Minister take up one matter with his colleague the Minister for Education and Cultural Activities. At various times the Townsville City Council has requested the Education Department to allow suburban buses to go into schoolgrounds. It would be much safer for school-children if the buses were allowed to go into the grounds to drop them in the morning and pick them up in the afternoon. We cannot get the co-operation of the Education Department. It would rather see the buses remain outside the schoolgrounds. That creates an immediate hazard. Children pour out of buses and haphazardly walk in front of them, and occasionally a child gets killed. This aspect should be examined jointly by the Education and Transport Departments. School buses should be allowed access to schoolgrounds.

Some years ago the then Minister for Main Roads, Honourable R. E. Camm, suggested that registration fees of vehicles should be increased to allow the Government to subsidise bus operators to such an extent that they would be able to provide free transport to school-children. I should like to see such a principle in this Bill.

The honourable member for Landsborough made the pertinent comment that it is not simply a matter of spending millions of dollars on public transport; many matters are associated with the provision of urban transport. I stress that priority should be given to pensioners and school-children. If the legislation does not give such priority, I hope that in the not too distant future free transport of school-children will be implemented.

Mr. LAMOND (Wynnum) (2.51 p.m.): Considerable problems arise in the provision of commuter services in our larger cities and towns. Anyone who travels on an arterial road, such as that between the city and my own area of Wynnum, will fully realise the nature of the difficulties experienced by motorists as a result of the lack of satisfactory commuter services. When we see the services provided in other countries, we realise that a lot needs to be done. We look to the future in the

hope that Brisbane will be served by a rapid and efficient suburban rail service; in the meantime we rely on private bus lines to provide our necessary commuter services.

There is no doubt that private bus lines are experiencing many problems. As honourable members are aware, for example, each ticket sold on a private suburban bus attracts a tax of 2½ per cent and each one sold on a charter bus attracts a tax of 10 per cent. These costs are only two that have to be met by operators of private bus lines. In addition they must pay high wages as well as high maintenance charges and costs of parts and vehicles.

Difficulty is also experienced in maintaining time-tables between outlying suburbs and the city. The volume of traffic on our roads makes it almost impossible for buses to run to schedule. Further, owing to the lack of bus bays on our main roads, buses are quite frequently required to pull onto the footpath to allow traffic to pass.

Many private bus lines operate on high overdrafts. Certain bus proprietors have told me that unless they are given financial assistance they will have to consider curtailing their services and even ceasing operations. They have maintained their services under extreme difficulty, so I am glad to see the introduction of this measure, which will assist bus operators to obtain subsidies and to purchase new buses. At present, during peak hours buses take as long as 1¼ hours to travel between Wynnum and Brisbane, whereas private motor vehicles take only three-quarters of an hour. It is vital that we relieve the pressure on our roads by arranging for more people to travel by commuter-type services.

I was delighted to hear the Minister announce the concessions that are to be given to pensioners who travel on private urban buses. In many ways pensioners are underprivileged in the community. They face many difficulties in travelling or enjoying things which most of us take for granted. Many elderly people have to curtail their travel because they are financially incapable of meeting the cost of even a small bus trip between their homes and the city. The Minister is to be congratulated on this move to subsidise them.

I agree with the honourable member who has just resumed his seat that two sections in the community, namely, the children and the aged, experience great difficulty in raising money to meet transport charges. I hope that the Minister, in further explaining the proposal, details what he intends to do to help those who need assistance. This is certainly a forward move, and I commend the Minister on the action that is being taken. People in many sections of the community have been extremely interested in this assistance. Indeed, it has been awaited very anxiously by pensioners. I am sure that, like me, most honourable members have been approached by many people seeking concessions. I shall be very pleased when this legislation is passed to provide assistance for private bus line operators, pensioners and children.

Mr. JENSEN (Bundaberg) (2.57 p.m.): I support this legislation, which, I understand, will apply to provincial cities also. I agree with the honourable member for Wolston, who said that bus proprietors are picking the eyes out of transport services.

Mr. Chinchen: The councils are.

Mr. JENSEN: That is not so. The bus proprietors are doing that. There is no council bus service in Bundaberg.

The council bus service in Brisbane has been condemned because services that were not profitable had to be curtailed. On two occasions the Minister for Transport sent an officer to Bundaberg to investigate bus services. On the first occasion bus services were cut out and the operators did not have the decency to tell the public about it. The first intimation I received was from the Minister's department. When I approached the Minister, he sent an officer to Bundaberg to canvass the area. Another bus proprietor said that he would take over the service if he was given the licence. It seemed that he might get the licence, but the other bus proprietor would not agree. He was making a good profit out of the school bus services and cut out most services that did not run parallel with school runs. Because good money was being made out of the school bus services, the operator intended to provide only that type of service.

The honourable members for Landsborough and Townsville West claimed that this was not socialistic legislation. If this is not socialistic legislation, nothing is! The expenditure of public money on anything that helps the public is socialistic in some way; it is public money that is spent for the benefit of the community. When public money is spent for the benefit of the community, a social service is being provided. It is useless for anyone to say——

Government Members interjected.

Mr. JENSEN: Government members talk with two voices. They always want to back private enterprise, but private enterprise, in providing bus services, has picked the eyes out of the service. The Minister knows what happened in Bundaberg. Services to Elliott Heads were cut to only about two services a day. Services to Bingera were cut, and there is no service to Fairymead other than the school bus service. Once when I worked at Fairymead six buses a day took the workers to the mill. Today everybody has a car.

Mr. Powell: That is because nobody uses the bus.

Mr. JENSEN: That is correct; I agree with the honourable member for Isis. If there is a service one day a week or two

days a week, they should let the people know. When the service to the East End of Bundaberg and in the area of the honourable member for Isis was cut out, all the people came to me to complain about it.

Mr. Powell: That was before I was elected.

Mr. JENSEN: It was this year. The Minister will tell the honourable member that it was this year that I appealed to him about it. The electors did not approach the honourable member for Isis. They know he supports private enterprise. As soon as the services in his area were cut, they came to me. I did the right thing. I went to the Minister, who sent a man up to Bundaberg. He told me what was going on—the services that were to be cut out—and said he would look into the matter. He said that, if he had any more trouble, he would license another bus proprietor. The new bus proprietor agreed to advertise the services, which would be on two or three times a week. The other operators did not want to put on a service two or three times a week. They said it would not fit into their schedule or that they could not get drivers for those periods. If they had wanted to, they could have employed men part time. They cut out the pensioner service to East End, they cut out the pensioner services to Elliott Heads, and they cut out the pensioner services throughout Bundaberg.

Mr. Katter: They're not running a charitable institution, you know.

Mr. JENSEN: I am not saying they are. The Government believes in private enterprise. When the operators had a monopoly and we asked for another person to be licensed, they did not want that. They wanted the service for school-children. They wanted the profit out of that, but they cut the other services. They cut all services except those that are run for the school-children—and working people cannot get on those buses. They are making a profit out of this racket of buses for kids. When the idea was first introduced of having bus transport to schools, people went into it with an old truck and a couple of seats. What do they want now? They want special first-class buses.

Mr. Frawley: That's because your rotten mob get onto the p. and c. and stir them up.

The TEMPORARY CHAIRMAN (Mr. Miller): Order!

Mr. JENSEN: Here we go again, Mr. Miller! You know what he is like. I don't know how he is ever put up with in this Chamber. He keeps going all the time.

The TEMPORARY CHAIRMAN: Order! The honourable member for Bundaberg will return to the principles of the Bill.

Mr. JENSEN: I have been in Brisbane for some time and I know something of its bus services. I go to my brother's place out at Mt. Gravatt, where there was a bus every hour at night. At some time in the past there was a bus every 20 minutes. When the service is not there, people blame the city council. They do not blame the private bus proprietors but, if the city council is running the buses, it is expected to run more services, even though it is not profitable. When it comes to a private bus proprietor and any mention is made about the services he runs, it is a different story.

Government members speak with two tongues. If it is a capitalist service, it is not socialist to provide a subsidy. Anything subsidised with public money is socialist. Government members know that and they should have the guts to stand up and admit it. But they won't admit it. They want to use public money whenever it supports them; but, when it does not support them, it is wrong. What about Medibank? They said it was completely wrong and they would throw it out. However, today they are all for it. It is the thing today. No matter what it is, Government members use it to suit themselves. Why don't they speak honestly in this place? Why don't they get up and say what is right and what is wrong? That is what we need more of today.

The honourable member for Isis wants me to sit down so that he can talk about the bus services in his area. He did nothing to try to protect those bus services. I did it all for him. I had to go to the Minister to try to protect them. I know that the Minister was on my side. The Minister told me that, if we had any more trouble, he would get a man up to Bundaberg straight away to do something about the bus services. I am very pleased that he did so.

I appreciate that the Minister has introduced a Bill that will protect not only Brisbane and a few of the bigger cities but also some of the smaller towns. This will help the pensioners. I know that private enterprise will not help the pensioners. Everybody knows that. It will not help anybody, only their profits. They cut out those runs because they reckoned they were not making a profit, but they were making a big profit out of the other runs.

Once the Government subsidises them, just wait and see if they do not take back those runs. That is why I am pleased that the Minister is introducing this Bill. It will help the people in Bundaberg. I do not want the buses to run every day on every hour. Let the people and the pensioners know that they can go to town on Tuesdays and Thursdays. That is all they have to do. But they cut out the buses completely from the west end of Bundaberg—the area represented by the honourable member for Isis—and the people did not have a bus service at all. Instead of saying to the people, "This bus

can't run every day but we will run it on Tuesdays and Thursdays and if it is not profitable on Tuesdays, we will only run it on Thursdays, which is pension day", they chopped it out completely. That is what private-enterprise operators think of the people. They do not care two hoots. They chopped them out completely and did not even tell the people. The Minister and his men know that. That is why I rise to support the Minister in subsidising these services so that the people will get a service, even though it will put into the pockets of the operators money that they do not deserve.

Mr. CASEY (Mackay) (3.7 p.m.): I welcome the Bill, provided that it covers only the points the Minister made and does not go outside them. I take the opportunity to express thanks to the Minister for his support and co-operation in bus matters affecting my electorate—in fact, the whole of the Mackay district. About 18 months ago, the Commissioner for Transport and his staff were most co-operative in trying to help us to rectify a situation that had developed in Mackay. Much has been said in the Chamber today about the problems that arise with bus services.

About 18 months ago the Mackay Bus Service reached a crisis point. The registered proprietor said that, because of financial commitments and its not being an economic proposition, he could carry on no longer and gave a month's notice that he would surrender his licence. This left us in a very bad position because there would have been no bus services at all from May last year. Thanks to the support I received from the Transport Department, a lot of hard work by officers of that department and the bus operators of Mackay and district, who worked in conjunction with me—and I suggest this to other honourable members because it must be looked at more—the resources of the bus operators in our area were co-ordinated. I am speaking mainly on behalf of provincial cities.

Mr. K. W. Hooper: We have done this in other areas and it has started to work out well.

Mr. CASEY: This is very true. It did start to work out well.

Bus services from a number of surrounding areas run buses into provincial cities and each day the bus comes in of a morning, stands idle on a rank or in a parking area all day, and goes out again in the afternoon. At the meeting in my office, I sat down with the bus operators in the Mackay area and an officer from the Transport Department and we worked out exactly what could be done to overcome the stark problem that was facing us in Mackay. As a result of the co-ordination of resources, we were able to evolve a system that worked reasonably well, following the end of the school holidays, mainly to get the kiddies to school. Because there would be no bus service, we were faced with the prospect of 3,000 children having no means of getting to school following the holidays.

I draw the attention of the Committee to one matter that disappointed me greatly, because there is already legislation in Queensland—the lack of co-operation from the local authorities concerned in this matter. There is also provision in the Local Government Act whereby local authorities can subsidise bus operators in so far as undertakings in their area are concerned if this becomes necessary. They can do several things. They can move in and take over an uneconomic bus service of their own accord and operate it—this was done in Rockhampton by the Rockhampton City Council—or they can provide a subsidy to allow operators to continue. That provision already exists.

I would like the Minister to have a look at this angle to see whether this legislation will mean that in the future local authorities might have to become more involved in this area because, after all, they are a form of government. We always hear them saying that they are the form of government closest to the people. But transportation is one of the things that are perhaps closest to the people; it is an everyday need of some sections of the community but having a bus service within the community is even more essential for the local authority. This was what disturbed me at the time of the crisis in Mackay when the local authorities adopted the attitude that they could not care less whether or not there was a bus service in the area. I believe this was a very poor attitude indeed for people charged with responsibility for the care, welfare and well-being of the people of a city the size of Mackay and the people of the Pioneer Shire. I think it was an act of gross irresponsibility on the part of the local authorities at the time they adopted that attitude. I think they have to accept that they have a role to play as well. I think they have to accept that there is already a legal requirement that they play a part in the provision of public transport and that they have to support and assist the operators. They should in fact do this and look a little more to their responsibilities. I would hate to think that we are here today purely to introduce a scheme that would relieve them of their responsibilities in this area.

What happens in many cases is that we see more than one operator in a certain area. In some areas one operator covers the whole of an area. I am talking again of the country areas, although perhaps it does occur here in Brisbane, where we have the Brisbane City Council controlling virtually all operations within the city and some of the feeder services as well. But we now find, in my own city for instance, seven or eight small operators, each with perhaps one or two buses. They are doing a very fine job indeed. I suppose when it comes down to the actual service they are providing, it is as good

a service, if not perhaps better, than one major operator covering the entire area could provide. It means that the individual operator is somewhat like a truck owner-driver to the Department of Main Roads. He can maintain and service his bus himself. He does not need an expensive workshop set-up such as the owner of a large service would have to provide; but, because we have a number of operators, we have a fragmented type of approach.

With the extension of services into new suburban areas in Mackay, we even see that there will be competition from some of these operators who would like to have certain areas added to their run but will not take over others. It is a little like the situation the honourable member for Wolston mentioned a short time ago about services for Carole Park and other areas around Ipswich. We are already seeing that in Mackay where there is a need to extend services into new suburban areas. Some of these smaller operators are keen to get into some areas and are competing for them but they are not at all keen to expand their routes to cover other areas which might not be as attractive to them. This problem is a little like the problem we faced with milk vendors, where we had a similar fragmented approach. I would like to see the Department of Transport act as a co-ordinator in areas where we do have a number of small operators.

If you will allow me a little latitude for a moment, Mr. Miller, I would point out that in Mackay, for instance, we do not have the problems with milk vendors that occur here in Brisbane, where everybody is fighting for certain areas. Many, many years ago our milkmen got together and co-ordinated an approach to the over-all problem of extensions to certain areas. As new areas are opened up, the local milk vendors' association allocates suburbs to certain milkmen and ensures that each man with a milk run has a viable operation.

I should like to see a similar approach adopted, particularly in view of the subsidy being provided, to bus operators in provincial city areas. Where there are a number of small operators, the Transport Department could support the formation of an association of bus proprietors in their own area. They have the best knowledge of their own business and their own operations. If the district association can be convinced that each one of the operators must be kept in business, we will not find the dog-eat-dog attitude that now exists in so many business enterprises that provide services to the community. That is what the bus proprietors are providing. They are not providing a better class of goods, better retail outlets or the like. It is a service industry and, as such, it is very important that a service of equal standard to all be maintained. In my opinion, it would be far better to have district associations, and I believe very firmly that the Transport Department could play a part in their formation, particularly in the light of the new legislation.

Associations of the type that I have suggested will also assist bus operators to gain quicker fare increases when they become necessary. They will have the support of the other members of their association in the area. If the department knows that the district association—a responsible body—has looked at the question, it will then move more quickly to ensure that everyone concerned receives a fair deal.

The setting up of associations such as I have suggested will also assist in overcoming administrative problems. I have had personally to assist quite a number of small bus operators, and I know that many of them are not businessmen. They find difficulty in doing much of the paper work. When the difficulties to which I referred earlier occurred in Mackay, bus proprietors with the equipment needed were willing to co-operate and assist in taking passengers to and from their destinations. However, they shied away from paper work like the plague. They were not at all happy about having to fill out some of the forms, returns and applications. In many instances, when they did fill them out they made a mess of them. If the bus proprietors had an association of their own, they would obtain the type of administrative assistance needed. There would be a bonding together of bus proprietors—one could call it a co-operative association—but each one of them would still be operating as an individual unit within the association. In my opinion, the Transport Department also will receive considerable assistance from the forming of such associations.

I am very happy to see that the legislation will include concessions for pensioners on buses. There is a need to ensure that private transport operators—I think most of them do it already—provide a special service for pensioners on pension days. On most Thursdays, pensioners like to go into town, cash their pension cheques and do their shopping. As I said, many operators already provide special bus services on pension days, but I should like to see the department ensure that that happens in all areas. If it is prepared to make available a concession for pensioners on buses, it should also ensure that services are provided for pensioners when they are needed.

Having heard the remarks of the honourable member for Landsborough, I am somewhat concerned that problems may arise. However, I will wait till I have heard the Minister's reply and till I have seen the Bill. If what the honourable member said is true, there is a very real problem in Mackay. The North Mackay area comprises about 33⅓ per cent of the urban community of Mackay, and about 50 to 60 per cent of the bus services required to get people to and fro are in a shire area. From my own knowledge of the Minister and his department I certainly do not think legislation would be brought down

that would discriminate in that way. If there is no discrimination in it, I will be most happy to support the Bill.

Mr. POWELL (Isis) (3.20 p.m.): I had not intended to rise in this debate until I heard the nonsense spoken by the honourable member for Bundaberg. I think I should set the record straight about some of the inaccuracies that are typical of him. First of all, he mentioned the curtailment of services in Bundaberg, and referred to the three suburbs of East Bundaberg, West Bundaberg and Elliott Heads. For the information of the Committee, and particularly the honourable member for Bundaberg, East Bundaberg and West Bundaberg are both in the electorate of Bundaberg, and Elliott Heads is in the electorate of Burnett, not Isis.

The people in the Isis part of Bundaberg who are served by buses have not come to me with any complaints at all, for the simple reason that the services that travel to the part of Bundaberg in my electorate have not been curtailed because they have been supported. That is the important fact that should be brought to the attention of the Committee and the people who criticise private bus services. Members of Parliament who attempt to rubbish neighbouring colleagues should stick to the facts.

Surely a private bus operator, or any bus operator for that matter, should not be expected to operate at a loss. A.L.P. members seem to be labouring under a strange sort of philosophy when they talk about the subsidisation of bus services as socialism. We should point out to them that with socialism the people are subservient to the Government—subservient to the master. Socialism means that everything and everybody is owned by the Government. With the subsidisation of private enterprise, it is the individual who owns the thing and the individual is the master of his own destiny. The honourable member for Bundaberg has obviously been reading too much rubbish from the Federal Labour Party in the past couple of weeks and not spending enough time in the Chamber.

Mr. Marginson interjected.

Mr. POWELL: Obviously the honourable member for Wolston also is quite subservient to the Labor Party's thinking.

I thought the honourable member for Bundaberg had some sense until I heard him speak. I was under the impression that he was a thinker, away from the Left-wing line of socialism that some of his friends have been expounding. Quite obviously the honourable member for Bundaberg has been reading all that nonsense in the last fortnight when he was away from the Chamber.

Mr. Jensen: I organised a demonstration on Saturday morning.

Mr. POWELL: That is quite interesting, Mr. Miller. Out of 200 people, he had two who were demonstrating against the National Party in Bourbong Street on Saturday morning. The sort of rubbish he interjected there is typical of his indication that East End and West End are both in my electorate, when they are in fact in his electorate.

Getting back to the Bill, Mr. Miller, because I am sure you are about to remind me to do so——

The TEMPORARY CHAIRMAN (Mr. Miller): I thank the honourable member for coming back to the Bill.

Mr. POWELL: I should also like to rebut something else the honourable member for Bundaberg spoke about. He referred to school buses as being a racket for kids. About 1,500 students attend the Bundaberg State High School, 1,000 attend the Walkervale Primary School, another 700 attend the West Bundaberg Primary School and another 800 attend the Kepnock High School, so an enormous number of children are moving around Bundaberg on bicycles between 8.15 and 9 a.m. and between 3 and 4 p.m. Bundaberg is well know for its bicycle traffic. I wonder if the honourable member for Bundaberg would sooner have more children using bicycles on the roads than travelling by bus to and from school.

My children ride their bicycles to and from school, and quite often, because of the volume of traffic on our roads, I am concerned for their safety. Admittedly some children ride double file and do things on the road that they should not be doing. The point is that they do these things, so surely it is preferable to keep the children off the road and in buses on their way to and from school.

Mr. Jensen interjected.

Mr. POWELL: The honourable member should make his own interjections instead of getting instructions from the member for Bulimba.

Mr. Houston: The member for Murrumba said the kids should walk at least two miles a day.

Mr. Frawley: No I didn't.

The TEMPORARY CHAIRMAN: Order! The honourable member for Isis will ignore the interjections and deal with the motion before the Committee.

Mr. POWELL: The honourable member for Bulimba will have an opportunity later on to make his point. The point I make is that the member for Bundaberg claimed that school buses were a racket for the kids and then rubbished the standard of school buses.

Mr. JENSEN: I rise to a point of order. I did not rubbish the standard of buses today. I said that when school buses were introduced they were of a certain standard and that today children expect buses to be

as comfortable as aeroplanes. I mentioned the standard 10 years ago and also the standard today.

Mr. POWELL: I restrained myself while the honourable member for Bundaberg was making his speech. He made a number of inaccurate statements and I am now exercising my right to correct him. I suggest that he restrain himself. In my view the standard of school buses cannot be too high.

Another matter that I have raised frequently in this Chamber—and I do so again today—is the lack of adequate safety measures at places where buses stop to pick up and let down school-children.

Many people in my electorate have suggested to the Minister, for example, that buses be fitted with flashing hazard-warning lights that can be activated when buses come to a halt and that areas off the side of the road should be provided for buses to pull into. This concerns three departments—the Education Department, the Transport Department and the Department of Main Roads. As is typical, when three departments are involved in the one matter, problems arise. I am quite sure, however, that the Minister, who is deeply concerned about road safety, is working on these suggestions. I do not intend to use this debate as a means of rubbishing him; I know that he does a very good job. I am annoyed by comments such as those made by the honourable member for Bundaberg, who attempts to rubbish the Government without knowing the facts.

The honourable member also mentioned help for pensioners. The Bill will subsidise bus companies that transport pensioners and children. At present the Rotary Club of Childers is conducting a survey to determine whether it would be feasible to operate a service for pensioners once a week from outlying areas into Childers. I am sure that the Rotary Club looks forward to the printing of this Bill so that its members can gain a clear impression of the provisions contained in it.

We hear a good deal about the need to transport children and pensioners either at low cost or free of charge. One group that seem to be forgotten are the housewives. Perhaps this is because most people believe that the majority of families either own two cars or follow the practice of having the husband travel to and from work by public transport so that the wife can have the use of the car. In my electorate there are a number of wives who have no means of transport other than bus services. Obviously bus services should be made as attractive as possible for the housewife as well as for other people.

Mr. Houston: Anyone can use them.

Mr. POWELL: The honourable member is quite correct; but they must be made as attractive as possible.

If bus fares are high, people will think it is cheaper to drive their cars into town and park for the day. Bundaberg is fortunate in that, unlike some other towns, it does not have parking meters. However, it is often hard to find a parking spot. I hope that this Bill will be effective in providing a better and more attractive transport service which will make people want to use it rather than travel by car and clutter up the cities.

When we are planning transport systems for Brisbane and provincial cities, obviously we must try to make bus services frequent enough (and at the right time), attractive enough (in the way of comfort) and cheap enough to encourage large numbers of people to use them rather than their own vehicles. As everybody knows, our towns are becoming more and more cluttered with vehicles containing people who could use public transport, but do not.

When the Bill is implemented I hope to see an upsurge in the number of people using bus services so that we will have fewer traffic problems.

I congratulate the Minister on introducing this Bill. I hope that I have answered satisfactorily the ridiculous statements of the honourable member for Bundaberg, because I should hate to think he could get away with such inaccuracies.

Mr. DEAN (Sandgate) (3.32 p.m.): We can always rely on public transport generating a great deal of interest. I agree sincerely with the hope expressed by former speakers that this legislation, when implemented, will encourage a good urban public transport system. If it does, everyone will be happy.

I am sure that all honourable members have been confronted with the serious problems created by inadequate public transport. In the Sandgate electorate a private operator closed down virtually overnight. I compliment the Commissioner for Transport (Mr. Kev Seeney) and his officers on the way that they met the crisis. This very difficult situation had to be tackled very quickly. Thanks to the commissioner, his staff, and the Brisbane City Council, some of the difficulties were ironed out and we still have a bus service to Sandgate. Considering the number of buses available in the area a fairly good service is available. I am not saying that everyone is completely happy with the bus service in the Sandgate electorate, although I do not condemn the Black and White Bus Co. It struggled for years and had to contend with many difficulties. If the proposed subsidy scheme overcomes such a happening in another area, it will serve a good purpose.

It is said that rather than use bus services, people drive their motor-cars. When a service is very restricted, people have to use alternative transport. In those circumstances they use their own cars, join forces with a neighbour, or accept lifts to the city. Young

people especially band together and use a common vehicle to come to the city. The lack of a night bus service in Sandgate is one of the problems confronting young people. They use the train, but that service, too, is somewhat restricted. A bus service to the outlying parts of the electorate would be appreciated.

I hope that this measure will be helpful in bringing back good services such as those which were available years ago, especially in the Brisbane city area. The Brisbane City Council does a very good job in the circumstances. As I said, it met the situation and provides a service which, but for it, would not be available. To be fair, the private operators could not afford to run the service that the Brisbane City Council provides. The present service is subsidised by the State and the ratepayers of Brisbane. I feel that more use could be made of mini-buses within the crowded parts of the city. Perhaps subsidies would enable private operators to institute more regular services with smaller vehicles.

I suppose that most of us have taken the opportunity to extend the debate. This is the stage of a debate when we take the opportunity of making comments about things that worry us from time to time. Once the Bill is printed, we have no further opportunity for a wide-ranging debate. I do not believe that we should deliberately widen the debate to the extent where it gets right away from the original intention of the Bill; but, when an opportunity presents itself for raising other matters, a member would be recreant in his duty if he did not take advantage of it.

I think the time will come when within the bigger cities there will be a completely free service. That would result in a full subsidy from the Government for public transport service. Experiments are being carried out in other cities at the moment. Adelaide comes to mind. There is a service right across the city from the railway station to Victoria Place, which I have no doubt the Minister is aware of. It is known as the B-line service, and I believe that it is a great success. There is no need for conductors. The service is very frequent. I have travelled on it many times—not because I had to, but, as a tourist would, to experience a free service that exists in the city. I think the time will come when that idea will be expanded and a free service provided within the whole city.

When I was in Darwin some years ago, there was a one-fare structure. In many ways, that helped a lot. A person could travel as far as he liked for 20c, I think it was. However, it requires a Government subsidy of the fullest nature.

Having made the few comments that I wanted to make, I do not intend to expand the debate any further. At this stage the Opposition supports the Bill. When it is printed, we will have a further look at it.

Mr. AIKENS (Townsville South) (3.38 p.m.): A lot of diverse arguments have been put forward on this Bill—a lot of what we might call claptrap—with members working the parish pump and dodging the real issue. The real issue—and it applies equally to buses, rail-motors, trains and all other forms of centralised transport—is that the private car has strangled all forms of public transport. Anyone could see it coming many, many years ago. There is no doubt about that.

When we speak of bus travel, we must remember that a bus runs along a certain set route. Often, after people alight at a bus stop they have to walk perhaps a mile or a mile and a half to reach their destinations, so if it is possible for them to get into a private motor-car—their own or a friend's—they do so.

I do not know any problem that causes more concern to the genuine, dedicated member of Parliament than the issue of bus services. I represent an area of Townsville that is perhaps growing faster than the rest of Townsville combined. I refer to the general area of Hermit Park-Aitkenvale. I can remember the time when Townsville was less than half its present size, and 12, 14 or 20 buses would run into town on a Saturday night. One had almost to hang on the sides of the bus, figuratively speaking, to get into and out of town. For some years buses have not run anywhere at all in Townsville at night. They do not run on Sundays. They do not run on public holidays. Of course, the services have been restricted rather remarkably—all because there has simply not been the custom.

If I may only slightly digress, I instance the Cairns area. I do not know how many rail motors radiated in and out of the Cairns Railway Station only a few years ago. Each day, there were dozens and dozens of them. I do not think one rail motor is running in Cairns today. If there is one, that is about all there would be. There simply is not the custom.

Questions have been asked in this Parliament by honourable members who have been quite concerned at the cutting out of a rail-motor or bus service. When the present Deputy Premier and Treasurer was Minister for Transport, he had a stereotyped reply to all of those questions, and it was a factual reply—"No patronage". While buses are run by private enterprise, the private bus operators cannot be expected to run their services at a loss.

I forget how many meetings I have attended in Townsville to discuss this matter. I remember one very big meeting held some years ago in the City Chambers to protest against the elimination of night bus services. It was attended by the crowd we expected. It included representatives of the trade union movement, a couple of commos and a couple of representatives of women's organisations. They all sat round that beautiful big cedar

table in the Townsville Council Chambers. They had their books and documents and papers and they told the bus proprietors why the buses should continue to run. I stood up and asked a question that I shall pose to honourable member today: "How many of you ever ride in a bus?" How long is it since honourable members rode in a bus?

I ride my bike in Townsville as often as I possibly can. There are four cars in my yard but I do not own any of them. I rarely ride in them. When I can I ride my bike into town. On other days I ride in the bus, so I know the conditions of bus travel. Although the number of buses has been cut down to the irreducible minimum, I never have to stand in a bus now. If I cannot get a seat in a bus in Townsville, something is wrong; it must be an extraordinary circumstance.

No buses run to the pictures at night, for Anzac Day, or for the big processions that are held in Townsville. They do not run for the Labor Day procession, and no-one could blame them for that; nobody goes into town to see it, anyway. But that is the position today. There is just not the patronage to keep full bus services going anywhere in Queensland.

It is quite true that some people do need bus services. Children need them to attend school. I do not know what it is like in some of the suburbs of Brisbane but each morning and afternoon honourable members would be astonished at the number of bicycles on the road for a short time when the children are travelling to and from their high schools, particularly the Pimlico High School and the Townsville High School. Those cyclists are definitely a traffic menace. They ride up to 10 abreast and it is problem to pass them even riding another bicycle.

This brings me back to an argument touched upon by the honourable member for Bundaberg and I am sorry he did not develop it. If we are to provide bus services for those people who really need them, that is, a few pensioners—not all of them because many of them own cars—and the other people who want to use a bus, such as children travelling to school, either the Government must run them at a loss, because they cannot possibly be run at a profit, or private bus owners must be heavily subsidised in running them. That is all there is to it.

Years ago when I was deputy mayor of Townsville—I was an A.L.P. member in those days before the A.L.P. deteriorated into the horrible mess it is in today—naturally it was our policy to have municipal buses. We had the awful example of what had happened in Brisbane, Rockhampton and other places that had municipal buses. I fell out with some of the doctrinaires in the A.L.P. at the time when the motion was put forward, firstly to our caucus meeting and later to the council meeting, that Townsville set up a municipal bus service. I said that it would be an act of incomparable madness because the patronage for such a service was dwindling day after day and the takings would dwindle day after day. Even in those days wages were rising and the other costs for buses, such as tyres and petrol, were rising while the patronage was decreasing. It was obvious that it would not be long before the ratepayers of Townsville would be carrying an insupportable burden. I understand that that is the position in those provincial cities with municipal bus services. Yet I repeat that we have to get down to facts. Once we get away from facts and indulge in rhetoric, then we become another Gough Whitlam, and honourable members know the mess he is in for indulgence in rhetoric and getting away from the facts.

Getting back to the facts—there are certain people in every town and city who really need a bus service. No private bus proprietor can supply it because he just cannot pay the wages; he cannot pay for the upkeep of his buses and he cannot give the service, and so the only people who can give it are the State Government, the Federal Government or the municipal government or a combination of all three. These services should be provided at times when the people need them. I am not suggesting that these subsidised bus services run night and day, because whenever we run a bus there will be one person in it, but that is not enough to keep a bus service paying today.

I have had letters from the Minister about this problem. I want to say that I have had quite a lot of courtesy from the officers of the Minister's Department of Transport. Every time they have decided to knock off one of the bus services in Townsville, they have come to me and talked to me about it and produced facts and figures which make it absolutely indisputable that that bus service has to be cut out. If we are going to have these bus services, then let us have bus services for those who need them, when they need them. I suppose it is pretty hard to see these things go. They have been an established fact since the days when the internal combustion engine was invented, when tyres for motor vehicles were invented and so on. But they are going out of fashion. Honourable members only have to read about what is happening today in London, which had perhaps one of the best bus services in the whole world with the big double-decker buses. It is becoming a standing farcical joke today. People stand in queues a mile long to get on a bus that does not come. That is the position there with buses—either people will not travel in them or the buses are not there for them to use.

So if this Bill is going to go somewhere towards the socialist theory put forward by the honourable member for Bundaberg—I also had to laugh at some members who scoffed at that socialist theory; I would remind honourable members that the greatest,

and probably the most outstanding example of socialised industry in Australia today, or in the world, is the remarkably successful Queensland sugar industry. It is socialised from top to bottom, but it is socialised in the interests of the people who work in and run the industry. It is not socialised in the interests of any little clique and it is certainly not socialised in the interests of Left-wing trade union militants——

The TEMPORARY CHAIRMAN (Mr. Miller): Order! I ask the honourable member to come back to the Bill.

Mr. AIKENS: I will come back to the Bill, Mr. Miller. I am dealing with the socialisation of bus services. We have to have a measure of socialisation in order to provide bus services in the big provincial cities. They are all I am concerned about. I have never been concerned with this huge, spreading, rat-ridden dump called Brisbane, I am concerned only with the provision of adequate bus services for the people of the big provincial cities, for the people who really need them, and if this Bill with its proposals for subsidies goes some way towards that, I am quite happy with it.

Mr. FRAWLEY (Murrumba) (3.49 p.m.): I commend the Minister on the introduction of this Bill to guarantee the repayment of moneys borrowed for certain essentials to improve bus services. I can well remember the Minister mentioning this when he presented the Estimates of the Department of Transport, and I was very pleased when he mentioned that pensioners would receive some concession. I sincerely trust that pensioners do receive a concession of at least 50 per cent of the fare. I think this would be fairly reasonable, and I sincerely trust it is extended to all pensioners in all parts of the State.

Mr. Aikens: I double a lot of them on my bike if they can't afford the bus fare.

Mr. FRAWLEY: I would not doubt that. I understand the honourable member shows great concern for the constituents of his electorate and I commend him for it. There are many bus services in my electorate. One is the Hornibrook Highway co-ordinated service, which links up with the railway at Sandgate. There is no doubt that this has really been of great service to the people of Redcliffe. I rode on the Hornibrook Highway bus service on many occasions before I was fortunate enough to own a motor vehicle, and I will admit that when one arrived at Sandgate of an evening if one was not in the forefront of the crowd getting off the train then one did not get a seat on the bus. Even before the train stopped, one had to hit the platform running if one wished to get a seat in the bus. However, a fairly good service was provided. The red bus service, run by Elson, links Redcliffe with Brisbane via Petrie, and it also provides a good service.

The honourable member for Wolston hinted that bus services should perhaps be provided by subdividers, who already provide other essential services. I do not carry a brief for any subdivider, but I certainly am opposed—I hope the Minister is, too—to any imposition on subdividers to provide bus services in addition to other essential services. In my opinion, they should not have to do that.

Public transport is very important in my electorate, which is fairly large. It is much bigger than many of the electorates in Brisbane, which one can walk round in five minutes. I believe that the Bill will enable bus proprietors to improve and update their services.

When the honourable member for Isis was speaking, the honourable member for Bulimba said by interjection that I had said that school-children should walk two miles a day instead of travelling by bus. That is completely untrue. What I said when I interjected while the honourable member for Wolston was speaking—he did not take any notice of what I said—was that it would not hurt people to walk two miles a day. I repeat that I did not say that they ought to walk two miles a day. It would not hurt some members of this Assembly to walk two miles a day. If they did, they might be much fitter than they are.

My thoughts on school buses are that they provide conveyance for school-children in safety. School-children should walk as much as they can. However, especially in the country, travelling by bus, irrespective of the distance, enables them to travel in safety. With all the hoons and others hanging round who might abduct young children—the penalties are not sufficiently severe; as I have said on more than one occasion, offenders of that type should be flogged—it is safer to travel by bus than to walk.

To make a bus service pay, a bus proprietor must utilise his vehicles to the best of his ability. The question of overcrowding arises. I have received many complaints from people in my electorate about the overcrowding in buses. Of course, the cost of running a bus, or, for that matter, any motor vehicle, today is prohibitive. The price of petrol increases almost daily. In fact, it has been almost impossible recently to keep track of increases in the prices of petrol and oil and of the cost of maintaining motor vehicles. Overcrowding does cause a great deal of concern to many people. It is all very well for those who do not use buses not to worry about it. In my opinion, it is something about which all of us should be concerned and the subsidy to be paid to bus proprietors under this legislation certainly will assist them to improve their services.

Honourable members who have preceded me in the debate have stated that the private car is responsible for the deterioratioin in bus services. I believe it is. People prefer riding in a private motor vehicle to riding

in a bus. They always have a seat in a private motor vehicle, but in a bus one sometimes has to struggle for a seat. The honourable member for Townsville South said that one can always get a seat on a bus in Townsville. One certainly cannot in Redcliffe; it is not as easy at that. The buses there are always fairly well patronised.

I inform you, Mr. Miller, that I can be led to water, but I cannot be made to drink. People who try by gesturing to get me to wind up my remarks will not have a great deal of success.

As to subsidies—I hope that all services will be investigated carefully by the Transport Department before any money is paid over.

In conclusion, I simply state that I believe that the Bill which the Minister proposes to introduce will certainly go a long way towards improving bus services.

Hon. K. W. HOOPER (Greenslopes—Minister for Transport) (3.54 p.m.), in reply: At this stage, I thank honourable members on both sides of the Chamber for their support, which was given without question.

The honourable member for Bulimba devoted a great deal of time to references to the transport commission. I presume he was referring to the Metropolitan Transit Project Board. I should like to reassure the Committee and the honourable member on one point. Earlier I gave an undertaking to this Assembly and to the State that legislation would be introduced in this session. The March sitting of Parliament is part of this session, and legislation will be brought down then to deal with the aspect of transport to which the honourable member referred.

He said he was concerned about the lending authorities. Let me assure him that these will be specifically approved lending authorities, and they will, of course, include banks.

He was a little bit off the beam when he spoke about the Brisbane River and said that some type of research should be carried out into the possibilities of transport on the river. I have made public statements and announced in this Chamber that a research project into that aspect of transport facilities is under way at the present time at the Queensland University.

The honourable member for Landsborough supported the principle of the legislation, but expressed concern that the Bill would cover local authorities as designated under the Local Authority Act. Let me assure him and other honourable members that when they get the Bill they will be satisfied with it because it refers to the provision of urban services in an area with a population over 10,000 people. It is not necessarily one particular area, but adjoining areas where urban services are being provided at the present time.

Honourable members covered many matters. Most of them naturally spoke of their own local areas and about matters not appertaining to the Bill. I will examine their contributions and at the second-reading stage answer those that have some relevance to the Bill.

Motion (Mr. Hooper) agreed to.

Resolution reported.

FIRST READING

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

TRAFFIC ACT AMENDMENT BILL (No. 2)

SECOND READING

Hon. K. W. HOOPER (Greenslopes—Minister for Transport) (3.58 p.m.): I move—

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

As I indicated in introducing this Bill to the Committee, the effect of two recent Full Court judgments, where legal technicalities were the main issues, has been to create doubts as to the intention of the legislation. It is to remove these doubts following advice from the Solicitor-General that further amendments to the Traffic Act are necessary.

Basically, the clauses of the Bill, which honourable members will now have had an opportunity to read, restate the intention of the legislation in a way which, it is expected, will resolve the basic issues raised by the Full Court judgments I have mentioned.

The honourable member for Cairns expressed some wonder at the contents of the Bill. Now that he has compared its clauses with the existing provisions of the law, I am quite sure that he has ceased to wonder. He suggested that the police are not happy at being saddled with the duty of operating the breathalyser. My information is that police are quite happy to undertake this duty.

If he has regard to the misreporting of the issues which the honourable member for Belmont referred to when the Bill was introduced, he will see that no new matters of principle have been introduced. In fact the major portion of this Bill is a redrafting of sub-ections 2 to 6 of the existing section 16A of the Traffic Act. This has been done on the advice of the Parliamentary Counsel to put beyond doubt the power, duties and responsibilities of a member of the Police Force in relation to the request made of a person to provide a specimen of breath for a breath test.

Consequential minor amendments flow from this redrafting of the subsections mentioned. In addition, the opportunity has been taken in line with the Full Court judgment to en ure that where any person is requested to provide a specimen of breath there is a clear understanding of the method by which he is required to provide such a specimen. Similarly the procedure to be

followed in relation to the requirement for the taking of a specimen of blood has been clarified.

The Bill also contains machinery provisions to cover the case where an authority to operate a breath-analysing instrument issued by the Commissioner of Police to any police officer has been lost, mislaid or destroyed. It provides for the issue of a replacement authority.

The remainder of the Bill deals with a certificate purporting to be signed by a medical practitioner, an authorised member of the Police Force or an analyst. It provides for the court to accept these certificates until the contrary is proved as evidence of the authority, status or qualification of the medical practitioner, authorised member of the Police Force or analyst who issues the certificate.

The Full Court in the judgments mentioned raised a doubt in relation to the authority and identification of persons authorised to sign certificates. In essence the Full Court held that it was not sufficient proof of the authority of the operator making the certificate merely to produce a certificate which purported to be signed by him and that it was necessary to supplement the certificate purported to be signed by him with the certificate from the Commissioner of Police that the operator was in fact so authorised. The Bill is designed to clarify this situation by removing any doubt and ensuring that the intention of the legislation is given effect to.

No objection was raised in the matters subject to the Full Court judgment to production in the lower court of the certificate on the grounds that the person signing the certificate was not in fact duly authorised to do so, nor was the production of the certificate questioned by the court itself on the basis of this aspect.

As I mentioned previously, these are legal technicalities and had objection been taken during the lower court hearing then no doubt the situation would have been resolved at that time. In fact it has been resolved since the legal technicality was raised by introducing additional if somewhat superfluous evidence to subsequent hearings of charges.

I want to stress that, apart from those cases dealt with by the Full Court, the assumption that everyone charged and found guilty from September 1974 to 12 May can claim to be wrongly convicted is not in accordance with the facts. In the case of a plea of guilty there was no necessity to produce any evidence at all that the operator was in fact authorised. The plea of guilty was an admission of all relevant facts. The deficiency in proof found by the Full Court in a particular case would not arise at all in the case of a plea of guilty. Many people pleaded guilty on the advice of their legal advisers. This aspect was referred to by the honourable member for Belmont, whose remarks are very pertinent in this regard.

Let me stress again that there is no question as to the proper training of the members of the Police Force who are authorised to operate the breath-analysing instrument, nor any imputation as to their integrity. Only selected police attend a special school and receive specialist training under the direction of the Government Medical Officer. If at any time there is any doubt as to the qualification of an officer to operate the breath-analysing instrument, I am quite sure the Commissioner of Police would take appropriate action.

Honourable members will agree that a suggestion that the Government was relaxing the laws relating to drink-driving is refuted by this Bill which is aimed at removing legal technicalities which might, if not corrected, have undermined the intention of the legislation.

The honourable member for Sandgate quite correctly drew attention to the effect of drug-taking on driving, while the member for Cairns interjected that an instrument was being developed in Britain to detect such drugs. To the best of my knowledge and from inquiries I have made such an instrument does not exist, but if the honourable member for Cairns has some knowledge of it I would be pleased to have it investigated.

I said at the introductory stage that this Bill was designed to remove legal technicalities and I make no apology for coming back to this House to ensure that the intention of the legislation is fulfilled. No new principles have been raised but the Bill will clarify some points such as the method by which a specimen of breath is given.

I can do no better than quote from an interesting publication, "The Truth About Breath Tests" by Dr. R. C. Denney, who had this to say—

> "There are more old wives' tales and mistaken concepts about drinking and driving than about practically any other everyday activity.
>
> "The hardened drinker will always claim that he drives better after two or three pints than he did before, and conversely the teetotaller will continue to believe that a half-pint late at night makes you unfit to drive the following day."

He also states—and I think honourable members would agree—that—

> "The responsible motorist will always cooperate with any reasonable approach to reducing accidents if he is convinced of its value and purpose."

I am quite sure honourable members as well as the public generally have indicated their support for measures to get the drink-driver off the road. As I have already indicated on many occasions in the House, on the strength of the evidence available today no informed person could seriously deny the need for some form of legal control in this area.

I commend the Bill to the House.

Mr. MARGINSON (Wolston) (4.8 p.m.): I suppose the two main causes of danger and fatalities today are speed and drink-driving. I believe that we should have legislation to deal with both. This afternoon we are debating the second reading of a Bill associated with the latter. It is most unfortunate that the legislation that was presented and passed in this Chamber some months ago gave rise to some doubt. A court decision made it clear that there was a doubt about the legislation. I remind the House that Opposition members criticised the Bill when it was introduced.

There are two aspects to legislation—facts and law. We can have facts supported by law, and we can have the reverse situation. Under this legislation, many people pleaded guilty to a charge believing that the law was against them. Apparently they pleaded guilty believing, too, that the facts were against them. But it has been proved that the law was not against them. This Bill is designed to provide that in future the law will be against them so far as it relates to examinations.

We have spoken of pardons which some people believe should be granted to those who pleaded guilty out of ignorance, as it were. On the other hand, we are taught that ignorance of the law is no defence.

The Opposition does not propose to enter into lengthy discussion on this Bill. We consider it is essential, but we are a little concerned about the merits of certain aspects of it. The Minister gave us a broad outline of the Bill, both at the introductory stage and again this afternoon. Though some members of the Opposition might choose to speak in the Committee stage, at this stage that is all we propose to say.

Hon. K. W. HOOPER (Greenslopes—Minister for Transport) (4.11 p.m.), in reply: I thank the honourable member for Wolston for his support of the legislation.

Motion (Mr. Hooper) agreed to.

COMMITTEE

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

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

Bill reported, without amendment.

THIRD READING

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

INITIATION IN COMMITTEE

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

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (4.13 p.m.): I move—

"That a Bill be introduced to amend the Local Government Act 1936-1975 in certain particulars."

This Bill deals with the procedure for the alteration of boundaries of local authorities; the adjustment of assets and liabilities between local authorities at the time of a boundary alteration, or between local authorities and a joint local authority or project board; the calling up of standard rules, codes and specifications by reference in regulations and by-laws; and the provision of park and recreation space by subdividers.

The amendments relating to boundary alterations state, in much more precise terms than the present Act, the procedure for giving three months' notice of intention (by the Governor in Council) of exercising powers under section 5 of the Local Government Act for inspection of maps and other particulars and for the lodgment and consideration of objections.

The amendment gives statutory recognition to administrative procedures that have been developed over the years to deal with boundary alteration proposals. Consistent with established practice, the amendment states that the Governor in Council may amend or modify the advertised proposal having regard to the exercise of power proposed and the objections received.

This power to amend or modify is considered to be essential for the Governor in Council to be able to consider the proposal in the light of the objections received and to make a decision other than to just approve or reject. For example, the Governor in Council may consider that he should approve the proposal with an amendment sought by an objector, but be legally unable to do so. The power for the Governor in Council to amend before final approval is contained in other provisions of the Act relating to town-planning schemes and by-laws. This power is, therefore, not inconsistent with the general pattern and principles of the Act.

The Bill states that, for any proposal notified after the commencement of the Local Government Act Amendment Act 1975 (No. 2), the proposal as altered or modified by the Governor in Council shall not be substantially different from the proposal as notified.

The Bill also clarifies the powers of the Governor in Council in respect of the adjustment of assets and liabilities where boundaries are altered, or where functions are handed over to, or returned from, a joint local authority or project board. Legal doubts have arisen regarding procedures previously adopted, particularly in respect of land and the manner in which ownership of land passes from one body to another. No major principle is involved in the amendment, and it is strictly procedural.

A further amendment relates to the calling up of standard rules, codes and specifications in regulations and by-laws, and the bringing into the Local Government Act of the power to refer to such standards in a regulation or

by-law. Standards of the Standards Association of Australia and British Standards Institution are particularly mentioned. The amendment will help to simplify regulations and by-laws, and at the same time make use of generally accepted standards relevant to the subject of the regulation or by-law. A similar power exists in other statutes.

Another amendment contained in the Bill relates to the provision of space by a subdivider. Local authorities at present may require, as a condition of subdivision, that subdividers provide public garden and/or recreation space in accordance with requirements of by-laws, or they may require the payment of a sum not greater than $10 for such proposed parcel of land in the subdivision. As Government policy, a restriction was placed on the percentage of land which the local authority could require from the subdivider for park and recreation purposes. The limit fixed was 5 per cent.

This limit has now been reviewed, and it is proposed that in the case of a canal development, the subdivider may be required to provide up to 7½ per cent of the land as public garden and recreation space, and in other cases up to 10 per cent. At present, the percentage required in Queensland is the lowest in Australia, and the increase proposed will be more in line with requirements in other States. The Bill provides that the land provided as public garden or recreation space shall be a fair average of the type of land being subdivided. The $10 per allotment now is also entirely unrelated to land values, and could be increased to $100.

The local authority would be given the discretion to require a cash payment where it considers that an area of the land to be subdivided need not be provided for use as public garden or recreation space. The position could well exist where the locality is adequately served with public garden or recreation space, and additional space is not required. On the other hand, improvements could be needed to existing public garden or recreation space, and the Bill authorises the local authority to spend the contributions from subdividers on capital works for the improvement of existing public gardens or recreation areas. Also, land within the subdivision may not be suitable for development for these purposes, and the cash contribution would enable the local authority to acquire or develop land outside the subdivision for public garden or recreation space.

The Bill provides that the local authority must spend such contributions within a period of three years from receipt, and within a distance of four kilometres from the centre point of the subdivided land. Such contributions must be paid into a trust fund, and the clerk would be required to furnish to the Director of Local Government, each year, a return showing any such contributions which have not been spent in accordance with the Act. The Minister may then call upon the local authority to show cause, to him, why the money to which the furnished return related should not be applied to the appropriate purposes under the Act, and the Minister may (if necessary) issue orders to the local authority in the matter, in case of default.

The Bill therefore provides for the provision of larger areas for public garden or recreation space, or for the alternative of cash contributions, and for appropriate checks that such contributions are correctly spent.

I commend the Bill to the Committee.

Mr. MARGINSON (Wolston) (4.19 p.m.): The proposal takes into account two very important provisions dealing with a subject that has been of concern to many local authorities in Queensland. As I see it, the first is the question of boundaries between local government areas. It is a long time since any major boundary changes were made in our local government districts in Queensland. With our growing population, particularly on the perimeter of provincial cities, it is time that someone took in hand this question of local authority boundaries for the good of the whole community.

We see something like this in my own city of Ipswich where people enjoy the benefits of the provincial city amenities but remain in the adjoining shire. This situation also obtained on the Gold Coast, but I do not know if it still exists. I doubt whether it has been rectified. We also see a similar situation in the electorate of the honourable member for Mackay. But the Government will not get two local authorities to mutually agree to changing their boundaries. This appears to me to be the Government's attitude when it is approached and shown a reasonable change that could be made. The reply that a local authority gets is, "Well, if you will mutually agree on the proposal we will do something about it."

Recenty we have seen a proposal brought up by the Esk and Moreton Shires. One shire is not too happy about a change in boundary between the two shires. I doubt if we could get two shires in 50 to mutually agree to a change in their boundaries. I realise that a local authority does not like to lose part of its area. After all, that land is beneficial to the shire in that its rates are based on the whole area, including that part.

It is quite obvious to all how difficult it is for local authorities to carry on these days with the financial stresses that they have to face. On the other hand, I believe that a tribunal should be set up for the benefit of the community in general, so that the boundaries can be changed to take in pockets of people who desire to share the amenities established, in most cases, by the neighbouring city.

I can remember that, when I first entered Parliament in 1969, both outside the Chamber

and in questions I suggested to the former Minister for Local Government (Mr. Richter) that some tribunal be formed. At that time the Local Government Association, of which I was a member, was anxious that there should be a tribunal, but we still do not have one. Today we see an amendment to the Act dealing with boundaries and there is still no mention of some tribunal, some judicial body, which could settle these very vexed questions.

We see a lot of contention on the part of subdividers. They claim that they should not have to provide amenities that local authorities insist upon. Then we hear from other people whom I believe the subdividers get to speak on their behalf. They protest that local authorities are placing too much on subdividers' shoulders with respect to the provision of kerbing and channeling, good roads, sewerage, water and, of course, parklands or something similar. I believe more parkland should be provided in subdivisions. I am speaking now of subdivision, not the subdividing of one allotment. I consider that the subdivider should give greater consideration to the people who will be purchasing his land and to the local authority and the people who are trying to finance that local authority. Using my own city as an example, I know areas that were subdivided 15 years ago which still do not have amenities such as kerbing and channeling. It was during my time as Deputy Mayor of Ipswich—a Labor council was in office—that this provision was introduced. Although the council was criticised by a number of people for introducing it, it has been extended to include some areas of parkland or, as the proposed Bill says, the provision of some finance to provide parkland. In my opinion, the people of Ipswich are now appreciative of these conditions.

As the honourable member for Ipswich West would know, at the moment there is quite a debate in Ipswich as to whether the council is doing the right thing.

Mr. Houston: How would he know?

Mr. MARGINSON: I think he reads the newspaper. I give him credit for doing that. The council is being criticised and it is suggested that it is exercising some form of blackmail or graft in asking subdividers to provide these amenities. I am one of those who believe that they should, and I hope it is never decided that local government cannot insist upon conditions such as these.

However, I do not know whether local authorities should insist on similar conditions where the subdivision of a piece of land involves only two or three allotments in an already-established area in which there is water, sewerage and a road. I have yet to be convinced that conditions should be applied to subdivisions of that nature.

I believe that I have dealt with the two most important points in the proposed Bill. Although the Minister's introduction of it was fairly rapid, I was able to gain certain information from it. The Opposition will study the Bill and express an opinion on it at the second reading.

Mr. AHERN (Landsborough) (4.27 p.m.): The Bill that the Minister proposes to introduce provides for a limited number of amendments to the Local Government Act. On other occasions the Minister has referred to a major review that he is making of the Act, and I look forward, as I am sure other honourable members do, to further amendments that he has been discussing with local authorities throughout the State being brought before Parliament in the session early next year.

I wish to make a few comments on local authority boundaries. At some time or other almost all honourable members have spoken about the need for changes in local authority boundaries, and I think everyone believes that such changes are a good idea until an attempt is made to implement them. The Minister has been directly involved in trying to change shire boundaries, and he has realised the great difficulties associated with finding a sensible solution to such changes. Anyone who thinks the simple solution is to establish a boundaries tribunal and let it go at that has another think coming. He is only dreaming. I am very pleased that the Minister has his feet on the ground and has said, "We will look at individual cases, but there has to be a strong ground swell of public opinion in favour of it before we will entertain it." After all, local authority boundaries have established community of interest, and on only very few occasions has community of interest varied very much from the local authority boundaries. To change the boundaries will in itself create changes of community of interest—probably unnecessary ones, too—and I am pleased that the Minister has not responded to the arguments of the theorists that an over-all review is necessary.

Basically, the people of Queensland generally are fairly happy with the local authority boundaries that they have at the moment. That is not to say that there will not be some changes needed in future or that changes should not be made. However, they must be made only after long and serious consideration and where it is demonstrated that there is a strong ground swell of support for changes in the area.

The Minister described the amendment in the proposed Bill for the regularisation of the apportionment of loan programmes where changes to local authority boundaries, either internally or externally, have occurred. I am very pleased that he is doing that, because one of those changes took place in the Landsborough Shire. The Governor in Council changed an internal boundary of the shire, and then there was an argument about the apportionment of indebtedness in that area between the two divisions. It was not easy to resolve. We had to rely very heavily on opinion and sound advice from

the Director of Local Government. His opinions were based on his best judgment rather than the situation in law. I think that what the Minister is doing now was necessary to regularise the situation.

The Minister's proposal about parks demonstrates some flexibility; but he has to recognise that in the community as a whole there is a considerable amount of concern about the overflexibility that some local authorities have in the use of parkland. Lots of people are very worried about the closing in of open spaces for one reason or another. It is a sensitive issue. I repeat what I said in the debate on the New Farm Library Validation Bill. For the great traditional parks a sounder standing in law is required. It is not good enough for a local authority to say, "There were 5,000 acres of parks in this local authority area before we came into office. Now we have 7,000 acres, and that gives us a certain licence for subdivision, the building of libraries and the enclosing of parkland." I do not think that over-all approach is good enough for attempting to justify excision from particular parks that are enjoyed by people in a traditional sense.

The other point I wanted to make concerns a matter that the Minister did not refer to in his introductory remarks. During the last session an amending Bill was introduced to enable local authorities to implement minimum rates. At that time the Minister said that it would give local authorities complete discretion in the levying of minimum rates. That was understood by everyone as the Bill came before Parliament. Accordingly to opinions expressed by Crown Law Officers, that legislation does not give local authorities the right to levy a different minimum rate within its various divisions where financial separation exists. It is a great pity that that flexibility does not exist. It should exist. We all thought it existed. Crown Law Officers said that where there is any doubt in tax law, we must find in favour of the taxpayer. In view of the fact that there was not a specific provision in the Bill for that to apply, we have had to find in favour of the taxpayer. In my own local authority area, where a variation in the minimum rate from division to division was entirely appropriate in the opinion of the local authority, everybody thought it was a good idea, but it was found on the advice of the Director of Local Government and his law officers that that was not possible. It is something that should be included in the Act. One of my main purposes in rising was to ask the Minister to bring down an amendment to enable that to occur when he next amends the Act. The local authority thought that power was there. I think the draftsman thought it was there, and certainly the Parliament thought it was there. In practice it is not. I ask the Minister to include a suitable provision at the next opportunity. I am sorry it is not there now.

Mr. CASEY (Mackay) (4.35 p.m.): There are just a few points I should like to raise. In the first place I express regret that the Minister has just broken the Premier's seat in Parliament. Without doubt the Premier will be most angry when he returns from interstate. The Minister certainly has no chance now of getting a ride in the Government aircraft.

I was very pleased to hear the Minister raise the matter of local authority boundaries. No greater set of problems arises than that created by them. For example, we see the problems arising from competition for services between the Brisbane City Council and the councils of the shires surrounding Brisbane; we see the problems in provincial cities where the services provided by local authorities spread into surrounding shires; and we see the problems arising in shires with decreasing populations and those in which highways and roads now bypass the main business centres. People do not rely upon their local towns to the same extent as in years gone by.

Furthermore, problems arise in places such as Hervey Bay, where there is a need to create a separate local authority to cater for the welfare of local people whose interests differ greatly from those of others in the shire.

I realise that it is not easy to provide an over-all solution to these problems and to say, "This is what we should do." However, the time has now arrived when we must look at local government boundaries throughout the State. In certain areas completely new shires should be created. This is particularly the case in the Moranbah-Dysart area, where the people in towns that are totally reliant on the production of coal have interests far removed from those in Clermont, which is the headquarters of the Belyando Shire, and St. Lawrence, which is the headquarters of the Broadsound Shire.

The people of the Broadsound Shire simply have no community of interest. For example, the people who live along the Dingo-Mt. Flora beef road rely upon the town of Nebo, in the Nebo Shire, for their services, and the people in the southern portion of the shire rely on Duaringa for their services. The new road that has been constructed along the coast to St. Lawrence only succeeds in taking traffic from the Sarina-Marlborough section of the road between Mackay and Rockhampton. The people of St. Lawrence have no community of interest whatever with those of Dysart, which eventually will be 10 or 20 times the size of St. Lawrence. Similarly, the people of Blackwater have no community of interest with those of the little township of Duaringa, which is 50 or 60 miles distant.

It is time that the Government set up a royal commission to inquire into local authority boundaries. Admittedly one was held in the late 1920s; but that was 50 years ago, and since then tremendous development has occurred in Queensland and

even further development is projected. In fact, only today we heard of the development that will take place at Aurukun, near Weipa. The people of those towns have no community of interest whatever with those of other towns in the same shire. I suggest the time will come when Aurukun and Weipa should be the centre of a shire containing areas and people who have a community of interest. In recent years both the New South Wales and Victorian Governments looked at local authority boundaries on an over-all basis. They made some amazing findings. Although the changes were not as great as many people might like, there certainly were some changes.

I think it was in about 1928 that a royal commission inquired into boundaries in Queensland, and in about 1950 a number of major alterations were made to provincial city boundaries because of problems being experienced. The boundaries of cities such as Townsville, Toowoomba and Rockhampton —and I think even Cairns—were altered to allow them to extend into the surrounding countryside to provide services for people with a community interest. Cities such as Mackay, Bundaberg and Maryborough, which did not have boundary alterations at that time, are now in a far worse position. Even the towns that were altered in 1950 are striking problems. Townsville has problems with the Thuringowa Shire. The honourable member for Townsville West would fully understand those difficulties. Toowoomba and Rockhampton are affected, and the extension of the urban area of Cairns into the Shire of Mulgrave has created many headaches for the city planners in providing services for people in the area.

Every six or nine years we look deliberately at State and Commonwealth electoral boundaries, and major electoral redistributions take place in those periods. If honourable members examine the legislation to find why we have these redistributions, they will find that they are designed to meet changing community interests, increases and decreases in population, and so many other things. Surely we should look at local government boundaries on exactly the same basis.

The Minister said that he will take cognisance of the ground swell of public opinion in this context. But the legislation currently applies only when there is agreement between two shires. Ground swell of public opinion cannot be construed when only two shire councils, or a city and shire council, are being dealt with. One will adopt a certain point of view and the other will take the opposite point of view, which means that no changes can be made.

The Government has accepted that it is very difficult to get local governments to agree to changes. Its acceptance is evidenced by legislation such as the Central Queensland Coal Associates Act in which it incorporated a measure whereby the Governor in Council could walk in, take over, and direct that shire boundaries be changed. That is what happened to the electoral boundaries of the shires of Belyando and Nebo to ensure that the mine at Goonyella and the township of Moranbah (which Utah developed) were both in the one shire. The Governor in Council made such a direction in the knowledge that agreement could not be reached between the two shires. The Minister must accept that he will not get agreement when a strong difference of opinion is expressed by two shires.

How much ground swell of public opinion do we need? Is it to be set out clearly in the Bill? We should provide for the holding of a poll if a certain percentage of electors signs a petition asking for it. We must again provide in the Local Government Act for polls to be taken on such things. If we do not get agreement between shires, how can the ground swell of public opinion be expressed properly?

We all accept that there are pressure groups in the world today, and that vocal pressure groups in some way seem to get the ear of certain people—so much so that many people in the community adopt the philosophy that it is the squeaky wheel that always gets oiled. Surely we will not degenerate to such a stage in our dealings with local governments. Surely State Governments must accept the responsibility of their role in this matter and take steps to help overcome the problems that occur between cities and shires. It is being aggravated these days as a result of the big increase in welfare programmes in our community and the need for local authorities to become involved in them. I am not speaking generally of handouts and other proposals that are currently being canvassed in the election campaign. I mean simple things such as community child-minding centres.

In my own area I tried to get the two local authorities—the Mackay City Council and the Pioneer Shire Council—to co-operate in a joint local authority undertaking to establish a casual child-minding centre. They would not do it individually. I just could not get them to agree. Neither would agree to the various conditions that we needed to impose. They did not have to put up the money. It would have been found from other sources. They would have had to take over the running and maintenance of it. We were confronted with the insurmountable problem of trying to get them to agree.

With the development of the city area of Mackay, we are reaching the stage where half the urban area is in the surrounding Pioneer Shire. The city itself covers only 7½ square miles—a very small area. The major commercial areas are expanding, and in a few years' time we could well finish up with a similar situation to that in Sydney, where the city area proper is purely and simply a commercial area. Everybody who works there lives in surrounding council areas.

That may be all right in a place such as Sydney, where the people who have to run the city corporation are interested in only the

commercial aspect; but, where ordinary community problems such as transportation, sewerage and water arise in Mackay, Cairns or other provincial cities, another shire has to be consulted. Conferences have to be convened hell, west and crooked. One local authority cannot go ahead and undertake exactly what it wants to do. I feel sure that the Minister has had problems of this sort in his own area. The city of Gold Coast is currently faced with a similar problem with the Advancetown Dam. That will have to provide water not only for the Gold Coast but also for the surrounding areas.

The men and women who are charged with the administrative responsibility of local government find it difficult to get something positive and constructive done in their areas because they cannot begin planning without having conference after conference with adjoining local authorities to obtain their approval. In most cases the adjoining shires do not have to borrow loan funds. That has to be done by the shire carrying out the work. However, the charges eventually levied in the adjoining shire could cover some of the administrative costs. Nonetheless, the requirement that approval of the adjoining local authority must be obtained makes planning very, very difficult.

While I am on the subject of town-planning, I might refer to some of the monstrous decisions made in some of our provincial cities these days because of local authority boundaries. Problems arise because adjoining local authorities do not follow the same type of town-planning by-laws; nor do they administer their laws in the same way as do some of the city areas. I spoke about this in the debate on the Local Government Estimates, and I do not want to say it all again. However, I repeat that every provincial city in Queensland has a problem with town-planning because of bad local authority boundaries. Proper day-to-day planning cannot be carried out, let alone future planning.

I was interested to hear the Minister's comments about the provision of parks and recreational space in subdivided areas surrounding our townships. Unfortunately, the proposal is not enough. It is still only a piecemeal approach. I draw the attention of the Committee to the tragedy that has occurred in Queensland in the last 10 or 15 years as a result of this Government's policy towards the freeholding of land. That has had a deleterious effect on some of our cities. In years gone by, land surrounding our cities was set aside through legislation for future purposes. It was given to people on a special lease. Some special leases were issued on a 10-year basis and others on a 30-year basis.

The CHAIRMAN: Order! I am sure that the honourable member would agree that those provisions come under the Lands Act and not the Local Government Act.

Mr. CASEY: Yes they do. I mentioned this when I started to make the point.

Under the Lands Act many people who took over these special leases have freeholded them. As a result, expanding cities have been denied the opportunity of available Crown land in their areas for parks and recreational purposes. This has happened in Mackay and Cairns and the honourable member for Bundaberg says it has happened in Bundaberg. The Government has to look closely at this matter.

In many cases the people who had these special leases and freeholded them are now subdividing them. All they are providing to the people of Queensland or to the people in their area is $10 per allotment or whatever it might be. If we had followed a much wiser policy in this matter, we would have had a large area of land available. I am thankful that through the previous Minister for Lands I was able to stop some of this action in the Mackay area, so that future generations will have major recreational areas available to them.

Unfortunately, the park contribution of some of these subdividers is relatively small for the needs of future generations. I do not believe that the subdivider will be required to make provision for future generations. He must be required, in his park contribution, to make provision for the people who will live around the area that he is subdividing. Under all this type of legislation, it is only fair that subdividers be required to make provision for what will be of immediate benefit to the people who purchase the land in the area, because they will pay for it.

Governments have an added responsibility to provide major recreational areas in our cities for future generations. Suddenly some of our cities are short of sporting complexes or areas to cater for the increasing number of people in those cities. At current land values it is very costly to buy the area of land surrounding those cities required for major sporting ovals and other amenities. The Minister for Local Government and Main Roads must involve himself in this matter to ensure that, through Government policies on land, there will be no further selling or freeholding of parcels of special lease land surrounding our towns and cities that could in future be used as recreational areas.

Mr. KATTER (Flinders) (4.53 p.m.): I should like to open this afternoon by paying a great tribute to the Minister for Local Government and Main Roads. In him we have a man who has the capacity to handle his portfolio. When he brings down legislation, I get the distinct impression that the impetus has come from the people of Queensland rather than from the isolated bureaucracy. I do not say that as any form of criticism of the bureaucracy or the administration, but I do say that the Minister deserves high praise.

I feel strongly that a proposal should be included in this legislation that parklands

should be provided, wherever possible, adjacent to homes. When I put forward this concept, let me point out that we are talking of a 12-acre area in which some 40 homes would be placed. If it were 14½ acres instead of 12, the parkland to be provided would be almost the size of a football field. The great advantage of having the park adjacent to the homes is that the children do not have to walk a great distance to get to it; they can be under the supervision of their parents and, by the mere nearness, they are protected against certain undesirables who hover and hang around parks in the cities. We have this problem of safety and security in the parks that exist in Queensland.

If there is any doubt that my argument is correct let me challenge any honourable member to make a tour this week-end or at any time over the week-end of all the parks in Brisbane and count how many children and people are in them. I would be willing to bet that there would be very few. I would say there would probably be little over 1,000 children and other people using all the parkland in Brisbane. If this parkland, or at least some of it, were adjacent to housing development, that figure would be somewhere in the vicinity of 100,000 people. So need I say more than that we have huge spaces that are empty and not used?

With more intelligent forward planning, we could have provided a service which we are not providing at the moment, and that is the proof of it. I received very little support for this proposition. A lot of people more experienced than I in these fields disagreed with me and I bowed to their wisdom because they suggested that we were interfering with local government—and I think we should adhere to the principle that local government should look after local government affairs—but I think we should have made a stronger effort to frame an amendment which would have pleased both parties.

On this concept of local government looking after local government affairs let us not point the bone at local authority. There is probably just as much ill-feeling towards the State Government as there is towards local authorities. It is unfortunate that governments, be they local or State, tend to grow remote from the people they represent. This is a most unfortunate development. I think that wherever possible we should involve people in the decision-making process at the block or street level. If we build houses around a park, we move towards a block-type concept where the people take a pride or a proprietory interest in the piece of parkland that is available for their children to play in.

There are many areas—and I am familiar with a few of them—where a shire council area surrounds a city or town council area. There is a noticeable trend for people to take up land in the shire council area rather than the city or town council area, and the reason is that they are not subject to any of the burdens carried by people living in the town or city council area. On the other hand, they do not receive the services received by the people who live in the city or town council area. It is regrettable but true that these people seem to prefer this. Where they are given a free choice, the majority prefer to provide their own facilities and live outside the control of the city council area. Once again I stress that I am not trying to adopt a holier-than-thou attitude for the State Government—probably we would be subject to as much criticism as local authorities, or even more—but it is an unfortunate reflection on government in this State that people are trying to dodge the concept of community living by retreating into the shires.

I think we have to look at a number of these problems. I feel that avoiding the issue of having parkland adjacent to houses is a classic example of the feelings of the average person being overridden in the interests of the bureaucracy just as it is far simpler to have one central opera house than localised community meeting halls, and that is the sort of thing we are up against.

So I conclude by saying that I applaud the way that this Minister has performed in his portfolio. I could not be more pleased with the way the Departments of Local Government and Main Roads are being run. I regret in the case of this legislation that we could not have found a middle road which would have pleased both schools of thought and provided the children, especially those in a city like Brisbane, with facilities of the sort that are not being provided at present.

Mr. M. D. HOOPER (Townsville West) (5 p.m.): In supporting the proposed amendments to the Local Government Act I would firstly like to pay a tribute to the Minister for his patience with his parliametary committee, because, contrary to what the honourable member for Bundaberg said about government by regulation, the Minister and his department think that it should not be government by regulation but government by the Parliament.

On several occasions the Minister and Mr. Jacobs, the Director of Local Government, have met the Minister's parliamentary committee. From time to time the committee said that it was not happy with some of the proposed amendments. They have been redrafted and brought back to the committee in the form in which it thought they ought to be. The proposed amendments have received a great deal of consideration by the parliamentary committee, and I pay a tribute to the Minister for the way in which he has consulted with the committee before bringing the amendments before this Assembly.

The first amendment mentioned by the Minister related to the proposed boundary alterations in the Maryborough-Hervey Bay-Burrum area. The alterations were advertised a couple of years ago and drew quite a lot of comment from people in the area. Both the honourable member for Bundaberg and the honourable member for Isis would be more familiar than I am with the opinions then expressed. However, from a distance one can be objective and say that they were parochially interested and were pushing arguments back and forth why the boundary alterations should or should not take place. The alterations now proposed seem to reconcile the views of the objectors. I believe that they will suit most people.

Mr. Jensen: Don't you think it was weakness on the part of the Government?

Mr. M. D. HOOPER: No.

Mr. Jensen: The Government did not stand up to one side or the other.

Mr. M. D. HOOPER: No, I do not. I think the Government arrived at a reasonable reconciliation between the differing views of people living in the area. The honourable member said that the Minister could have gone ahead and changed the boundaries by regulation. The committee decided that that should not be done, and the Minister has given a ruling that the amendments should state that the proposed alterations will be readvertised in a form decided by the local residents. In my opinion, that is a very reasonable attitude to take.

One of the other proposed amendments that I, for one, am particularly pleased to see being brought before this Assembly relates to the provision of regulations for the control and regulation of flammable and combustible liquids. It is of great importance to provincial cities.

In Townsville a couple of years ago, a large oil company built some new oil tanks of about 50,000 gallons capacity. They were quite large tanks, and when the local authority insisted that the oil company build a retaining wall around the tanks to provide for retention of fuel if any leak occurred, there was some consternation in the oil company, which claimed that the council was being unduly harsh. It hastened to produce evidence from other parts of Australia in which local authorities required only a 50 per cent retention wall around tanks for bunding purposes. The council virtually had to force the company to comply with its requirements.

In future, there will be standards that must be adhered to in Queensland, and no local authority will have any hesitation in saying to an oil company, "The fuel tanks that you build must comply with the regulations that apply all over Australia." That is a very desirable innovation for local government on the storage of flammable fuels.

The provision relating to the subdivision of land is long overdue. For some years, local authorities have been able to take a mere 5 per cent of the area of land being subdivided. Even in areas of up to 20 acres, 5 per cent is very little parkland—probably a useless area which is difficult to maintain —and, at best, provides only a small passive recreation area or an area that could be developed as an adventure playground for children. Generally, such parks are not used very much and their maintenance involves local authorities in a good deal of time and expense. The proposed amendment will enable local authorities to take a much larger area from the developer. If they can obtain larger areas of parkland, they can make more green areas in the suburbs and make them much more pleasant to live in.

At present, a local authority can take from a subdivider only $20 a block if it finds that the area of parkland is too small and virtually useless to it. It can say, "Give us $20 a block, and that will be a contribution towards the parklands in the area." When the amendment is made to the Act, local authorities will be able to take a much larger amount for each site, thus obtaining more money for the provision and maintenance of parks.

In the past, there has been a rather loose arrangement under which local authorities were supposed to spend on parks the money that they took from contributors. I think it is a well-known fact that in most areas local authorities have not done that. They have simply put the money into general revenue and spent it elsewhere. The proposed amendment provides that local authorities must spend the money on parks within a certain distance of the land that has been subdivided. The Auditor-General will make sure that the money is spent on parkland. If it is not spent that way there will be some redress by the Minister for Local Government and Main Roads.

I listened to the suggestion of the honourable member for Flinders about parkland adjoining every group of 30 or 40 houses. It does sound very nice. Of course, that sort of thing is done in Canberra where the Government has millions of dollars of taxpayers' money to waste. Local government could not afford to spend money that way, nor could developers. In time it would mean that we would have a great series of parklands that were not being used to the extent that the honourable member for Flinders thinks they would be used.

Mr. Jensen: The honourable member for Mackay said that the Government has been letting those special leases go. It could have been taking them back instead of subdividing them.

Mr. M. D. HOOPER: The honourable member for Mackay may know of some instances where it has happened in Mackay. From my experience in my own city I can say that we have had a lot of co-operation from Government departments. We have asked the Lands Department about large inland areas that needed reclamation. The

department has been willing to hand the land over to the Townsville City Council for park development. I can speak only from experience in my own city. A lot of leasehold land held by the Crown has been passed over to local government.

I think the honourable member for Flinders is trying to impose the will of Government onto the town-planning rights of the local authority. I would not like to see that done. I am sure the Minister for Local Government and Main Roads would not agree to it.

I support the motion before the Committee and have much pleasure in recommending the Bill to all members.

Mr. JENSEN (Bundaberg) (5.7 p.m.): The honourable member for Townsville West said that the Minister is not introducing government by regulation in this Bill. From what I heard of the Bill I thought that he was introducing government by regulation. I was going to ask the Minister whether he took the Bill before the joint parties. I know some of the younger members on the Government side agree with us that there should not be government by regulation. The honourable member for Townsville West, as a member of the Minister's committee, may be right. I will have to ask other honourable members whether what he said was correct, because I cannot take one member's word for it. Some Government members just crawl to the Minister by backing him up. They are not game to speak the truth.

Mr. Hinze: Why don't you try speaking the truth?

Mr. JENSEN: The Minister knows that in this Chamber I always speak the truth. I always say what I think is correct. I heard the Minister read his introduction——

Mr. Hinze: You were asleep.

Mr. JENSEN: I'm not like the Minister. I'm not a big drongo who goes to sleep every time he sits down. The Minister fell through the Premier's chair. He was so fast asleep that he went through the chair. Everybody heard that.

I do not believe in government by regulation, and some Government members will support me on that.

The honourable member for Townsville West spoke about the Hervey Bay Council. I know what the Minister tried to do at Hervey Bay. The honourable member for Isis stood up to him on that issue. It was the greatest square-off of all time. I thought at the time of the Minister's appointment that he had a lot of guts. At the time I said, "At least we have one Minister who will say, 'This will be it.'" I remember the Minister saying, "The main road is going there." He got out his map and he said, "No, we are not going to take that cricket pitch. The road is going that way." I said, "At least we've got a Minister that will stand up to the departmental heads and say what should be done." I changed my opinion of him after the Hervey Bay episode. There is something wrong when the council was not allowed to take over the whole of Great Sandy Island. Why should it be administered by Maryborough, 30 or 40 miles away? Why should the administration of the island be divided in half because there were squeals about sand mining? That had nothing to do with the issue. The whole point is that Great Sandy Island is in the Hervey Bay Shire and should be administered by that shire council.

Mr. Hinze: That's not what your A.L.P. mates——

Mr. JENSEN: The Minister shouldn't start on my A.L.P. mates. There might be a few of them who say that, but they are the conservationists, like the conservationists in the Minister's party. The Minister shouldn't give me that stuff. I am saying what should have been done in Hervey Bay. As I said during the debate on the Minister's Estimates, it is about time he set up a committee to examine local authority boundaries. The honourable member for Mackay put this matter in a nutshell.

Mr. Frawley: He knew you were getting up to speak; that's why he got out.

Mr. JENSEN: No. He can say things better than I can and he wanted to get in first. At least I admit that other people can speak better than I can.

Mr. Hinze: You're trying to get him back into the A.L.P.

Mr. JENSEN: He can come back into the A.L.P. any time he wishes, that is up to him. But I won't go into that.

The honourable member for Mackay referred to the giving away of special leasehold land, its conversion into freehold and its subdivision by land sharks. The Minister knows all about this, because I believe he is a land shark. I am not quite sure, but I have heard comments to that effect.

The same thing occurs in Bundaberg, where land that should have been set aside for sporting purposes has been taken over. Now Bundaberg is stuck for sporting areas. The Lands Department has come to Bundaberg looking for new areas. The Rugby football clubs, the soccer clubs and the cricket clubs are all anxious to obtain sporting areas, but they are unable to do so. An area that is now used by an Australian Rules club was until two years ago set aside for industrial development.

Not far outside the city area, in the electorate represented by the member for Isis, land has been converted from special lease to freehold and cut up into allotments or cane farms. It was set aside on special lease, and should have been retained as such. The railway land in North Bundaberg is still on special lease. It was set aside years ago for a new railway station, but the plans were wiped by this Government. Why can't it be

opened up as a sporting area? At the present time cattle are grazing on it. The Government must not allow it to be subdivided. If a freeholder gets his hands on it, that will be the end of it; it will disappear under subdivision. It should be retained and converted into sports areas.

Sporting clubs have had to go out as far as Thabeban in their search for land. As I have said, land that had been set aside as an industrial estate is now used for sporting purposes.

Mr. Frawley: How far away?

Mr. JENSEN: Three or four miles—probably five.

Mr. Frawley: What's wrong with the local council? It should supply sporting fields.

Mr. JENSEN: The council can't supply sporting grounds if it has not got them. Fancy the honourable member saying the council should supply them! The city of Bundaberg contains an area of 17 square miles, and, as the member for Mackay said, his city has an area of 7½ square miles. There's simply no land left in Bundaberg for sporting areas. I have asked the Minister to get off his backside and let the Bundaberg City Council take over Woongarra and Gooburrum, where land has been converted from special lease to freehold. It should be in the Bundaberg city area. Anything within a radius of 50 miles should be within Bundaberg. All the beaches near Bundaberg are supported by the people of the city. Fancy the honourable member for Murrumba saying the city council should supply sporting fields!

The city council has filled in the whole of the flats at East End and has created basketball courts, cricket fields and Australian Rules fields. A thousand girls play basketball on those courts, three Australian Rules clubs use the football fields, and five cricket pitches, the best in Bundaberg, are used by junior cricketers. Where else can the Bundaberg City Council go for sporting areas? There are simply none available. As a sporting man the honourable member for Isis will agree with that. He goes deep-sea fishing, but by the same token he knows a little bit about this subject.

The Minister said that boundaries can be altered only with co-operation between the councils. During the debate on the Minister's Estimates I asked how we could get co-operation when these people want to be big frogs in a little puddle. It is up to the Minister. As the honourable member for Mackay said, a royal commission on boundaries was held in 1928 and the boundaries of Townsville and Cairns were changed in 1950. The area of Bundaberg still remains at 17½ square miles, but Bundaberg is one of the fastest-growing cities in Queensland. I am sure the Minister for Industrial Development, Labour Relations and Consumer Affairs will agree with that. Townsville's growth may be a little faster or slower. The city of Bundaberg cannot extend except into the Woongarra and Gooburrum shires. The city of Bundaberg has to look after the sewerage systems for the Gooburrum and Woongarra shires, but will those shires assist Bundaberg to build a community library? No! The Bundaberg community, including its beaches, covers 50 miles. Yet the Minister allows the shires to dictate to him. Soon after the Minister was appointed, I heard one or two comments about his changing a road here and there up in the North and I said, "At least we have a Minister who does not merely sign his name to every regulation, and so on, that is placed before him."

Mr. Frawley: Why don't you be honest? You said he wouldn't be worth a tray bit.

Mr. JENSEN: I said that, and I didn't think he would.

Mr. Frawley: Why don't you be honest and say it?

The TEMPORARY CHAIRMAN (Mr. Gunn): Order! The honourable member for Bundaberg will deal with the Bill.

Mr. JENSEN: I did not think that the Minister would ever be worth a tray bit, but it seemed that he was doing all right. Now he has not got the guts—he has a guts on him—he needs to stand up to local authorities. Why should that be so? Because he was a chairman of a local authority and does not want to contradict the views he expressed as a chairman; he cannot change his views. You, Mr. Gunn, may have been a chairman of a local authority——

The TEMPORARY CHAIRMAN: Order! That has nothing to do with the Bill.

Mr. JENSEN: I would not talk about you, Mr. Gunn.

THE TEMPORARY CHAIRMAN: Order! I suggest that the honourable member talks about the Bill.

Mr. JENSEN: I am talking about the Bill and the Minister. It is about time he said, "We can look at these boundaries; we do not want 130 shires which cannot pay their way." Wally Rae was going to do something about them, but he got tied up in a knot.

Mr. Frawley interjected.

The TEMPORARY CHAIRMAN: Order!

Mr. JENSEN: I do not want interjections from the honourable member for Murrumba. They're not sensible.

The TEMPORARY CHAIRMAN: Order! I suggest that the honourable member ignore them.

Mr. JENSEN: Thank you very much, Mr. Gunn.

The honourable member for Mackay referred to child-minding centres and libraries. All these things are provided by the Bundaberg community. Mackay is in the same position. I did not know that Mackay contained only 7 square miles compared with our 17. I was surprised. I agree with everything the honourable member for Mackay said. It is about time the Minister looked into this. I have raised it before. I want him to stand up and show how big he is. Wally Rae at least tried to do something. When the present Minister was appointed, I thought that he would do something. But no, he will be like the rest of them; he will be told by his departmental officers, "We cannot do that; we have to look after the National Party shires." As I said, they are all run by National Party officials. Even the Liberal Party cannot get a hold in them. If it could, it might do something about them. They are all little National Party farmers—little cattle-cockies.

Mr. Turner interjected.

Mr. JENSEN: I know that the honourable member for Warrego attacked me on this. He wanted me to go out to Longreach and speak there.

The TEMPORARY CHAIRMAN: Order! I remind the honourable member once again that this has nothing to do with the Bill.

Mr. JENSEN: It has, Mr. Gunn. It is just that the people running these little areas do not want them to be amalgamated into one area. They are big frogs in little puddles. They are all little cow-cockies, wheat farmers or something like that. They are not people of wide vision. If the Liberal Party had some influence out there, it might do something about it. If the Minister will not do something about it, I will attack him. Every time I stand up here I will say that I thought that he had guts. He has guts, but he has guts of the wrong type.

Mr. DEAN (Sandgate) (5.21 p.m.): I found the contents of the Bill as outlined by the Minister very interesting. I do not intend to cover all the remarks he made—that would be unnecessary because I agree with them—but I wish to refer to those relating to the provisions of park and recreation space by subdividers. I have no quarrel with the proposal. I think it is very necessary.

I agree also with the proposed amendment to increase from 5 to 7½ per cent the amount provided in canal developments. The Minister said—

> "The subdivider may be required to provide up to 7½ per cent of the land as public garden and recreation space, and in other cases up to 10 per cent."

I have no quarrel with that. The complaint I make—I have raised it here before and I think it is my duty to raise it again this afternoon—relates to the apparent lack of close supervision by the Minister into some development schemes. I have said the same thing about all of the Minister's predecessors. To me, he is no different from them.

Developments near cities should be more closely supervised. I refer especially to one at Hollywell on the Gold Coast. I go down there a fair bit. I like the place. I think it is beautiful. I was down there last week-end and was again confronted with the great menace of dust. I am not casting any reflection on anyone in particular—I know it is a problem for the area—but, if a little more supervision had been exercised over the subdivider to ensure that the work started was completed within a reasonable time, a lot of the distress, discomfort and inconvenience experienced by the property owners in the area would not still be occasioned.

I cannot see why a definite time limit cannot be placed on some of these developments. Planning is carried out before the work starts. Therefore, a definite time could be set for completion of the levelling out and grassing so that areas such as Hollywell would not suffer from this nuisance to the extent that they presently are suffering. I repeat that there should be stricter supervision. At the time approval is given to the subdivider to start work, conditions should be laid down that he complete his development within a reasonable time.

As I said, I was at Hollywell last week-end. What did I find? Nothing has been done in the area for weeks. The area mainly responsible for the dust menace when a south-easterly is blowing is only small. I cannot see why that canal development cannot be finished and the present problem overcome. Great property damage is being suffered by the ratepayers. At the same time, the dust constitutes a health hazard. Nobody can convince me that the breathing of that black sand or dust it not a health hazard to children or anyone suffering from bronchial or chest ailments. They must find it very distressing indeed.

I appeal to the Minister to instruct his officers to carry out stricter supervision of any future developments. Most importantly, he should ensure that the local authority lays down firm provisions for the completion of projects within a reasonable time.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (5.25 p.m.), in reply: I thank members from both sides of the Chamber for their contributions to the debate. Summarising quickly—it is obvious that the main subject dealt with by all honourable members was boundaries. They gave their thoughts on amalgamation of local authorities and small alterations to boundaries or leaving them as they are. The present policy of the Government is to assist local authorities. If they indicate that they wish to have their boundaries changed, it is a simple matter. I asked the Inglewood Shire Council to see me this morning. I

received a deputation recently of persons asking that they be put into an adjoining area. This goes on all the time.

One honourable member suggested the setting up of a commission. Every commission that has been set up throughout Australia has been a complete failure. The issue comes back to the Government. Honourable members can talk about amalgamation if they want to. Over the past 12 months, moving throughout the vast area of Queensland, I have found that local authorities guard their boundaries jealously and in most cases wish to have them retained as they are.

All we are doing under the Bill is giving recognition to the growing demand for more parks and recreational areas and providing that the subdivider must make a more reasonable contribution.

I shall take cognisance of the matter raised by the honourable member for Landsborough concerning minimum rates.

Motion (Mr. Hinze) agreed to.

Resolution reported.

FIRST READING

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

MAIN ROADS ACT AMENDMENT BILL

INITIATION IN COMMITTEE

(Mr. Gunn, Somerset, in the chair)

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (5.29 p.m.): I move—

"That a Bill be introduced to amend the Main Roads Act 1920-1972 in certain particulars."

There is nothing very complex about the provisions of this proposed Bill. All it seeks to do is to increase the maximum penalties to make them more appropriate to present-day circumstances. The present maximum penalty for breaches of the Main Roads Act and the Main Roads Regulations is laid down in sections 38 (1) and 40 (1) as $200.

In addition, provision is made for a penalty not exceeding $10 per day for continuing offences, and for the recovery of the cost of repairing any damage done to a declared road as a result of any breach. The maximum penalty of $200 has applied since 1959. There is, therefore, a strong case to lift the maximum penalty to at least $500 for most breaches, as it is 16 years since there has been a revision. In particular, it is considered that the maximum penalty for breaches of the regulations dealing with the control of loads on vehicles, axle loading, etc., should be increased to $1,000.

There is increasing evidence of overloaded vehicles causing costly and premature damage to road pavements and bridges. Some transport operators show a blatant disregard for these regulations, which are becoming increasingly difficult to enforce. It is virtually impossible to get a court direction or order for the payment of the cost of repairing the damage, short of having indisputable eye-witness evidence of the actual damage.

The proposed Bill makes provision for the maximum penalties to be increased to—

(a) $1,000 in respect to breaches of regulations which are designed to protect road pavements and bridges from damage;

(b) $500 for all other breaches; and

(c) $50 per day for continuing offences (in lieu of the present $10).

There are a number of regulations (notably numbers 70, 71, 71A and 63) which warrant special consideration. These deal with the control of loads on vehicles, axle loading, etc., to protect roads against damage, and it is in this area that most real and immediate prospects of damage to the road system emerge. It is felt—as I have already indicated—that these regulations should provide for a maximum penalty of at least $1,000. This increase should highlight to magistrates the importance placed on overload breaches in the Main Roads Act.

The enforcement of weight-of-load limits on the main roads system is becoming increasingly difficult. A recent case highlights the problem. A transport group with a contract to cart minerals from the Northern Territory operates a fleet of vehicles which enter Queensland at Camooweal, and then travel to Mt. Isa—in some cases up to 80 per cent overloaded. They then spread, and proceed by various routes to Mt. Morgan. In one case, recently, one of these trucks went through a timber bridge over Blowhard Creek south of Charters Towers. The bridge girders are broken, and replacement will cost $150,000, and as I indicated earlier, it is virtually impossible to get a court direction or order for the payment of the cost of repairing such damage, short of having evidence at the time of the actual damage to the bridge.

In another instance, one of this company's vehicles recently was check-weighed at Mt. Isa and found to be grossly overloaded. The driver was directed to offload the excess loading by the inspectors, but refused, and continued on his journey, with axles still grossly overloaded. The vehicle travelled several hundred miles further on Queensland roads, still overloaded, causing damage to road pavements and bridges. The maximum fine a magistrate can impose for failure to obey a direction to offload—as I have just quoted—is a paltry $200.

These are examples of some transport operators' blatant disregard for the regulations governing vehicle loadings. Although the matter has been reported to Commonwealth officers in the Northern Territory, the overloading of vehicles from that area has continued, to the detriment of Queensland's roads. This matter must be resolved before the wet season, or very serious damage will occur to the newly sealed Flinders Highway, and the war-time, lightly constructed

Barkly Highway could be made unserviceable. The present general level of fines in Queensland is not an effective deterrent to overloading. Fines are treated by many transport operators as an additional cost worth risking to carry overloads. Clearly, many operators regard the risk as nothing more than a prospective extra "haulage charge".

Tables published in the Australian Economic Axle Load Study report reveal, firstly, that the average fine in Queensland for each of the five financial years 1969-70 to 1973-74 was far below that of other mainland States. Secondly, they indicate that our fines do not increase sufficiently as the extent of the overload, or road damage, increases. On top of this, Queensland has a large and widespread road system subject to major variations in climatic conditions. The road system is built to basic standards, and cannot be heavily strengthened to tolerate significant overloads, or bridged to prevent all flooding. For these reasons, there obviously is a strong case to support a substantial increase in the level of fines imposed for breaches of the regulations designed to protect roads and bridges from damage.

The proposed Bill seeks to amend section 38 (1) of the Main Roads Act by increasing, from $200 to $500, the maximum penalty for a breach of any provisions of the Act where no other specific penalty is imposed. It also seeks to amend section 40 (1) which empowers regulations to be made prescribing penalties for various types of breaches. Reiterating—the proposed maximum fines are $1,000 in the case of a regulation directed to protecting roads or preventing or limiting damage to roads, $500 in the case of other regulation breaches, and $50 (instead of $10) daily penalty for continuing offences, that is, offences continued after notice has been given of the offence, or after a conviction or order by a court.

The increases proposed are considered necessary if, in the present day and age, the penalties are to have any chance of achieving their purpose of acting as an effective deterrent, thus protecting the huge investment in roads and bridges throughout the State.

It is emphasised, of course, that these are maximum penalties. The actual penalties imposed, naturally, would still be at the discretion of the courts, having due regard to the circumstances of each particular case. Nevertheless, the proposed lift in the maximum penalties would allow the courts scope to impose harsher penalties than is now possible for the more serious offences.

I reiterate that there is very clear evidence that some transport operators are thumbing their nose at the regulations at present and treating the risk of penalties as just another prospective haulage charge. There are even indications that some operators are becoming highly organised in dodging weight-of-load inspectors. They are using spotter planes and other measures to re-route drivers around areas in which inspectors are operating.

I commend the motion to the Committee.

Mr. MARGINSON (Wolston) (5.36 p.m.): It was very interesting to hear the Minister's reference to certain actions of road-transport operators, and honourable members on this side of the Chamber think that the increase in the maximum penalty is justified, particularly as in one instance the penalty has not been increased for 16 years. That alone is a reason for an increase in penalties.

However, there is one matter that worries me and my Opposition colleagues about cases involving the overloading of vehicles. It frequently comes to our notice that, in the course of a person's employment with a transport operator or a transport owner, he arranges to take a load from point A to point B, whether intrastate or interstate. When he reaches his place of employment, he discovers that, in his opinion, the vehicle is well overloaded. Because he has to get an income, he takes the vehicle out. Eventually he is held and prosecuted for overloading. He, not the owner of the vehicle, is prosecuted for driving the vehicle when it is overloaded.

In some instances the owner has assured the driver that he will protect him—I have had a number of such instances in my electorate—but when the driver has come before the court and been fined for driving an overloaded vehicle, he has not received the protection that was promised to him. In fact, one person in my electorate was unable to arrange the finance that he needed to pay the fine and had to go to prison for some time. It is a matter that causes members of the Opposition some concern, and I have no doubt that other honourable members have had similar cases brought to their attention.

It is rather staggering that in the North West—I venture to say that it takes place in other parts of the State, also—road transport operators are so well organised that they are using spotter planes in an endeavour to prevent drivers from being held for breaches of the Main Roads Act.

The Opposition will study the Bill carefully. In view of the circumstances, it seems to be quite a good one. I take it that the Main Roads Department constructs roads in various areas of the State to a certain standard and that overloaded vehicles damage them and cause them to deteriorate much more quickly than they would with vehicles carrying legal loads.

I shall defer further comment till I have seen the Bill.

Mr. CASEY (Mackay) (5.40 p.m.): There are just a few points I should like to refer to, particularly in regard to the provisions of the Bill concerning overloading. The increase in penalties is long overdue. Prior to entering Parliament I had considerable

experience in this field, and perhaps I have even been an overloading offender. I wish to make certain points for the Minister's further consideration. I appreciate the points he has brought up about major hauliers who are deliberately and flagrantly breaching the overloading provisions of the Act.

I feel quite sure that the Commissioner of Main Roads would be the first to agree that it is very difficult to determine weights in the cartage of materials. I refer more particularly to gravel and soil. A 10-yard load of gravel with a high moisture content could weigh 1½ tonnes more than is normal for that yardage, and the axle loading increases tremendously. A vehicle might be caught in a storm or strike rain. As a result the loaded weight of the vehicle would go up tremendously because the material carried would absorb moisture. Rain does not just run off soil and gravel; they are not like timber or products in cartons covered with a tarpaulin. I ask the Minister to have his department observe tolerance in the policing of such provisions. It is very difficult for the owner and operator of a vehicle to gauge the load accurately. Usually the operator tries to keep his load a little underweight to make sure that it does not become overweight. I have seen many instances of Main Roads Department vehicles and local authority vehicles on construction jobs being major offenders. The same comments apply to vehicles on hire to local authorities.

It is all very well to say that we are going to increase penalties on those who flagrantly overload. If we are going to do that we must ensure that we have pavements and bridges of adequate capacity to take the maximum loads referred to. The pavements of many main roads in Queensland are not up to standard. The Minister for Tourism and Marine Services is in the Chamber. He would know the tremendous damage that has occurred in the last two years to the pavement of the road between Marian and Mirani. There is a very bad section of pavement there. It is continually breaking up, and each year the shire spends a tremendous amount of money trying to patch it up. The standard of the pavement is insufficient to carry constantly the huge loads of cane that were not previously carted over that section when most of the cane was sent by rail.

The average motorist in the community will be insisting that offending transport operators should be prosecuted. I should imagine that in many communities a lot of people will be bringing pressure to bear on the Main Roads Department. They will be saying, "These fellows are overloading. They are busting up the road pavements in our area. Do something about it." In many cases the pavements are substandard, and they should be brought up to standard. The same applies to many bridges in the State. Although we do not see very much of restrictions these days, in years gone by throughout the length and breadth of the State major restrictions were placed on the use of bridges. Certainly it is very difficult to constantly police that sort of thing. On the Sandy Creek bridge between my home city and the home town of the honourable member for Mirani——

Mr. Newbery: Thirty-five tons, with an eight-ton limit.

Mr. CASEY: It was an eight-ton limit bridge. One fellow went over it with a 35-ton load on a semi-trailer. It was a major steel suspension bridge but it buckled and, in fact, he was lucky to get across it.

Mr. Newbery: We had a case out near Funnel Creek. An overloaded truck fell through the bridge and went up to its chassis.

Mr. CASEY: That is true, too, but the pavement was not the best. It continued to break up in wet weather. It is essential that we get back to the installation of more warning devices on bridges.

In addition to catching offenders the department faces the problem of having to prove to the court that the pavement of a bridge was of sufficient standard to carry the load. Whilst structures are designed to carry a certain axle load, many are not able to bear the maximum loads that are carried. I appreciate that the policing of these measures will be very difficult. The cost involved in relation to the Sandy Creek bridge near Mackay was very high. The matter is certainly not all cut and dried. The difficulties will not be overcome simply by increasing the penalties to be imposed in respect of overloaded vehicles. Certain aspects must be examined by the department to ensure that it meets all problems that are likely to arise.

Mr. ELLIOTT (Cunningham) (5.46 p.m.): As one who has been in the trucking business for quite some time, I agree that this legislation is necessary. It is unfortunate that certain unscrupulous persons have deliberately grossly overloaded trucks thereby causing untold damage to the roads. Like the former speaker, possibly I have been guilty at times without realising how much weight has been put on trucks.

I suggest that the Government look closely at the carriage of commodities in the metropolitan area. Although the scales are seen frequently on country roads and out in the Far West, where truck drivers seem to be persecuted to a certain extent, we do not see too many "brown bombers", as they are termed both affectionately and not so affectionately, in the Brisbane area, where I have seen trucks with a capacity of 15 tons carrying as much as 30 tons. They are not required to pass over weighbridges, nor are they subject to inspection by departmental officers. The streets and paved areas of Brisbane are knocked about, obviously by overloaded trucks. I urge the Minister to examine this problem, which is not peculiar to country areas.

Mr. DEAN (Sandgate) (5.48 p.m.): I wish to make a very short contribution to this debate. The matter has been covered quite adequately by the honourable member for Wolston, and the honourable member for Cunningham touched on the matter that I wished to stress, namely, the use of city streets by heavy transport vehicles not only in off-peak hours but also in peak hours. The Story Bridge is one of the many places in Brisbane where large numbers of heavy road tankers can be seen in peak hours. We know that they are not supposed to travel on city streets during peak hours. I wish to address myself to the query raised by the honourable member for Wolston as to who will be responsible. We know that drivers have to earn a living and that certain owners exert pressure on them to overload. I only hope that blame will be sheeted home to the right party and that magistrates have the courage to impose the penalties that we are dealing with this afternoon. If magistrates do not carry out their job properly under this very important measure, what is the use of our increasing penalties to even $20,000 or $25,000? I sincerely hope that the right person pays the penalty.

Although the Minister did not refer to the parking of vehicles at night, I point out that some semi-trailers are parked at night on footpaths and in city and suburban streets. They are a danger to life and a traffic hazard. Early in the mornings, the drivers run their diesel motors for some time to warm them up. That causes a lot of distress to people in densely populated residential areas of Brisbane. I hope that the provisions of this Bill are extended so that the points I raised can be policed more strongly.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (5.51 p.m.), in reply: I thank honourable members for their contribution to the debate. The honourable members for Wolston and Sandgate said that owners, not drivers, should be charged. That is provided for in the Victorian legislation and we are prepared to look at the proposal. Frankly, I think it is desirable.

The honourable member for Mackay referred specifically to the tolerance of departmental officers. I assure him that the department recommends tolerance. People are warned a number of times. If they are warned two or three times, the matter finally comes to me before action is taken to charge people for continuing to disobey. I assure honourable members that that is departmental policy. The Government desires to use these powers with all the tolerance at its disposal. If a truckload of wheat, timber, cattle or gravel gets wet, we understand that it increases in weight. All honourable members must appreciate that these are not the people about whom the Main Roads Department is concerned. As I said in my introductory speech, we are concerned about people who set out deliberately to flout authority. They overload by up to 100 per cent. That should give honourable members some idea of the damage done to roads. One honourable member said that bridges have to be strengthened. They should not have to be strengthened to cope with the loads carried by people who deliberately flout the authority of the State.

The honourable member for Cunningham spoke of the necessity to ensure that people living in the metropolitan area undergo the same rigid control as those in rural areas. This matter has not been lost sight of and consideration will be given to the honourable members' suggestions.

Motion (Mr. Hinze) agreed to.

Resolution reported.

FIRST READING

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

HEALTH ACT AMENDMENT BILL

SECOND READING

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (5.55 p.m.): I move—

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

During this second-reading speech I intend to explain more fully the various clauses of the Bill and the reasons for their introduction, as well as answering queries which were raised by honourable members during the debate at its introduction.

The Bill includes amendments to the section of the principal Act which contains definitions.

To carry out the provisions of the Act in respect to drugs, it is necessary to have power of entry to certain defined places. There is no mention of an air-cushion vehicle. It is therefore necessary to correct the defect.

As local authorities are given power in the cafe and other regulations to license premises, it is necessary to correct a defect in this regard.

When the Health Department was established, the duties of the Commissioner of Health, as he was then called, were mainly in the field of public health and it was necessary that he be well versed in this area, and an appropriate qualification was considered mandatory. Since World War II. his duties have become more and more administrative in all fields—hospitals, public health and personal health services. Our medical administrators are therefore turning to courses in administration to fit them for their posts. It is submitted that to maintain the necessity of holding a public health or related diploma is now incorrect. It is therefore proposed to omit this from the principal Act.

For many years local authorities have requested permission to allow their health surveyors to inspect certain Crown property. The Bill provides for a method of acceding to this request.

The existing legislation demands that, where there are regulations promulgated under the Act and also under local authority by-laws or ordinances covering the same subject matter, the latter have no force. There are instances where it is desirable that the by-laws and ordinances should remain in force as they often reinforce the regulations. The Bill ensures that this desirable effect will be allowed and that such by-laws and ordinances will only be superseded when they are inconsistent with the regulations.

I have mentioned that public health is now only part of the duties of the director-general. The days when infectious diseases took up a lot of the time of public health officers are now past. However, some infectious diseases do still occur and it is necessary that those which demand attention should be reviewed from time to time. An amendment of the Act provides for a list of notifiable diseases consistent with those recommended by the National Health and Medical Research Council. There are some infectious diseases which may be spread through a person who suffers from them continuing to perform his usual work; for example an infected food handler may pass on food-borne diseases. The department has always taken action to see that this does not occur, but it is doubtful whether the necessary head of power to make an appropriate regulation has existed in the Act. This deficiency will now be rectified.

There are several clauses in the Bill dealing with the collection and disposal of refuse. In my introductory speech I gave reasons for the various amendments—the advent of private contractors working independently of the local authority, the advances in mechanised procedures for the collection of refuse and new methods of disposal. The proposed amendment will leave no doubt that local authorities will have the power to supervise all collection, storage, transport and disposal of all types of refuse, commercial, industrial and household, as well as night-soil. I hasten to point out that there is no intention that private contractors should cease operations. It is proper, however, that these operators who work in the field of collections of industrial refuse particularly should carry out their activities in an approved manner.

The Bill gives power to make the necessary regulations under which the local authorities will work. There may be some circumstances peculiar to a particular area and it will be necessary to give written advice to the local authority in addition to the regulations. The Bill provides for such cases.

Honourable members will readily agree that there have been innumerable instances of reclamation of land by the controlled deposition of refuse and the use of suitable covering material. Many playing fields have resulted from such activities. There have been a few instances where local authorities have used land which has not been entirely suitable and nuisances have resulted owing to problems of watercourses running through deposited refuse. The Bill provides for the necessity for the use of such land to be authorised by the director-general before commencing such operations.

There are already in existence sanitary conveniences and night-soil regulations. There is some doubt as to whether the existing legislation provides the necessary power to make such regulations. The Bill provides for clarification of the position.

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

Dr. EDWARDS: The honourable member for Sandgate, aware no doubt of a refuse area in his electorate, raised the question of effluent from refuse dumps running into watercourses. He suggested alternative methods of disposal. These are often very costly and not without difficulties. The answer in respect of the use of land is the need for a very close examination before commencing operations to see that there will be no breach of requirements set down by the Water Quality Control Council. He also mentioned the problem of scavengers. There is ample power at present in the plague prevention regulations to control unauthorised scavengers.

Queensland has always been proud of its record with respect to protection of children from the dangers of lead-poisoning. Reports have now come to hand of the possible hazard of other metals when present in toys and the Bill proposes the prohibition of cadmium, selenium and mercury in toys, and paint on toys.

The principal Act makes provision for the making of regulations relating to food, drugs and poisons. The Solicitor-General has advised that in some instances the necessary head of power is not present. The amendments therefore propose that this necessary power is included in the legislation. The specific areas are the prevention of contamination of food, the licensing of cafes by local authorities and the issuing of forged prescriptions for drugs.

The honourable members for Mt. Isa and Windsor mentioned health inspection of school tuckshops. I agree with them that any activity from health surveyors should be that of constructive advice so that the wonderful work performed by many voluntary mothers will be aided and not hampered.

The honourable member for Mackay raised several matters in connection with the supervision of food for sale. In regard to frozen food—I can assure him that the vast majority of these products do not contain preservatives. Their keeping qualities depend on the constant low temperatures. The additives permitted in foods for sale in Queensland are

those recommended by the National Health and Medical Research Council. In many cases this body will not recommend additives suggested by the Codex Alimentarius Commission which is an international food standards body.

It is agreed that one must examine the potential total intake of food additives not only the amount contained in one product. This aspect is being studied by the World Health Organisation and is being looked at by our own National Health and Medical Research Council.

Mr. Jensen: And all the other committees.

Dr. EDWARDS: As the honourable member should know very well, his Government was the expert in setting them up.

Queensland is presently co-operating with other States and the Commonwealth Health Department in a survey of the bacteriological content of take-away foods. A standard for fish cakes, fishburgers and similar products is presently under consideration and I can assure the honourable member that all food for sale is required to be fresh and wholesome.

The honourable member for Belmont brought up the subject of milk drinks. The onus is on the proprietor to maintain all equipment used in a scrupulously clean condition. This of course applies to all appliances used in food manufacture and preparation.

The honourable member for Nudgee referred to control of drugs. I know that he will now realise after reading the Bill that the only provision of this nature included in the Bill refers to the uttering of prescriptions. The word "uttering" may be causing some confusion. It is a term suggested to us by our legal advisers to cover the matter of forging a prescription and then presenting it to a pharmacist for dispensing. I feel the honourable member will agree it is very necessary to have power to act in such circumstances.

Health education in Queensland has been guided by the Queensland Health Education Council, members of which include State Health Department personnel as well as representatives from professional and other bodies such as the Queensland branches of the Australian Medical and Dental Associations, the University of Queensland and the Country Women's Association. These representatives meet as council once a month as well as serving various committees of the council. They are all busy people and it is becoming increasingly difficult to maintain a full council. In other States except Western Australia, health education is the responsibility of a division within the Health Department. It is intended that there will be an advisory council which will be available to make recommendations on over-all policy but it is believed that the over-all day-to-day running of the council should be a responsibility of a Health Department division.

I assure the honourable member for Nudgee that there will be no deterioration of the fine standard of health education already achieved by the council in implementing the change. It will be an administrative change only. With a view to obtaining uniformity of health standards and regulations, national bodies have been set up to make recommendations in such matters. In many instances the recommendations are accepted in toto and it is proposed that, where necessary, regulations may refer to such standards instead of repeating them word for word.

I would also mention that during the debate on the clauses, I shall be moving an amendment regarding the setting up of a body to control pest exterminators in the State. I will be introducing this in the March session rather than this session.

I commend the Bill to the House.

Mr. MELLOY (Nudgee) (7.21 p.m.): Unfortunately I was not here to hear most of the Minister's speech on the second reading of the Bill, but we have had a look through the Bill and it does appear that there is a certain amount of substance in the objection by certain Government members to the principle of government by regulation which is quite evident here, but generally I do not know that we will object to a lot of the provisions of the Bill.

Mr. Lindsay: Speak up!

Mr. MELLOY: You can hear me.

Mr. Lindsay: No, we can't.

Mr. MELLOY: Righto, I'll speak up.

Mr. Lindsay: If we are going to sit here, we'd like to hear it.

Mr. MELLOY: I am pleased to hear that.

Mr. Frawley: Even though it will be rubbish.

Mr. MELLOY: Oh, well, if the honourable member thinks it is rubbish, he must remember that we put up with a lot of that from him.

Apparently the regulations brought down under this Bill will, in most instances, prevail over local authority by-laws. In fact, I think a lot of the duties of local authorities will be taken over by these amendments to the Health Act in respect of health regulations.

The Bill also introduces a new list of notifiable diseases. It is rather lengthy and I do not propose to go through it. Provision is also made that persons who are suspected of having a notifiable disease shall be required to cease work at any time the medical authorities so determine. I do not know why this has not been done before; they would obviously constitute a threat to their fellow employees. We have had a look at the rest of the Bill and, as I say, I do not know that there is a lot in it to which

we will object, but there are a couple of things we will perhaps bring up when we debate the clauses.

Mr. JENSEN (Bundaberg) (7.24 p.m.): I have listened to the Minister mention certain things about the Health Act and certain committees which will frame the regulations. I have lived to the age of 60 and I have my children and grandchildren——

Mr. W. D. Hewitt: How old are you?

Mr. JENSEN: Sixty.

Mr. W. D. Hewitt: We'd never believe it.

Mr. JENSEN: You would not believe it because I have the fitness and virility of a bloke of 30. It is about time that we got away from a few of these regulations. You would agree with me, Mr. Speaker, that in our young days we did not have this rubbish about wrapped bread. Today in a butcher's shop everything has to be wrapped and sealed. Let us look at this in our own homes. Honourable members opposite want something they cannot do in their own homes. They talk about fly-proofing. Is every member's home fly-proofed and insect-proofed.

Mr. W. D. Hewitt: My word!

Mr. JENSEN: Oh, rubbish, I won't have it. Haven't honourable members got children or grandchildren? Have they ever seen them eat dirt?

Mr. W. D. Hewitt: No.

Mr. JENSEN: My little grandson goes and bites my dog and gets hair all over him. Have you ever seen your kid eat his own dung? Plenty of times, yes! It happens every day of the week. The honourable member talks about health. Every little kid is dirty and filthy. My little grandchild——

Mr. SPEAKER: Order! I draw the honourable member's attention to the fact that we are discussing the Health Bill.

Mr. JENSEN: Yes, it is health. Anybody who has had children, Mr. Speaker, and has grandchildren, knows what children are like. They are dirty, filthy little hounds. They eat anything. I say to my little grandchild, "Come on, we'll wash your dirty little hands." He says, "No, they're all right", and he licks them. Yet we have all these regulations that we have to stick to. If we had to abide by all the regulations that the Health Department put out, we would be living in glasshouses, not in insect-proof houses. In my opinion, we are going too far.

The Minister for Health and his officers must keep an eye on the shops that make dim sims, pies, and so on, and ensure that they are not made of bad ingredients. In this building last Tuesday, I had my lunch. Within half an hour everything went through me. The young lady behind the bar had the same trouble. At night the same thing happened. The honourable member for Sandgate had similar trouble. Then, at 3 o'clock in the morning, Marty Hanson was taken to hospital. When I came over to breakfast in the morning, I said, "There was something wrong with that soup. It was rotten, or something." I said, "Anything tainted that I eat goes straight through me. The honourable member for Sandgate was affected, and there's Marty, taken to hospital at 3 o'clock in the morning." But it wasn't that with him.

Mr. Knox: How is Marty, by the way?

Mr. JENSEN: He is very good; it is good news. He had a check——

Mr. Knox: He has survived?

Mr. JENSEN: He has survived. It wasn't quite that with Marty, but we thought it was that. Anything that is tainted will go through me.

An Honourable Member: It affected only the Labor Party.

Mr. JENSEN: It might have affected only the Labor Party, but that does not matter. I am discussing the Health Bill.

Let us not be bound down by regulations. I know what I had when I was a child. We bought bread; we bought meat at the butcher shop. There were not the regulations there are now. There were still flies. Flies have not come in the last generation; they have always been with us.

The Minister wants to tell honourable members about this health council and that health council and all their regulations. As I said, we should not become too bound by regulations. People are paying a couple of cents more for bread because it is wrapped. The Health Department is frightened that the baker might put his hand on it after he has been to the toilet, or something. If we are going to worry about little things like that, we might as well get back into a glass cage. We will have to inspect everybody serving in cafes to see that they wash their hands after they have been to the toilet. The stage is now being reached in the health field where the regulations are costing people money. The working man has to pay and it's about time the Minister and everyone else——

Mrs. Kyburz: It's a load of garbage.

Mr. JENSEN: The honourable member for Salisbury says it's a load of garbage. She handles garbage, and she knows all about garbage. I do not know whether the honourable member for Salisbury has any children. If she has children, or if she has grandchildren, as I have, she will see them get down in the garbage and eat the garbage, and they will get down in the dog's manure and eat that. A child will eat manure in the back yard, and then the Minister tries to tell us about health! I did not have to worry

so much about my children because I didn't see them—my wife saw them—but I see my grandchildren now and what they do.

An Honourable Member: Have you a photograph of them?

Mr. JENSEN: I will bring one in. I have three lovely grandchildren with another one coming in February. They say, "Poppa, you come with me." They love me.

Mr. SPEAKER: Order!

Mr. JENSEN: I just wanted to speak honest facts. We are going to hear all about this health garbage tonight. The honourable member for Salisbury referred to it as garbage. Of course, what the Minister says is garbage. Let us get down to facts. Let Government members get out in the bush and live. Out in the bush we don't get the sort of rubbish we have to put up with in the cities. Let them get out there and eat with the flies. Let them eat with flies on their meat as I had to do at Roma. Let them eat dirty, bad meat and see how they go. We hear all this rubbish about health—health councils and all the rest of it. It's about time the Minister woke up. Just because he is a doctor, he thinks he has to come in and protect us. If he has kids he knows as well as I do that it is all rubbish. I have been through the mill—not only the sugar mill but the mill of life. At 60 years of age I stand here and say what I think is right. If we are going to worry about the things the Minister talks about, we might as well worry about crossing the road. One has to live in this life.

Honourable Members interjected.

Mr. SPEAKER: Order!

Mr. JENSEN: I just wanted to put a few plain facts to the House. We have lived in this life. We are coming to the day when everybody will be in cages with wire netting or glass doors. We can't go on like this. We can't persist in this type of thing. I do not mind if the Minister enforces his health regulations in dirty cafes, but don't let him start to bring his health regulations into my home or apply them to the baker or the butcher. If I can't see that the baker or butcher is clean, I won't deal off him. Don't let the Minister apply his regulations to people I have to deal off. I know whether they're clean. The Minister wants to bring everybody to his standard. He's afraid that the baker went to the toilet just before he gave him a loaf of bread. According to him every baker is the same. That is his attitude, and it is completely wrong. It is about time we got down to facts. We have lived in this life, and we are still living. Not too many people could kill us off.

Mr. LOWES (Brisbane) (7.34 p.m.): It would be rather remiss of me if I did not speak in this debate. I am on the Minister's committee, which places some sort of obligation on me to support the Bill, which I do. As well, my father was a member of the Health Department for some 50 years until only a few years ago when he retired and subsequently died. That makes it something of a sentimental journey for me. The members of the Minister's department have been household names to me all my life, going back to the days of the old directors, Dr. Melhuish and people like him, and Inspectors Cato, Sanderson and others who have long since retired and are living in retirement in Brisbane. Dr. Fryberg served the medical services of Queensland very well for many years, and is still doing a great job in public organisations throughout the State. There is also the present Director-General, Dr. Patrick, a man for whom my father had a particularly high regard. My father knew him for many years. He is a man who has at heart the interests of public health throughout Queensland.

Matters of sanitation are of vital concern to this tropical State of Queensland. I can remember the days of the gold rush at Cracow. People went there trying to find their fortunes overnight, and they set up their homes. At that time there was the threat of a serious outbreak of typhoid, and my father went to Cracow and put things right.

Mining has always been an important source of revenue to the State, but it brings with it problems not only in places such as Cracow and other centres of gold exploration in North Queensland but also, and more recently, in townships like Greenvale. My father had a great deal to do with the planning of the township, and included in that plan was the provision of sanitation. I understand that Greenvale is now a thriving community and that its people are quite unaware of the planning that went into it. They live there without the fear of an outbreak of typhoid or some other dreaded disease.

In living on the periphery of the health services of Queensland, as I have for many years, I have come to know a great deal of what health services require. I realise that conflicts arose between the laws of the State and the ordinances of the various local authorities. It seemed to me that local government and the State Health Department worked together very well in the control of such matters as cafe regulations. Now that they have realised that there was duplication, the authorities have divided up their responsibilities in such a way as to avoid some of this duplication.

Even in State Government departments there has been some duplication. It has persisted for quite a number of years until reasonably recent times, particularly in the enforcement of the Liquor Act. Although it is administered by the Minister for Justice and Attorney-General, its provisions are enforced in many instances by inspectors appointed under the Health Act. They keep

an eye on sanitation, the delivery of food and the provision of accommodation—all of which are provided for within the Liquor Act. The State health inspectors played a dual role. Sometimes they found themselves in conflict, as it were, with Commonwealth over such matters as quarantine and public health extending beyond the boundaries of this State. To a large extent the duplication that existed for many years has been resolved. However, we are still left with the salient regulations under the Health Act concerning food and drugs, sanitation and poisons.

What has been said by the Minister and other honourable members about sanitation is not opposed by anyone.

A Government Member: Except the honourable member for Bundaberg.

Mr. LOWES: That is so.

Food and drugs present another problem. Should there be any intrusion at State level into school tuckshops? Here, again, we could be running into a duplication of the cafe regulations. The Bill, as proposed, is ideal in that it does not cause duplication.

Poisons are a different proposition. They encompass a large area and the State poisons regulations are most important. They need very close attention, but here we run into trouble. Whilst the Acts may be easy to find, it is not always so easy to find the regulations. I venture to say that very few copies of Health Act regulations to be found throughout Queensland would be comprehensive and up to date. Even if they were, would the holder of the copies of the regulations be prepared to vouch for them as comprehensive and up-to-date? This is a constant problem when we have legislation by regulation.

Poisons in themselves cover a number of fields. When we think of poisons, we usually think of chemist shops and hospital dispensaries and of the problems created by dangerous drugs. In this context the Minister has a great responsibility that is increasing year by year. He exercises this responsibility with great understanding and discretion. If he did not, great hardship could be created at times. When we consider poisons that are used, we think of those that come under the Agricultural Chemicals Distribution Control Act. Such chemicals might also be used by people who are pest controllers. I submit that there is a difference between the people occupied in the distribution of chemicals and poisons under the Agricultural Chemicals Distribution Control Act and those engaged in crop dusting and loading crop-dusting aircraft.

Far more people are involved in domestic pest extermination, and not only in the distribution and preparation of chemicals. It has become very common in cities—particularly in Brisbane, to my knowledge—for almost every domestic home to have an annual contract with a pest controller to fumigate the home in varying degrees. Because of the widespread use of the pesticides, a large number of people are involved in the distribution. I imagine that the poisons used by them are more lethal in nature than the pesticides used by crop dusters. While crop-dusting has a greater spread, with a risk of drift, most of the chemicals used, I understand, are not of a lethal nature. On the other hand, pesticides used in domestic and commercial extermination have a greater potency.

For that reason, it is desirable that legislation be introduced to control such people, to regulate them, to license them and, if they are not successful, to give them the right to have their application reconsidered. For that reason it has become apparent to the Minister that the matter should be looked at from a different point of view, and quite properly he has seen fit to do so. It has been considered as a whole under the Agricultural Chemicals Distribution Control Act. It is a matter which I submit should be properly looked at again, from a point of view other than that of the Health Act. For that reason the Minister has seen fit to foreshadow that he will withdraw so much of the Bill as relates to the registration, licensing and control of pest exterminators.

All other clauses of the Bill are well warranted. For that reason I have no hesitation whatsoever in endorsing it. I congratulate the Minister on its introduction.

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (7.46 p.m.), in reply: I thank all honourable members who contributed to the second-reading debate. In answer to the honourable member for Nudgee, who mentioned the inconsistencies between local government and State legislation on by-laws, I advise him that the State legislation will prevail only if inconsistencies occur, and also only to the extent of those inconsistencies. The amendment we propose will now make effective legislation of existing by-laws as the Health Act is paramount.

I was very sorry to hear about the diarrhoea suffered by the honourable member for Bundaberg last Tuesday night. Tonight it was obvious that he had verbal diarrhoea, for which I do not know any cure, when the stimulation that he has is obviously low intellect. There is no cure or treatment within the Health Act for his contribution.

Mr. Katter: What about his poor kids eating out of the garbage pails?

Dr. EDWARDS: I think that is obvious, but I cannot do anything about that, either.

The honourable member for Brisbane paid a tribute to the Department of Health. His father, Mr. Percy Lowes, made a very fine contribution to the Health Department over a long period. He was a district health inspector in Townsville and retired in about 1968, having served at Rockhampton and

head office. I feel very proud that he paid a tribute to the department in which his father also played a role. I join with him in that tribute.

Motion (Dr. Edwards) agreed to.

COMMITTEE

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

Clauses 1 to 22, both inclusive, as read, agreed to.

Clause 23—Amendment of s. 152; Regulations—

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (7.49 p.m.): I move the following amendment—

"On page 8, omit all words comprising lines 1 and 2."

The reason for the amendment is that the part of the legislation relating to pest-control operators will be dealt with in amendments to the Act introduced in the March session. We are still having discussions with pest-control operators about a basic course to be run by the Education Department. Whilst I totally support and intend to introduce legislation for the control of pest-control operators, which has been welcomed by all members, I regret that we will not be able to include the amendments in this Bill, and I therefore commend the amendment to the Committee.

Amendment (Dr. Edwards) agreed to.

Clause 23, as amended, agreed to.

Clauses 24 to 28, both inclusive, as read, agreed to.

Bill reported, with an amendment.

THIRD READING

Bill, on motion of Dr. Edwards, by leave, read a third time.

SECURITIES INDUSTRY BILL

SECOND READING

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (7.53 p.m.): I move—

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

The purpose of the Bill is to consolidate and amend the law relating to trading and dealing in securities. It is a major piece of legislation and is the result of work done under the Interstate Corporate Affairs Agreement. A Bill in identical terms has been introduced in the States of New South Wales, Victoria, Queensland and Western Australia.

The existing Securities Industry Acts of those States and Queensland will be replaced by the provisions in this uniform Bill. Work on the Bill was begun in 1972 under the direction of the Standing Committee of Attorneys-General but, when the Commonwealth withdrew from the exercise in 1973, work on the project ceased.

The Ministerial Council initiated resumption of work on the Bill in April 1975. The standing committee draft was used as the basis for the new Bill and it has been expanded to take account of recommendations arising out of certain inspections undertaken by the Corporate Affairs Offices, the Rae Report on Securities and Exchange, certain provisions that appeared in the Commonwealth Corporations and Securities Industry Bill tabled in the Commonwealth Parliament last year and certain comments on that Bill.

Honourable members will be aware that when the first Securities Industry Acts were enacted they were intended principally as a measure to implement some licensing requirements. It was intended that, in the light of experience gained in the administration of those Acts, more sophisticated and effective legislation would be prepared on a uniform basis for enactment throughout Australia at a later stage. By 1972, all States and the Commonwealth had reached the stage of preparing a further draft of much more extensive securities industry legislation for enactment on a uniform basis in all States and territories.

The Bill introduced by the Commonwealth in 1973—the Corporations and Securities Industry Bill—drew heavily on the uniform draft, notwithstanding that the Commonwealth was making an attempt to move unilaterally into the field of company and securities industry law. The Commonwealth Bill is still before the Senate and has been referred to a Senate select committee which is still receiving and considering numerous submissions.

It is the view of the Governments of the four participating States under the Interstate Corporate Affairs Agreement—that is, New South Wales, Victoria, Queensland and Western Australia—that the passage of the Commonwealth Bill would have serious consequences for the commercial and business community and the public generally. At the outset there are substantial areas in which the constitutional validity of the Commonwealth Bill is doubtful, and it is obvious that if the Bill were enacted, operated upon for any length of time and then found to be invalid in whole or in part, the consequences for the community would be grave.

Besides these constitutional difficulties, the actual provisions of the Commonwealth Corporations and Securities Industry Bill have been the subject of valid criticisms in many areas. The Governments of New South Wales, Victoria, Queensland and Western Australia, in their submission made to the Senate select committee earlier this year, repeated their offer to co-operate with the Commonwealth on a joint basis with a view to having securities industry legislation enacted by all Governments to operate in all States and Territories of the Commonwealth.

The offer made by the four States was to develop a comprehensive co-operative legislative and administrative scheme for Australian company law (including securities industry law) but no response has been received to the offer, even though it attracted immediate support from some areas of the business and commercial community. In making their submission along these lines the four States made reference to the obvious benefits that had been obtained from the co-operative approach between them achieved through the Interstate Corporate Affairs Agreement.

New South Wales, Victoria, Queensland and Western Australia have, as I have mentioned, recognised since 1970 that there is a real need for further legislation to achieve better regulation of the securities industry, particularly as the most important purpose of the legislation is to assure the protection of the investing public. It was for this reason that a considerable amount of work had been done prior to 1973 on the preparation of a completely new securities industry code. Earlier this year, under the Interstate Corporate Affairs Agreement, the four States concerned set out to complete the task of preparing new securities industry legislation which had been abandoned in 1973, because of the Commonwealth's action. The Bill now before the House represents the legislation which all four States have agreed to introduce on a completely uniform basis in the present sessions of their respective Parliaments.

The present Securities Industry Act requires dealers, dealers' representatives, investment advisers and investment advisers' representatives to be licensed by the Commissioner for Corporate Affairs. Members of the Brisbane Stock Exchange and their employees were exempt from the licensing requirements; members of a stock exchange of another State and their employees were not exempt if they carried on business in this State. This Bill proposes to extend the licensing requirements to members of the stock exchange in Queensland and their employees.

In furtherance of the principles of interstate recognition inherent in the Interstate Corporate Affairs Agreement, a person licensed in a particular capacity (say, as a dealer) in another State which has passed legislation corresponding with this legislation will be treated as a recognised licensee and will not be required to obtain a local licence to carry on business in this State. Correspondingly, of course, a dealer licensed under the Queensland legislation will be regarded in New South Wales, Victoria and Western Australia as a recognised licensee and will not be required to obtain a licence under the law of that other State to carry on similar business in that State.

The creation of this new concept of recognised licensees will obviate the need for multiple applications and licensing and will effect considerable savings in costs and administration, both to industry and to the respective Corporate Affairs Offices. The respective Corporate Affairs Offices will adopt common standards for the consideration and granting of licences, and it is intended that identical forms of application and, to the greatest possible extent, common conditions, will be adopted in each State. As the respective Commissioners for Corporate Affairs are members of the Interstate Corporate Affairs Commission, uniformity in administration is an integral part of the whole exercise and is, in fact, being readily achieved.

I turn now to the provisions of the Bill dealing with the regulation of stock exchanges. As in the 1971 legislation, a stock exchange may not be operated unless it is a body corporate and unless it has been approved by the Minister. The Brisbane Stock Exchange has already been approved under that legislation, and will not require further approval under this legislation to continue to operate as a stock exchange. However, no new exchange can commence operations without ministerial approval. There are, however, significant changes in other aspects concerning both existing and new stock exchanges.

Any existing stock exchange will be required within two months of the commencement of the legislation to submit its listing rules to the Minister for approval and the Minister will have a further period of two months in which to disallow any provisions of the listing rules which he considers undesirable. Thereafter, no alteration to the listing rules of an approved stock exchange will be effective until it has been submitted to the Minister for his consideration and the Minister has determined that the alteration should not be disallowed. These provisions will enable the Minister to prevent the adoption by stock exchanges of listing rules which appear to be contrary to the interests of the investing public.

I would draw attention to the significant new provisions which apply to persons dealing in securities. The provisions of the Bill requiring dealers to keep accounts are more elaborate than those contained in the 1971 legislation. In addition, the Bill seeks to strengthen the position of auditors of dealers' accounts, first by conferring on them greater protection in appropriate circumstances against actions for defamation, and secondly by providing that a dealer may not dismiss an auditor without the consent of the commissioner or the court. The Bill also provides that an auditor cannot resign without the consent of the commissioner or the court.

It has long been accepted that stockbrokers and other dealers dealing with the public, and their representatives and investment advisers, should be under an obligation to disclose any pecuniary interest or benefit which they are likely to derive from dealings in securities with, or their recommending of securities to, the public.

Some provisions along those lines are contained in the Securities Industry Act 1971, but experience has since shown that those provisions are inadequate. The Bill, through a combination of its provisions, will impose more stringent and more extensive obligations than the 1971 Act.

Perhaps the most important change is that a licensee in any capacity is not merely obliged to disclose his own interest to his client or person to whom he sends a circular or other similar written communication of recommendation of any particular securities; he is also required to disclose the interests of any of his associates.

The circumstances in which a person is deemed to be an associate of another person are set out at length in clause 6 of the Bill, and the circumstances in which a person is deemed to have an interest in securities are set out in clause 5.

The Bill also goes further than the 1971 legislation by preventing licensees from having circulars and other communications of recommendation signed by other persons in order to avoid disclosure, and prohibits a dealer from causing or permitting a circular or other communication to be sent out other than under his own name or the name of his partners and, in the case of a corporate licensee, unless it is signed by a director, manager or secretary of the corporation.

The Bill prohibits a dealer from charging brokerage or commission of any kind when he buys or sells securities in his own right, that is, as principal, except where he is dealing as the management company of a unit trust and the commission or brokerage is charged in accordance with the trust deed. This is to accord with the general principle that an agency fee should never be payable when the person purporting to act as agent is in fact dealing with his own property.

Another measure to improve the position of the investing public is the more extensive provision made in the Bill in relation to contract notes. This is intended to ensure that a person dealing with a dealer is fully aware of the rate of commission or brokerage which he is being charged, particularly in circumstances when the rate of commission concerned is not that fixed by a stock exchange, or where the transaction is an off-market transaction.

Part X of the Bill deals with misconduct in connection with trading and dealing in securities, namely, market-rigging and manipulation, insider trading and similar activities.

One of the important subjects dealt with in Part X is insider trading, which may broadly be described as dealing in securities at a time when the person concerned is, by virtue of his position in or in connection with a company, in possession of confidential market-sensitive information not yet made public, and which places him in a position of special advantage.

Since the introduction of the uniform Bills into the Parliaments of New South Wales, Victoria, Queensland and Western Australia, the Ministerial Council has considered a number of recommendations from the Australian Associated Stock Exchanges and agreed to make some amendments to the Bills. Bills in their amended form have already passed all stages in the Parliaments of the other participating States, except in New South Wales, where I believe the Bill is being presented in its final form in the Upper House tonight.

In the Committee stages, I propose to move certain amendments to bring the Queensland Bill again into uniformity with the Bills of those States. These amendments clarify or extend the provisions to which they relate without weakening the Bill's control over the industry, and I will deal with them separately at the appropriate time.

I feel confident that honourable members will agree, after perusing the Bill and considering the proposed amendments, that this State and the States of New South Wales, Victoria and Western Australia have, in their co-operative venture, succeeded in producing a much-improved legislative scheme for the proper regulation and control of the securities industry.

Mr. JENSEN (Bundaberg) (8.4 p.m.): The Opposition has had a look at the Bill and, as the shadow Minister for Justice is not here, it is my place to speak to it and to refer to the Rae report.

I am aware that the amendments introduced in 1971 were designed to stop racketeering in shares and stock-market securities. However, they were not adequate for the purpose, and the Rae report showed up their inadequacy throughout Australia. The Australian Government then introduced a securities Bill and the four States mentioned by the Minister combined to stop it. I ask the Minister: If Fraser wins control of the Government and the Commonwealth introduces a securities Bill, will the four States then support uniform legislation throughout Australia? They would not do that while the Labor Party had control.

Mr. Moore: Is it true that you made $250,000 out of Poseidon shares?

Mr. JENSEN: I wouldn't be here if I had made $250,000. If I made $25,000 I wouldn't be here, let alone $250,000. It does not worry me what honourable members opposite say about what I have made on the stock exchange. When I came into this House in 1969 I showed up what was going on on the stock exchange. When I spoke on that specifically, I nearly got my head cut off by the Labor Party for speaking about the stock exchange. In 1971 the law was amended to deal with the stock exchange.

Mr. Moore: You have had a bad run.

Mr. JENSEN: I've always had a bad run because I am not a gambler. Any money I make, I make through my own ability, not gambling. I could never make $20 on a racehorse or the stock exchange. I do these things for experience so that I know what goes on. That applies to the stock exchange, securities and racehorses.

The 1971 legislation was inadequate. The Rae report showed up the inadequacies. It showed the rackets that went on with most companies listed on the stock exchange. It indicated the rackets not only within companies but those engaged in by certain members of the stock exchange and certain brokers. We know what happened with Corrie when he set up agencies throughout Queensland. He told people how to invest and what to invest in. They went broke and so did he. That is the type of thing that went on on the stock exchange. I have said it in this House before, and I will continue to say it.

The Minister thinks that the Bill will be adequate to protect the investing public. What a joke! One has only to look at the stock exchange in the last couple of days. It has jumped not because companies are doing any better, but only on the premise that Fraser might win the election. That is how the assets of companies change. I have said that in this House for six years. The assets of a company change because of rumour and speculation, not because of what the company has done or what is produced in its balance sheet when it comes out every six months, and not because of what the chairman of directors says.

Mr. Lamont: We give them confidence; you give them confidence tricks. That is the difference.

Mr. JENSEN: It is a confidence trick if one is induced to invest on the stock exchange. The honourable member should know; he is probably an investor. As I said in 1969, I have invested on the stock exchange. In 1961 I borrowed $800 on an insurance policy so that I could learn something. I learnt the hard way, but I have still got money there. I bought my Ampol shares for 42c six months ago; they are worth 62c today. That is how shares go up, but not because of any change in the company. There is no real change in its assets or their real value, but shares go up only because of speculation—what the oil price might be or what the Government is going to do. If Anthony gets in, he is going to allow petrol to go up to $1 a gallon. He said he would give Australian oil companies the same price as overseas companies. That would take petrol up to at least $1 a gallon, perhaps even to $1.50 a gallon. I don't think Fraser will let him get away with it, though.

Mr. Katter: Do you realise that your Government lifted the price at the wellhead in Australia?

Mr. JENSEN: Yes. It was entitled to lift it to a certain extent to cover the rise in the cost of living. It did not lift it to the price of overseas oil. Anthony said he would lift it to that. If he did we would be paying $1.50 a gallon.

Mr. KATTER: I rise to a point of order. Mr. Anthony is being grossly misrepresented. Never at any stage did he make the comments attributed to him by the honourable member for Bundaberg.

Mr. JENSEN: The honourable member knows quite well that Mr. Anthony's comments have been published in the Press.

Members of the Opposition are always deeply concerned about amendments to security Bills. We are concerned for the small people who are affected. In introducing amendments such as this, the Government claims that it is doing so in the interests of the public. It is no good the Minister saying this Bill is in the interests of the public. Every day, we see changes in share prices between morning and afternoon trading. No company's assets can change between morning and afternoon. The only thing that changes is the gambling on the stock exchange. Share prices can be likened to prices on horses. On Friday night a horse might be quoted at 4/1 and on Saturday morning it might be 5/2 because information has gone out that the horse is either going or not going.

I have always contended that share prices should be fixed when the reports of directors of companies are published. After the directors have stated what has happened in the preceding six months and what is likely to happen in the next six months, a fortnight's trading should be allowed and then the shares of the company involved should be fixed.

Mr. Moore: What do you think about short selling?

Mr. JENSEN: Like most things connected with the stock exchange, it is a complete racket.

Mr. Simpson: What about Labor's prices? They have gone down, too, haven't they?

Mr. JENSEN: The Labor Party is not on the stock exchange at the present. Perhaps the honourable member would get a price from the bookies. We are talking about securities—and there is no security in politics. Certainly there is no security in the honourable member's seat; he will lose it in two years' time.

I do not wish to prolong the debate, but I should like the Minister to tell us whether, if his party wins the Federal election and the Commonwealth Government decides to introduce legislation to control all stock exchanges in Australia, he will then agree to that legislation. He failed to agree to legislation of that type introduced by the Federal Labor Government. All he can get

is the support of four other Liberal States to the introduction of this legislation. I should like the Minister to tell us that he will support Fraser's actions.

Mr. W. D. HEWITT (Chatsworth) (8.13 p.m.): As the Minister indicated at the outset, this is major legislation. No-one would would seriously challenge that statement. He has outlined its major provisions so succinctly that there is no necessity for me to recapitulate them. However, I think it is necessary to make some broad observations on the Bill and to discuss why it is necessary.

One of the pleasing aspects of it is that it moves closer towards a uniform Securities Bill throughout the length and breadth of the nation. This is to be applauded, as is the Companies Act Amendment Bill, which is to be brought forward later tonight. It is also worth noting that this uniformity is to be achieved by consent and consultation between the sovereign State Governments. It has not been necessary—it has proved to be totally unnecessary—to have the intrusion of a central Government. We prove once again the pristine purity of our federal system, whereby State Governments can find areas of agreement, can agree to legislate upon them and, in the fullness of time, do just that.

The securities industry in particular has been under close consideration by Governments over the past five years or so. This close consideration comes in the wake of the scandals in the last stock exchange boom. When those scandals were laid bare, it became obvious that people were manipulating the stock exchange, that there were inside trader operations, that unwholesome activities were taking place, that people were making fortunes fraudulently and getting out from under. In the fullness of time the Rae committee looked at all these things and made a great number of startling revelations.

Mr. Jensen: Thank God we had the Labor Party.

Mr. W. D. HEWITT: The honourable member for Bundaberg would not have been right once all night. The Rae committee was set up by the retiring Liberal Government and it continued into the life of the Labor Government. If the honourable member tries hard enough, for once in his life he will be right, but that occasion will not occur tonight.

In the light of the revelations, it became obvious that greater legislative enactment was necessary. The Commonwealth attempted to take unto itself certain powers under its Corporations Bill. I venture the opinion that, when the securities industry realises the full ramifications of this Bill, there will be some resentment to it. Those who are inclinded to be resentful of it should curb their impetuosity a little and consider what would have been inflicted upon them by a centralised Bill. The proposed Corporations Bill put forward by the Whitlam Government contained proposals for intrusion into the board rooms of this nation to a level that had never before been contemplated. There is little doubt that the securities industry, directors, and boards of directors would have been heavily answerable to the central Government and would have been heavily controlled by the central Government—to such an extent that one of the provisions of that Bill provided that the central Government would put one of its representatives on boards of directors. I challenge anyone to find a greater example of intrusion than that. Those who, in the fulness of time, find some resentment to this Bill should contemplate how much worse it could have been. To say that is to suggest that there is intrusion in this Bill. It is as simple as that. This Bill causes greater intrusion into the securities industry than ever before. There is intrusion by the commissioner, and greater powers are given to inspectors and to the Minister himself. We justify these greater powers on the simple basis that the securities industry has bought it; it bought it by maladministration and by poor control of its own affairs during the boom period.

The Government's greater responsibility is to the investing public, to those who want to express their confidence in growth industries, those who make a judgment on the facts and figures that prospectuses reveal and say, "Here is how I will invest my money." Not for a moment would we, particularly as a free-enterprise Government, suggest that we would take the risk out of investment. We would not want to do that and we see no reason why we should do so.

There must always be an element of risk to any investment. That is, of course, apart from those investments that are Government guaranteed. Those who settle for Government-guaranteed investments will get their money back in the fulness of time. They will get an assured rate of interest, but they will not enjoy growth and reward for risk-taking. It is as simple as that. Those who are prepared to take risks in their search for greater return will always have to face the inherent risks.

Because our philosophy is based on the simple proposition that people are entitled to take risks and reap the rewards for doing so, or conversely lose, we have no desire whatsoever to take away the risks. We believe that that is the essence of our great nation; that is what made it great and we have no desire to depart from it. But within those broad guide-lines, with the risk that is involved, we say that the facts must be revealed fully and openly, that the securities industry must be honest and open and ethical and decent, and that those who are participating in it must be curtailed to some extent.

That is precisely what this Bill is doing. It is, as I have said—and I reiterate—intrusive to a greater extent than the industry has ever been intruded upon before; but from it all will come a controlled industry

and those honest, decent, ethical practitioners will not resent it. Rather will they be pleased that the industry is controlled, and those who speculate will be pleased that reasonable protections are now afforded to them.

The Minister has given us an assurance that all of the other States, with the exception of New South Wales, have now fallen into line and that its august Upper House will comply tonight. On that basis we now rejoice that there is uniform securities industry legislation throughout the nation. The Minister himself has played a not insignificant part in the negotiations that have brought this to a successful conclusion. He is deserving of the commendation of the House. It is major legislation. We support it. We hope that the industry, which fell into disfavour, will be the better for it.

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.22 p.m.), in reply: I thank the two honourable members for their contributions. I might say to the honourable member for Chatsworth that he was quite right when he pointed out to the honourable member for Bundaberg that the Rae committee was in fact set up by a Liberal-Country Party Government. It was a select committee, of which Senator Rae was chairman, and it continued its hearings for some years. It has now produced approximately three volumes, plus supplements, of reports. While some of the matters that are recommended might be disputed and some are out of date because they have been corrected already by legislation, the reports still highlight some of the difficult problems facing the securities industry, particularly in relation to public confidence. I think they have stimulated a lot of interest in this type of legislation.

I might just add to the remarks of the honourable member for Chatsworth that the honourable member for Bundaberg spoke about what our policies would be. It is rather significant that in the three years in which the Labor Party was in office in Canberra there were very, very few select committees appointed. All of the committees that have been set up have been constituted by other than members of Parliament—by academics and people who have had very little experience in Government and no knowledge of policy. A host of such committees has been established right round the nation and many of their reports lie idle without ever being considered by the Government of the day. This is one of the tragedies of our nation. All of these boffins have been used at tremendous public expense in inquiries that were not instituted by members of Parliament, whose special responsibility it is to look after legislation in these areas. That has been one of the shortcomings of the Labor Party in office.

Mr. Jensen: Weren't they set up by the Ministers?

Mr. KNOX: Of course they had to be set up by legislation under a Minister. But that is not the same as members of Parliament being involved in these inquiries, as indeed was the case until 1972.

The honourable member for Bundaberg asked what we will do about the National Securities Industry Act. I can tell him what we will do about it—the same as we said we will do with the current one. We will endeavour to stop it being implemented because it is iniquitous, socialist legislation. Let me make it clear that we have no interest in seeing the Securities Industry Bill which has been produced by a Government of his political colour. The States are quite capable of producing uniform legislation in this area—no problem at all. In fact, it would have been introduced some time ago but for the actions of the Commonwealth Government two years ago in preventing us from proceeding with it.

Mr. Jensen: They forced you to.

Mr. KNOX: Not a bit of it. We were well advanced in the preparation of this work. I do not know whether the honourable member knows it or not but in fact early drafts of this legislation were prepared some years ago. I am pleased to be able to say that in the four States in which it has been adopted it will be in operation from 1 January or, if not then, early in February, and will be operating well in advance of any Commonwealth legislation in this field.

Mr. Jensen: What if Fraser wants to bring in Commonwealth legislation?

Mr. KNOX: If the Prime Minister elect—I suppose we can almost say that now that the honourable member is admitting it—wishes to introduce legislation of this nature, at least he will have the courtesy and the good sense to discuss the matter with us in the States before proceeding with it. The Commonwealth Minister at the time—the then Senator Murphy—promised us discussions on the Security Industry Bill. Dates were set for those discussions but they were never held. Is it any wonder that the proposed Bill is a mess and that the nation does not want to see it? Even the Labor Party has been saved from the embarrassment of seeing it. It is a mess, and it needs revision. The Senate select committee, which is chaired by Senator Georges, is looking at it and has asked for unlimited time to consider further suggestions on its alteration.

Let us understand the position in this nation. It is a federation and it is quite capable of working in this field. The States, together with the Commonwealth, are quite capable of working in this field. I invite tonight, as we have done on previous occasions, South Australia, Tasmania and the Commonwealth, representing the A.C.T. and the other Territories, to join with us in an interstate agreement to enable the

people of Australia to have uniform legislation in this field without trouble and without heavy administration. That can be done quite efficiently.

Mr. Jensen: You said you have been working on this for three years.

Mr. KNOX: Yes.

Mr. Jensen: Yet you are going to move a heap of amendments tonight. What are you going to do next year and in two years' time?

Mr. KNOX: Doesn't the honourable member want to see the amendments? Doesn't he want to see me improve the Bill?

Mr. Jensen: You know all about it.

Mr. KNOX: I have a feeling that I know a great deal more about it than the honourable member for Bundaberg. I do not claim to know all about it but I do know a little more than he does.

Mr. Jensen: You will be amending it in two years' time just the same.

Mr. KNOX: I have not the slightest doubt that we will be amending it in two years' time because this legislation deals with things that are dynamic in the community. They require amendment. There are changes in the community and we are prepared to accept them. We are prepared to amend legislation to cope with those changes. Nothing is immutable in this area, you dill!

Motion (Mr. Knox) agreed to.

COMMITTEE

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

Clauses 1 to 3, both inclusive, as read, agreed to.

Clause 4—Interpretation—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.30 p.m.): I move the following amendment:—

"On page 5, omit all words in lines 20 to 31 (both inclusive) and insert in their stead the following words:—

'"listing rules", in relation to a stock exchange, means rules governing or relating to—

(a) the admission to, or removal from, the list of the stock exchange of bodies corporate, governments, unincorporate bodies or other persons for the purposes of the quotation by the stock exchange of securities of bodies corporate, governments, unincorporate bodies or other persons and for other purposes; or

(b) the activities or conduct of bodies corporate, governments, unincorporate bodies and other persons who are admitted to that list,

whether those rules—

(c) are made by the stock exchange or are contained in the memorandum of association or the articles of association of the stock exchange; or

(d) are made by another person and adopted by the stock exchange;'."

Mr. JENSEN (Bundaberg) (8.31 p.m.): I was just wondering about all these amendments. Were they necessary for some special reason or is it bad drafting? This amendment relates to listing rules and so on. Why was this not checked? The Minister has spent three years on this and he introduces a Bill which is supposed to correct all these wrongs in the stock exchange.

Mr. Moore: Uniformity with other States. Think about that.

Mr. JENSEN: Other States might have found something wrong with what the Minister was doing. Why does he have to amend all these clauses? Did he draft this clause wrongly? He can explain it all now, if he likes, unless he wants me to take him on on each clause and ask him to explain it. Why did he have to amend the clauses to this extent when the Bill has been introduced after three years' preparation and after its introduction in three other States? Was it another State which produced this amendment or was it bad drafting on his part?

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.32 p.m.): I would hate the honourable member to take me on on each clause because we would be here quite late, so to prevent that happening I just mention, as I said in my introductory remarks, that there had not been any discussion with any other bodies outside the drafting field and the advisers of the Corporate Affairs Commissioners and we expected, naturally enough, that there would be some comment on the legislation.

Honourable members will remember that I endeavoured to have the Bill tabled in this House with a minimum of comment by members so that it could be printed and circulated widely in the community. As a result of it being circulated widely, we received quite a number of suggested amendments from within Queensland and outside it; in fact, a rather impressive list of amendments, many of which have not been accepted by the combined Ministers of the four States, but those that have been accepted are proposed here today and each State is proposing the same amendments to the legislation. Not only did this involve many conferences between ourselves and our officers but also conferences between ourselves and members of the stock exchange, between our officers and members of the stock exchange and between our officers and other interested people in the community who came forward with amendments. The net result is the list which honourable members have before them tonight.

In this particular amendment there is an effort to remove any doubts regarding interpretation. This is the sort of thing which has occurred in two or three instances where it has been brought to our notice that there is a possibility of some doubt. When we introduce legislation, nobody claims that it is perfect, particularly legislation as weighty as this, where we do not have a great deal of experience within our own knowledge or within the knowledge of our advisers, and it is therefore necessary to have the Bills printed and exposed so that we will get comments from people involved in practical aspects of the industry which the Bill controls.

All of these matters have been brought to our attention and I assure the honourable member that they have been agreed to unanimously by all the State Ministers and their advisers and I hope there will not be any lengthy debate on them. There are some drafting errors which are being corrected. This is not necessarily one of them, but it does remove some doubt in the drafting.

Amendment (Mr. Knox) agreed to.

Clause 4, as amended, agreed to.

Clauses 5 to 7, both inclusive, as read, agreed to.

Clause 8—Inspection of books, etc., of licensees and others—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.35 p.m.): I move the following amendment:—

"On page 11, omit all words in lines 27 to 31 (both inclusive) and insert in their stead the following words:—

'(a) shall have the same powers in Queensland in relation to any such books or banker's books in Queensland as he would have had if he had been authorized under subsection (1), the reference in that subsection to this Act were a reference to that declared law, the reference in that subsection to a licence were a reference to a licence within the meaning of that declared law and the books or banker's books were books or banker's books referred to in that subsection; and'."

Amendment agreed to.

Clause 8, as amended, agreed to.

Clauses 9 to 29, both inclusive, as read, agreed to.

Clause 30—Stock exchanges to provide assistance to Commissioner—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.36 p.m.): I move the following amendment:—

"On page 23, insert after line 25 the following new subclause:—

'(2) Where a stock exchange reprimands, fines, suspends, expels or otherwise takes disciplinary action against a member of the stock exchange, it shall forthwith give to the Commissioner in writing particulars of the name of the member, the reason for and nature of the action taken, the amount of the fine (if any) and the period of the suspension (if any).'."

Amendment agreed to.

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.36 p.m.): I move the following further amendment:—

"On page 23, line 32, omit the words—

'subsection (2)'

and insert in their stead the words—

'subsection (3)'."

Amendment agreed to.

Clause 30, as amended, agreed to.

Clauses 31 to 39, both inclusive, as read, agreed to.

Clause 40—Conditions to which licence is subject—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.37 p.m.): I move the following amendment:—

"On page 26, after line 26 insert the following new subclause:—

'(4) Where the Commissioner imposes, or varies or revokes, conditions or restrictions under this section in relation to a licence granted to a member of a stock exchange, he shall inform the stock exchange and, if the member is a partner in a member firm, the member firm.'."

Amendment agreed to.

Clause 40, as amended, agreed to.

Clauses 41 to 50, both inclusive, as read, agreed to.

Clause 51—Issue of contract notes—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.38 p.m.): I move the following amendment:—

"On page 30, omit all words in lines 45 to 47 (both inclusive) and insert in their stead the following words:—

'(d) the day on which the transaction took place and, if the transaction did not take place in the ordinary course of business at a stock market, a statement to that effect;'."

Amendment agreed to.

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.39 p.m.): I move the following further amendment:—

"On page 31, after line 36 insert the following new subclauses:—

'(5) For the purposes of this section, a transaction takes place in the ordinary course of business at a stock market if

it takes place in prescribed circumstances or is a transaction that is a prescribed transaction for the purposes of this section.

(6) Notwithstanding the provisions of section 6, a person is not associated with another person for the purposes of this section by reason only that he is—

(a) a partner of the other person otherwise than by reason that he carries on a business of dealing in securities in partnership with the other person;

(b) a director of a body corporate that carries on a business of dealing in securities of which the other person is also a director; or

(c) a director of a body corporate of which the other person is a director, not being a body corporate that carries on a business of dealing in securities.'."

I should explain that there is a considerable measure of agreement and some disagreement about "the ordinary course of business at a stock market". This is a question of fact. However, there can be some procedures as to which there can be a genuine measure of disagreement, and the new subclause (5) will provide certainty if such a case arises. In deciding the person to whom a contract note should be given, the broker is not to be regarded as a principal by reason of his association with a person referred to in subclause (6).

Amendment (Mr. Knox) agreed to.

Clause 51, as amended, agreed to.

Clause 52—Certain persons to disclose certain interests in securities—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.41 p.m.): I move the following amendment:—

"On page 31, omit all words in lines 39 to 51 (both inclusive) and insert in their stead the following words:—

'dealer's representative or investment representative sends circulars or other similar written communications in which he makes a recommendation, whether expressly or by implication, with respect to securities or a class of securities, the first-mentioned person shall cause to be included in each circular or other communication, in type not less legible than that used in the remainder of the circular or other communication, a concise statement of the nature of any interest in, or in the acquisition or disposal of, those securities or securities included in that class that the first-mentioned person or a person associated with him has, or ought reasonably to know that he has, at the date on which the first-mentioned person last sends the circular or other communication.'."

The provisions of subclause (1) will apply only to circulars and similar communications. The reference to letters is deleted, as in such cases a dealer may be unable to ascertain the information or know that letters have already been written by a branch office. Letters are usually written in such cases in response to a specific inquiry. However, subclauses (2) and (3) dealing with specific cases still apply to letters from the dealer.

Mr. JENSEN (Bundaberg) (8.42 p.m.): The Opposition does not intend to oppose any of the amendments and, unless the Minister has some specific explanation for an amendment, I should like to move that, rather than go through each one of these separately, we deal with them in toto.

The CHAIRMAN: Order! The honourable member's proposed motion would be out of order. The amendments are not consequential.

Amendment (Mr. Knox) agreed to.

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.43 p.m.): I move the following further amendment:—

"On page 32, omit all words in lines 5 to 9 (both inclusive) and insert in their stead the following words:—

'out of the disposal of the securities;

(b) without limiting the generality of the foregoing, a person who has entered into an underwriting agreement in respect of securities shall be deemed to have an interest in the acquisition or disposal of those securities; and

(c) notwithstanding the provisions of section 6, a person is not associated with another person in relation to the sending of a circular or other communication or the making of a recommendation by reason only that he is—

(i) a partner of the other person otherwise than by reason that he carries on a business of dealing in securities in partnership with the other person;

(ii) a director of a body corporate that carries on a business dealing in securities of which the other person is also a director; or

(iii) a director of a body corporate of which the other person is a director, not being a body corporate that carries on a business of dealing in securities,

unless the person and the other person are acting jointly or otherwise acting together or under or in accordance with an arrangement made between them in relation to the sending of the circular or communication or the making of the recommendation.'."

The new paragraph (c) provides that the persons mentioned therein are not to be regarded as associates save where the dealer is acting for or on their behalf.

Amendment (Mr. Knox) agreed to.

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.44 p.m.): I move the following further amendment:—

"On page 32, omit all words in lines 41 to 43 (both inclusive) and insert in their stead the following words:—

'(b) if the first-mentioned person is a natural person who carries on business in partnership—is signed by a partner in the partnership in the name of the partner or of the partnership; or'."

Amendment agreed to.

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.45 p.m.): I move the following further amendment:—

"On page 33, omit all words in lines 4 to 7 (both inclusive) and insert in their stead the following words:—

'(7) A stock exchange to which a copy of a letter, circular or other communication is sent under subsection (6) shall preserve that copy for the period of seven years next after the day on which the stock exchange receives the copy.

(8) A copy of a letter, circular or other written communication sent by a person to a stock exchange or given to the Commissioner in accordance with subsection (6) shall be a copy that—

(a) if that person is a natural person who does not carry on business in partnership—is signed by that person;

(b) if that person is a natural person who carries on business in partnership —is signed by a partner in the partnership in his own name; or

(c) if that person is a body corporate —is signed by a director, manager or secretary of the body corporate.'."

Amendment agreed to.

Clause 52, as amended, agreed to.

Clause 53—Dealings as principal—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.45 p.m.): I move the following amendment:—

"On page 33, omit all words in lines 37 to 40 (both inclusive) and insert in their stead the following words:—

'(4) Subject to subsection (5) and the regulations, a dealer who, as principal (otherwise than by reason only that he is dealing or entering into a transaction on behalf of a person associated with him) enters into a transaction of sale or purchase of securities with a person who is not a dealer shall not charge that person brokerage, commission or any other fee in respect of the transaction.' "

This amendment will allow a dealer to charge brokerage in cases where he acts for a person who is an associate by reason of section 6.

Amendment (Mr. Knox) agreed to.

Clause 53, as amended, agreed to.

Clauses 54 to 58, both inclusive, as read, agreed to.

Clause 59—Dealers' trust accounts—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.46 p.m.): I move the following amendment:—

"On page 38, omit all words in lines 27 to 29 (both inclusive) and insert in their stead the following words:—

'(4) For the purposes of subsection (2), all moneys received by a dealer from a client, otherwise than in respect of brokerage and other proper charges or in payment or part payment for securities delivered to the dealer before the moneys are received, shall be deemed to be held in trust for that client.' "

This is a drafting amendment which eliminates any question as to when a debt arises.

Amendment (Mr. Knox) agreed to.

Clause 59, as amended, agreed to.

Clause 60—Purposes for which money may be withdrawn from a trust account—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.47 p.m.): I move the following amendment:—

"On page 39, insert after line 16 the following new subclauses—

'(4) A dealer is not guilty of an offence against subsection (l) by reason only that he withdraws from a trust account an amount that is the whole or any part of the amount of a cheque that has been paid into the account but that has not been paid, and has not been refused payment, by the banker on which it is drawn.

(5) Where a dealer withdraws from a trust account an amount that is the whole or any part of the amount of a cheque that has been paid into the account but that has not been paid by the banker on which it is drawn and the banker later refuses payment of the cheque, the dealer shall forthwith pay into the trust account by cash or bank cheque an amount equal to the first-mentioned amount.

(6) Where a dealer fails to comply with subsection (5)—

(a) he is guilty of an offence against this Act and liable to a penalty not exceeding $1,000 or imprisonment for a period not exceeding six months; and

(b) where the dealer is a member of a stock exchange, the failure shall for the purposes of Part IX be deemed to be a defalcation by the dealer.' "

This amendment will allow a dealer to withdraw against the cheque of his client so long as he is not notified of refusal of payment by the banker. If such cheque is dishonoured after the dealer has drawn on it, the dealer must forthwith reimburse his trust account with the amount.

Amendment (Mr. Knox) agreed to.

Clause 60, as amended, agreed to.

Clause 61—Appointment of auditor by dealer—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.48 p.m.): I move the following amendment:—

"On page 39, line 29, omit the expression '$1,000' and insert in its stead the expression '$2,000'."

Amendment agreed to.

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.48 p.m.): I move the following further amendment:—

"On page 39, line 43, omit the expression '$1,000' and insert in its stead the expression '$2,000'."

Amendment agreed to.

Clause 61, as amended, agreed to.

Clauses 62 to 80, both inclusive, as read, agreed to.

Clause 81—Deposits to be lodged by sole traders and member firms—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.48 p.m.): I move the following amendment:—

"On page 48, omit all words in lines 2 to 12 (both inclusive) and insert in their stead the following words:—

'81. Deposits to be lodged by sole traders and member firms. (1) Each sole trader and each member firm shall lodge and maintain a deposit as required by this Part with the stock exchange of which the sole trader is a member or by which the firm is recognized.

(2) A deposit referred to in subsection (1) is payable out of moneys in a trust account kept by the sole trader or member firm.

(3) An amount paid from a trust account as, or as part of, a deposit lodged with a stock exchange under this Part continues to be money in that trust account notwithstanding that it is so lodged.

(4) Where a sole trade or member firm fails to comply with subsection (1), the sole trader or each partner in the member firm (as the case may be) is guilty of an offence and liable to a penalty not exceeding $2,000 or to imprisonment for a period not exceeding one year.'"

This amendment is a recast of the provisions in the Bill, and the redrawn provisions emphasise the amount deposited continues to be part of the trust account of the member firm or sole trader in question.

Amendment (Mr. Knox) agreed to.

Clause 81, as amended, agreed to.

Clause 82—Deposits to be proportion of certain balances—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.49 p.m.): I move the following amendment:—

"On page 48, omit all words in lines 13 to 39 (both inclusive) and insert in their stead the following words:—

'82. Deposits to be proportion of certain balances. (1) The deposit required to be lodged and maintained by a sole trader or member firm under section 81 is an amount equal to two-thirds (or, where a less proportion is prescribed, that proportion) of the lowest balance in the trust account maintained by the sole trader or member firm during the period of three months ending on the quarter day last past.

(2) Where a sole trader or member firm maintains two or more trust accounts the amount of the deposit required to be lodged and maintained by the sole trader or member firm under section 81 shall be determined as if a reference in subsection (1) to the balance in the trust account at any time were a reference to the aggregate of the balances at that time in the trust accounts maintained by that sole trader or member firm.

(3) Nothing in this Part requires the lodging or maintaining of a deposit where, but for this subsection, the amount of the deposit would be less than $3,000.'"

This is a recasting of the clause. The amount to be deposited is the prescribed proportion of the lowest balance in the trust account or accounts of the person, including the amount deposited with the exchange on any day during three months ending on the last quarter day.

Amendment (Mr. Knox) agreed to.

Clause 82, as amended, agreed to.

Clause 83—Deposits to be invested by stock exchange—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.50 p.m.): I move the following amendment:—

"On page 48, lines 40 to 42, omit the words—

'Where a stock exchange receives a deposit under section 81, the stock exchange shall invest the deposit—'

and insert in their stead the words—

'Where a stock exchange receives a deposit from a sole trader or member firm under section 81, the stock exchange holds the deposit upon trust for the sole trader or member firm and shall invest the deposit—'."

Amendment agreed to.

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.50 p.m.): I move the following further amendment:—

"On page 49, after line 20, insert the following new subclause:—

'(7) The fidelity fund of a stock exchange shall guarantee the repayment by the stock exchange of the amount of a deposit received from a sole trader or member firm.' "

This provides that the amounts deposited are guaranteed by the fidelity fund established under the Bill.

Amendment (Mr. Knox) agreed to.

Clause 83, as amended, agreed to.

Clauses 84 to 97, both inclusive, as read, agreed to.

Clause 98—Claims against the fund—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.51 p.m.): I move the following amendment:—

"On page 54, omit all words in line 41."

This will leave the question of payment from the fidelity fund in the discretion of the stock exchange. It is considered that the official receiver should not have a right to a contribution from the fund in cases where debts arising from dealing in securities are only a small part of the failure of a member of the stock exchange, bearing in mind that funds in the hands of the official receiver are distributed equally to all creditors of the bankrupt.

Amendment (Mr. Knox) agreed to.

Clause 98, as amended, agreed to.

Clauses 99 to 116, both inclusive, as read, agreed to.

Clause 117—Restrictions on use of title "stockbroker"—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.52 p.m.): I move the following amendment:—

"On page 64, omit all words in lines 36 to 45 (both inclusive) and insert in their stead the following words:—

'117. Restrictions on use of title "stockbroker". A person who is not—

(a) a member of a stock exchange; or

(b) a person who is a member of, or is a partner in a partnership that is recognised as a member firm by, a stock exchange within the meaning of a declared law,

shall not take or use, or by inference adopt, the name or title of stockbroker or sharebroker or take or use or have attached to or exhibited at any place a name, title or description implying or tending to the belief that he is a stockbroker or a sharebroker'."

This enlarges the clause by including a prohibition against the use of the word "sharebroker" as well as "stockbroker" by unauthorised persons.

Amendment (Mr. Knox) agreed to.

Clause 117, as amended, agreed to.

Clauses 118 to 133, both inclusive, as read, agreed to.

Clause 134—Transitional provision. Stockbrokers—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.53 p.m.): I move the following amendment:—

"On page 71, line 2, insert immediately before the words 'A person' the expression '(1)'."

Amendment agreed to.

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.53 p.m.): I move the following further amendment:—

"On page 71, after line 15, insert the following new subclauses:—

'(2) A stockbroker's representative who is not the holder of a dealer's representatives licence, is not guilty of an offence under this Act by reason only that he is employed by, or acts for or by arrangement with, a person who immediately before the commencement of this Act, was a stockbroker within the meaning of the Securities Industry Act 1971 and does an act on behalf of that person in relation to a business of dealing in securities carried on by that person during a period, not exceeding three months, after the commencement of this Act and before the date on which he becomes the holder of a dealer's representatives licence, or his application for a dealer's representatives licence is refused, whichever first occurs.

(3) In subsection (2), "stockbroker's representative" means a person who under the Securities Industry Act 1971 would have been a dealer's representative but for the fact that he was in the direct employment of, or was acting for or by arrangement with, a stockbroker within the meaning of that Act.

(4) A stockbroker's investment adviser who is not the holder of an investment advisers licence or an investment representatives licence, is not guilty of an offence under this Act by reason only that he is employed by, or acts for or by arrangement with, a person who immediately before the commencement of this Act, was a stockbroker within the meaning of the Securities Industry Act 1971 and in that capacity performs any of the functions of an investment adviser during a period, not exceeding three months, after the commencement of this Act and before the date on which he becomes authorized under Part IV to

perform such functions, or an application for the appropriate authorization is refused, whichever first occurs.

(5) In subsection (4), "stockbroker's investment adviser" means a person who under the Securities Industry Act 1971 would have been an investment adviser or investment representative but for the fact that he was in the direct employment of, or was acting for or by arrangement with, a stockbroker within the meaning of that Act.

(6) The Governor in Council may—

(a) by Order in Council exempt any member of a stock exchange from compliance with all or any of the provisions of sections 59 and 60, subject to such terms and conditions as are specified in the Order; and

(b) by like Order, vary or revoke any Order made under this subsection.

(7) Any reference in this Act other than in sections 59 and 60 to a trust account shall, unless the contrary intention appears in an Order in Council made under subsection (6), be construed as extending to a trust account required to be maintained by the terms or conditions of such an Order.

(8) Any person who, with intent to defraud, contravenes or fails to comply with any term or condition of an Order made under subsection (6) that is applicable to him is guilty of an offence and is liable to a penalty not exceeding $5,000 or to imprisonment for a period not exceeding two years, or both.

(9) Any person who contravenes or fails to comply with a term or condition of an Order made under subsection (6) that is applicable to him is guilty of an offence.' "

Under the previous legislation stockbrokers and persons in the employ of stockbrokers were not required to be licensed. The new subclauses extend to a stockbroker's staff the provisions of the clause in respect of a stockbroker. In effect, they have a period of three months in which they, or the stockbroker by whom they are employed, may apply for and be granted a licence. Also, the subclauses enable the provisions of clauses 59 and 60 to be applied wholly or in part to a stockbroker. This will enable the status quo to be maintained until the necessary staff are obtained and trained or until further inquiry into a more adequate or workable system can be devised to cover this field. Note that any exemption can be made the subject of terms and conditions, the breach whereof will constitute an offence, so any exemption can be hedged with adequate safeguards to meet the particular case.

Because it is a rather lengthy amendment, I shall dwell on it for a moment to explain the circumstances. At the present time, stockbrokers on stock exchanges have trust accounts under the 1971 Act, and they are working quite satisfactorily. The proposal in previous clauses of this legislation set up a new type of trust account, which means that some adjustments have to be made. It is extremely difficult for stockbrokers who have been used to the old system to make these changes in time.

This is what we term the transitional section of the Bill and it will enable us, when the Act is proclaimed, to exempt stockbrokers from the new provisions but allow the old provisions to continue under Order in Council. This, of course, will keep control of the trust accounts. I trust that at some time during the course of next year it will be possible to examine this trust account matter in further depth. I assure honourable members that the supervision of trust accounts at the moment is adequate and that all States are happy with the administration of them. The new provisions will be difficult for some stockbrokers, particularly if they do not have adequate staff. This has been inserted to cover the transitional period.

Mr. Jensen: Will they be covering them with inflation on this, too?

Mr. KNOX: I do not know that it is related to inflation particularly. The honourable member is probably thinking about fidelity funds, which are somewhat different from trust accounts, although related to them if the trust accounts are found to be in default. The stock exchange advised me that the fidelity fund will be increased substantially.

Amendment (Mr. Knox) agreed to.

Clause 134, as amended, agreed to.

Clauses 135 to 137, both inclusive, as read, agreed to.

Bill reported, with amendments.

THIRD READING

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

COMPANIES ACT AMENDMENT BILL

SECOND READING

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (8.58 p.m.): I move—

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

The purpose of the Bill is to give effect to an arrangement under the Interstate Corporate Affairs Agreement for the reconciliation of differences in the Companies Acts of New South Wales, Victoria, Queensland and Western Australia.

Honourable members will be aware that the Interstate Corporate Affairs Agreement was entered into by the Governments of New South Wales, Victoria and Queensland early in 1974, and was adopted by Western Australia in March of this year.

The agreement provided for the establishment of an Interstate Corporate Affairs Commission appointed by the Ministerial Council of Attorneys-General of the participating States. The commission consists of the four Commissioners for Corporate Affairs and four persons representative of the commercial community—at present, two solicitors, an accountant and a stockbroker.

The first major task of the Interstate Corporate Affairs Commission has been to review the Companies Acts of the participating States for the purpose of recommending amendments to the respective Acts so that any differences might be eliminated. This Bill is the result of that review, which identified comparatively few differences of substance, none of which proved an obstacle which could not be overcome in the spirit of co-operation which has prevailed between the officers and between the Ministers of the participating States.

Until there was a change of Government in Canberra in 1972, the Standing Committee of the State and Commonwealth Attorneys-General was working towards the goal of uniformity, but their deliberations were suspended following the announcement in 1973 by the Commonwealth Attorney-General of his Government's intention to enact a National Companies Act.

This area, vacated by the standing committee, is now occupied by the Ministerial Council and this Bill is a further indication of the success that can be achieved through co-operative federalism. The standing committee, over the years, had made a signal contribution to producing substantial uniformity in many important areas of commercial law in Australia, of which the Companies Acts of 1961 and the Securities Industry Acts are examples. Since the standing committee has ceased to function in this area, the Ministerial Council is determined to ensure, in the public interest, that company law is kept under constant review and is administered on a uniform basis by the participating States.

Honourable members will recognise the many advantages flowing from uniformity in the Companies Acts of the States. Not only will there be uniform legislation, but there will also be uniformity in the interpretation and administration of the Acts. I cannot stress too much the importance of uniformity in administration. This is what really interests those in the community who work day by day in the corporate affairs field.

It will, of course be possible to identify immediately a corresponding provision in the Act of another State because of uniform language and section numbering.

One of the most important practical advantages will be the adoption by the States of uniform regulations and uniform forms. It is intended that one set of forms will be used throughout the States. Although it would have been ideal if consolidated uniform regulations could be introduced when the amending legislation comes into operation, it is not possible to complete the considerable task of preparing those regulations in the time available. The regulations will, therefore, be amended forthwith for the purposes of this Bill and, as soon as possible after the Act is proclaimed, new uniform consolidating regulations will be made in all States.

The reconciliation of the Companies Acts of the participating States is only one aspect of the work of the Interstate Corporate Affairs Commission. The commission will, of course, be continuing to review the Acts.

In addition to changes of a technical nature, there are included in the Bill some amendments agreed by the Ministerial Council as appropriate to be made at this stage. I will now refer to the more substantial amendments.

Section 6A of the Act is amended to define what is a "relevant" interest for the purposes of certain provisions of the Act. As a consequence of this change and of the adoption of an awareness concept in Division 3A of Part IV and section 127, there are now different requirements as to disclosure by substantial shareholders and directors. The "relevant" interest amendment is also inserted in the take-over provisions of Part VIB of the Act.

The provisions of section 7 relating to the administration of the Act are amended to give to the commissioner wider powers of inspection, including the right to inspect bankers' books. Amendments are also made to enable an authorised officer of a participating State to inspect corporation books and bankers' books subject to the law of his State but which are kept in Queensland. There is also a new subsection (13) to enable the participating States to enter into an agreement for the sharing of fees that, while paid to one State, cover costs and expenses incurred by another State.

A new subsection (12) is included in section 38 in order to control the use of additional descriptions of documents issued by corporations evidencing indebtedness of the corporation. The Eggleston committee, in its fifth report on the control of fund raising, drew attention to the difficulties in allowing additional words (for instance "first-ranking") without further explanation of the priorities in the indebtedness.

In place of section 40 there are new sections 40, 40A and 40B restricting the publication of information in connection with prospectuses or of information constituting an offer or invitation to the public to subscribe for shares. These new sections implement recommendations in the fifth Eggleston report. The sections restrict or control the advertising of information but permit publication of certain information that refers to registered prospectuses, contains certain

specified matter, or is published in certain circumstances by a person licensed under the securities industry legislation. Provision is also made permitting the publication of certain reports specified in subsection (4) of section 40A and of certain news reports and bona fide comment on prospectuses or reports.

Amendments are made to sections 111 and 112 of the Act to remove technical problems that have arisen from the requirements for the establishment of a registered office and notification of hours during which it is open. Corresponding amendments are made to the equivalent provisions relating to recognised companies and foreign companies (sections 343C and 343D and sections 346 and 347).

Section 125 of the Act has been amended in order to extend the provision preventing public companies making loans to directors by prohibiting indirect loans to directors through family companies. The provision is based on a recommendation of the Cohen committee in the United Kingdom.

A number of machinery amendments are made to the provisions of the Act relating to recognised companies and the operation of the Interstate Corporate Affairs Agreement. Amendments include amendments to section 22 (Reservation of names) and Division 2A in Part XI dealing with recognised companies.

There are a number of instances throughout the Companies Act where a change has been made in the right to exercise certain powers or functions. In order that the powers and functions are exercised in the participating States by corresponding persons, several changes have been made in the allocation of powers and functions between the Governor in Council, the Minister and the commissioner. One part of the Act where a number of such changes have been made is Part VIA dealing with special investigations. In order to achieve uniformity, all States have adopted provisions for the appointment of inspectors by the Minister.

Certain amendments are necessary as a result of the introduction of the use of microfilming. Amendments are made in sections 12 and 13 so as to provide for the use of microfilming and clause 195 of the Bill amends the Evidence (Reproductions) Act. This latter amendment will enable certain interstate officers to be declared by the Minister to be "approved persons" who may certify to reproductions of certain official documents which are then admissable in evidence in a legal proceeding without further proof.

Honourable members will be aware that there are certain differences that must be maintained in each State Act, for example in relation to transitional provisions and references to other State Acts or local differences in law. However, these variations affect in no way the uniformity of the substantive law relating to companies and corporate affairs. This is a long Bill of some technical complexity which follows naturally from its objectives of removing all difficulties. Uniformity in the important areas has previously been achieved, but it has been a big task to clear away the minor difficulties.

I congratulate the members of the Interstate Corporate Affairs Commission and the Parliamentary Counsel from each of the participating States; the latter have done a tremendous job. The other Parliaments have dealt with similar legislation which has passed all stages, except in the case of New South Wales, which will be dealing with it tonight in the Upper House. The same applies to the Securities Industry Bill.

The achievements to date are really an excellent example of co-operative federalism and, as a consequence, many benefits are available to the Australian community—

The advantage of uniform law in the corporate affairs field.

The advantage of uniform administration in the corporate affairs field.

The resulting advantage in ease of working for the commercial community.

A tremendous saving in cost—for example, only one document is required for a company operating in more than one State.

Greater protection for the investing public.

All of this available to more than 85 per cent of all companies operating in Australia.

Finally, but tremendously important—certainty—freedom from all the unresolved constitutional problems which would stem from the Commonwealth seeking to operate by itself in the corporate affairs field. The alternative possibility deeply affects the activity and performance of the commercial community.

The Governments of New South Wales, Queensland, Western Australia and Victoria have been positive and given a lead on this important matter. I hope that in the course of time the other States and, indeed, the Territories of the Commonwealth will become parties to the agreement and therefore members of the Corporate Affairs Commission, which will account for the other 15 per cent of corporations and firms in the nation. I give notice at this time that I propose in Committee to move a small number of amendments.

Mr. JENSEN (Bundaberg) (9.8 p.m.): We are not going to hold up this Bill. As the Minister said, it is a very comprehensive Bill. It contains a lot of detail and I think one would want to be a lawyer to understand it. I notice that our lawyer friend is ready to rise and speak. I hope that he speaks in words that we can understand and not in words that are used in most company legislation by the solicitors who draft it.

But I do want to say that, after all these comprehensive amendments to the Companies Act, I do not think we have done anything

to prevent these $2 companies setting themselves up. We have not done much to stop these fly-by-night companies. I noticed a report in the newspaper the other day that decisions had been given by the Small Claims Tribunal against these firms carrying out house-cladding and house-painting. We have spoken in this Parliament for the past five years about these firms. I have brought the subject up time and time again and the Minister has made statements time and time again, but we still see these $2 companies which are set up and then go broke and a person has no claim against them. I was very pleased to see in the newspaper that one or two of them must still be in existence because the Small Claims Tribunal referee gave judgment against them for something like $400 or $500.

Yet even last week in my mail I received a brochure from one of these Permalum companies which wants to put aluminium all around one's house. It is still a racket. I can bring the brochure down to show honourable members because it arrived only last week. One is promised a watch if one asks for an estimate of the cost of having one's house done. That racket is continuing. If a person asks for a price and does not sign on the dotted line, the company will say, "You haven't concluded the contract, so you don't get your watch."

Companies of that type are still in existence. No matter how the Minister amends the Companies Act, he does not seem to be able to legislate to stop the $2 racketeering companies that are set up and then fly by night. The ordinary person in the community is not worried about the decent, big companies that are in business in Australia. He is concerned about the $2 fly-by-night companies. I ask the Minster to tell the House what he has done to try to stamp them out completely. I thought the racket of advertising the gift of a watch to a person who asked for an estimate of price had been stamped out, but I received advertising material of that type in the mail only last week.

That is all I wish to say at this stage.

Mr. GREENWOOD (Ashgrove) (9.12 p.m.): The second-reading stage is no time to speak about the Rae report and the Eggleston report, but there are a couple of points in the speech of the Minister for Justice and Attorney-General that I think are deserving of a great deal of support from all honourable members.

The Minister has indicated that the Bill we are now discussing will achieve a tremendous saving in cost and that in many cases only one document will be required for a company operating in more than one State.

Mr. Jensen: A saving in cost to whom?

Mr. GREENWOOD: It is going to achieve a great saving in cost to everybody. If overheads can be reduced, it means that the upward thrust in prices is to that extent diminished. It also is going to achieve greater protection for the investing public.

These are the achievements. The Minister has not said very much about the way in which they were achieved, and that also is very important. It is important to our country to arrive at common solutions, and all the advantages to which the Minister has referred result when we are able to do that. But uniformity, if it is regarded as an all-important end in itself, can sometimes cause great problems. If we regard uniformity as all-important, sometimes common sense can become subservient to it. Uniformity is the goal that we should keep before us to be achieved if possible, but without the sacrifice of what we in Queensland regard as preferred solutions.

I think that the really important thing about this Bill is that the various States have been prepared to sit down with each other and take time to achieve solutions with which everybody is substantially content. Because we have prepared to take time with each other, we now are able to see these Bills introduced in Parliaments all over the country without feeling too much reluctance at seeing them pass into law, as we are all behind the solutions which they adopt. I think that this is probably one of the more important aspects of the Bill and worth thinking about when we are giving it a second reading. Co-operative federalism is a process and, like all processes, it can be achieved only through practice. The Bill represents an important example of the way in which it can be achieved if everybody is prepared to spend enough time to find solutions which everybody is prepared to support.

I am very happy to be able to rise in my place and support the Bill that the Minister has before the House tonight.

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (9.16 p.m.), in reply: I thank honourable members for their interest, and I particularly thank the honourable member for Ashgrove for his remarks. This has been a tremendous task, carried out in the main by officers of the Corporate Affairs Office, legal officers and draftsmen. It has taken well over 12 months of fairly continuous work by a number of these people to identify the problems of difference, and a series of conferences in which the Attorneys-General took part in order to resolve the policy matters involved. Surprisingly enough, that was the comparatively easy part.

What we felt might be difficult was getting a Bill of this nature—in this case nearly 600 amendments, and a similar number of amendments in other States—through the respective Parliaments, some with both Upper and Lower Houses. It is a tribute to all those parliamentarians who are interested in having the Federal system work that after all that work had been done thoroughly they were prepared to accept, with very few

amendments, the endeavours of the officers on their behalf. The amendments I am proposing tonight will be quite small in number, and they will be in line with changes to be made elsewhere. It has been quite a remarkable accomplishment.

Some 15 or 18 months ago when we contemplated this task it seemed to present insurmountable difficulties. I am pleased to be able to report that with the co-operation of everybody involved we have been able to get as far as we have very successfully.

Surprisingly enough, in the same time the Labor Government in Canberra set about the task, so it claimed, of providing an Australian national Companies Act, but we still have not seen it. It brought over a great bevy of lawyers (if that is the correct word to describe lawyers; is it a bevy, covey or galaxy?) from America to assist in the drafting of the Bill. I understand that some of those lawyers were paid at the rate of $200 a day to help in the preparation of a national Companies Act. I do not know how many of them were in Canberra for months on end trying to help. I assure the House, however, that it has only been over the last few weeks, after, as I understand it from rumours I have heard, tremendous excisions had been made from the proposed draft, that the Federal Attorney-General would have been in a position to present the Bill to the House this session. But he has not got that far. As the honourable member for Ashgrove pointed out, it speaks volumes for the officers of the States that they have been able to carry out this task far quicker and far more efficiently than the vast team of people the Commonwealth Government imported from overseas. As I say, the Commonwealth Bill has not been produced as yet. It is interesting to know that situation.

I hope we never see a national Companies Act while it is possible for the States and the Commonwealth to work together in this area. So far the Commonwealth has stood out, but I hope that after 13 December it will join the party. It will then be a very simple process for it to fit into the Act which we now propose.

Motion (Mr. Knox) agreed to.

COMMITTEE

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

Clauses 1 to 4, both inclusive, as read, agreed to.

Clause 5—Amendment of s. 7; Administration of Act—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (9.20 p.m.): I move the following amendment:—

"On page 5, omit all words in lines 49 to 52 (both inclusive) and insert in their stead the following words:—

'(a) shall have the same powers in Queensland in relation to any such book in Queensland as he would have had if he had been authorized under subsection (6), the reference in that subsection to this Act were a reference to that declared law and the book were a book referred to in that subsection; and'."

The power of inspection conferred by subsection (6) is for the purpose of the Companies Act of this State. The words inserted will ensure that the power of inspection conferred on the commissioner of a participating State in relation to a corporation incorporated in that State is for the purposes of the Companies Act of that State.

Amendment (Mr. Knox) agreed to.

Clause 5, as amended, agreed to.

Clause 6—Amendment to s. 9; Company auditors and liquidators—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (9.21 p.m.): I move the following amendment:—

"On page 8, lines 5 to 7, omit the words—

'subject to this section, be entitled, without application and without payment of any fee, to be registered'

and insert in their stead the words—

'notwithstanding subsections (1), (2), (3), (4), (6), (7) and (8) but subject to this section (not including the said subsections), be entitled, without application and without payment of any fee, to be registered and where so registered, to renewal of registration'."

This removes doubts that a public accountant duly registered under the Public Accountants Registration Act will be automatically entitled to registration and renewal of registration under the Companies Act as a company auditor and liquidator.

Amendment (Mr. Knox) agreed to.

Clause 6, as amended, agreed to.

Clauses 7 to 141, both inclusive, as read, agreed to.

Insertion of new clause—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (9.22 p.m.): I move the following amendment—

"On page 59, insert the following new clause after line 29:—

'142. Amendment of s. 231. Official liquidators. Section 231 of the Principal Act is amended by repealing subsection (4).'"

This removes the provision that the Public Curator by force of law is an official liquidator. He may still be so appointed if he so desires. Under the existing provision, he is appointed as liquidator in a compulsory winding up almost by default because there is no other official liquidator willing to act as such.

Amendment (Mr. Knox) agreed to.

New clause 142, as read, agreed to.

Clause 142—Amendment of s. 232; General provisions as to liquidators—

Hon. W. E. KNOX (Nundah— Minister for Justice and Attorney-General) (9.23 p.m.): I move the following amendment:—

"On page 59 omit all words in lines 31 to 33 (both inclusive) and insert in their stead the following words:—

'Section 232 of the Principal Act is amended by repealing subsections (2), (3) and (9) and substituting for subsections (2) and (3) the following subsections:—

"(2) A provisional liquidator shall be entitled to receive such salary or remuneration by way of percentage or otherwise as is determined by the Court.

(3) A liquidator shall be".' "

This gives effect to the purpose outlined in respect of the new clause 142 inserted by the previous amendment, by removing specific reference to the Public Curator.

Amendment (Mr. Knox) agreed to.

Clause 142, as amended, agreed to.

Clauses 143 to 145, both inclusive, as read, agreed to.

Insertion of new clause—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (9.24 p.m.): I move the following amendment—

"On page 61, insert after line 17 the following new clause:—

'147. Amendment of s. 238. Payment by liquidator into bank. Section 238 of the Principal Act is amended—

(a) by, in subsection (1), omitting the words "other than the Public Curator"; and

(b) by repealing subsection (4).' "

This is a consequential amendment to clause 142.

Amendment (Mr. Knox) agreed to.

New clause 147, as read, agreed to.

Clauses 146 to 195, both inclusive, as read, agreed to.

Bill reported, with amendments.

THIRD READING

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

LIQUOR ACT AMENDMENT BILL (No. 2)

SECOND READING

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (9.27 p.m.): I move—

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

As mentioned during the introductory debate, the proposals contained in this Bill simply amend the Liquor Act to ensure that more than one judge may be appointed by the Governor in Council to constitute the Licensing Court. It was previously considered that the Acts Interpretation Act could be relied upon when making acting appointments. The amendments proposed by this Bill will however, put the matter beyond doubt.

Mr. MARGINSON (Wolston) (9.28 p.m.): We have no objection to this Bill. We think the idea is a good one and we are happy to support it.

Mr. GREENWOOD (Ashgrove) (9.29 p.m.): We all know the circumstances that gave rise to this Bill. The judge called upon to sit on a particular matter felt that his association with one of the participants in the case was such that it would be wrong for him to sit on the Bench. Everybody who knows the judge could have no doubt that, despite any inclination he might have, he would arrive at a fair and impartial decision. However, he felt the tradition of our judiciary was such that it would be quite wrong for him to sit. Consequently, it was necessary to ask another judge to sit. This is simply an enabling Bill to make sure that the action of the second judge in adjudicating upon the case is beyond doubt. It may or may not be necessary, but it is better in a situation such as this to put the matter beyond doubt with specific legislation. I support the Bill.

Motion (Mr. Knox) agreed to.

COMMITTEE

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

Clauses 1 to 3, both inclusive, as read, agreed to.

Bill reported, without amendment.

THIRD READING

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

VOTING RIGHTS (PUBLIC COMPANIES) REGULATION BILL

SECOND READING

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (9.31 p.m.): I move—

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

The Bill arises from the activities of the Interstate Corporate Affairs Commission in formulating amendments to the Companies Acts of New South Wales, Victoria, Western Australia and Queensland with the object of achieving uniformity in the company law of those States.

When the Companies Act of this State was amended in 1972, provision was made for the regulation of voting rights in public companies. This provision does not appear in Companies Acts of other States and, so that uniformity can be attained amongst the participating States, it is necessary that it be repealed.

The law is not changed as the Bill lifts the existing provisions from the Companies Act and re-enacts them as separate legislation.

Mr. MARGINSON (Wolston) (9.32 p.m.): I recollect quite vividly the reason why the legislation was originally brought before the House some years ago. It was good legislation on that occasion, when it was needed. At that time an interstate company was endeavouring to take over a Queensland company which we supported. We now support the withdrawal of this part of the legislation; but we must remember that, should an occasion such as that arise again, whatever Government is in power in Queensland, it should see that the voting rights of our companies are protected.

Motion (Mr. Knox) agreed to.

COMMITTEE

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

Clauses 1 to 17, both inclusive, as read, agreed to.

Bill reported, without amendment.

THIRD READING

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

MINERS' HOMESTEAD LEASES ACT AMENDMENT BILL

SECOND READING

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Energy) (9.35 p.m.): I move—

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

In presenting this Bill to the House for the second reading, I confirm the remarks I made when introducing it. In the main, it is an updating of the procedures under the present Act, which action has become necessary because the mining fields over which miners' homestead perpetual leases are granted are becoming more closely settled.

The Miners' Homestead Leases Act is a small, concise Act with procedures and requirements set out in extremely simple language, and the amendments being introduced by the Bill follow that straightforward pattern. They are an updating mainly for the convenience of applicants.

The bill provides also that fees which are contained in the current Act now be set by regulation. The fees concerned are small ones, payable for registration of dealings such as transfers, transmissions, mortgages, etc., and it is considered far more convenient to have them prescribed in this manner. This could not possibly be construed as a move to govern by regulation.

Miners' homesteads may be taken up only on mining fields, and a couple of years ago these fields came under close scrutiny by the department with a view to having them allocated to wardens' centres which were the most readily accessible to residents of the fields. The Bill does not contain a provision to allow conversion to freehold, but, if desired, the holder may surrender his lease with a view to obtaining a freehold title from the Lands Department. Any such request is carefully examined by the department's geological staff and, if it is considered that such freeholding will not hinder the extraction of minerals in the future, no objection is made to this conversion.

The right to freehold these mining lease titles has been advocated over a number of years by the honourable member for Gympie, the Minister for Police.

When introducing the Bill, I covered each major point of the amendments, but to satisfy any queries that may have arisen in the minds of members, I shall reiterate certain points in detail.

Firstly, the Bill preserves the status of applications for leases and for the approval of subdivisions made before the commencement of the amending Act.

All references to coal-fields are deleted from the Act, as these no longer exist as such.

Doubt previously existed as to the standing under the Act of local authorities, either as an applicant for a lease or as an objector thereto. The Bill removes this doubt and gives them full standing.

The Act, as it stands, allows a person to hold as one homestead, or several homesteads, an over-all maximum area of 10 acres within the boundaries of a city, town or township. This provision was unduly restrictive, particularly in expanding centres such as Mt. Isa, where industry and commerce require large areas, for example, for trucking terminals and for drive-in shopping complexes.

The Bill also tightens the procedure laid down in regard to making application for a lease.

The closer settlement of mining fields has highlighted the need for the area applied for as a miners' homestead to be more readily identifiable. Provision has now been made for the placement of a datum post and the engraving thereon of the applicant's initials. The applicant is required also to post a copy of the application on the ground applied for, for a period of 30 days, and to engrave the number of the lease application on the datum post.

The current Act provides that only a resident of a mining field can object to an application for a miners' homestead. This has proved restrictive in the case of a person with interests adjoining the mining field or who is intending to acquire interests on the field. Consequently, the Bill provides that any person, including a company or a local authority, whether resident on the field or not, may object.

The present Act permits the warden to reject an application for several reasons, including the public interest. Notwithstanding that it was obvious that the application would be rejected, the application still had to proceed to hearing in the Warden's Court. This procedure caused inconvenience and unnecessary expense and the Bill provides for the hearing to be dispensed with in these cases.

The warden may now recommend to the Minister, prior to the date of hearing, that the application be rejected. If the warden so recommends, he is required to give the applicant seven days' notice that he is recommending rejection.

Provision has been made also for the Minister to reject an application at any time in the public interest, or if there are irregularities in the application. Where the Minister takes this action prior to the hearing, the hearing is dispensed with.

At present, if the miners' homestead is over 20 acres in area, the lessee is required only to reside on the land and to enclose it with a substantial fence. There is no provision to place additional conditions on a lease that is taken up for a specific purpose, say, for a housing development or for subdivision. It is desirable that there should be the machinery to allow special conditions to be applied, if necessary, and the Bill empowers the Governor in Council to impose special conditions related to the purpose for which the land is required.

The rent of a miners' homestead perpetual lease is 3 per cent of the capital value, which capital value is subject to redetermination every 10 years. Relief cannot be given from the payment of the rate of this rent, irrespective of any extenuating circumstances that may exist. This could well include pensioners in poor circumstances or farmers or graziers who face difficult seasons or fluctuating market conditions. The Bill gives power to the Governor in Council to reduce the rate of rent from 3 per cent of the capital value to a lower percentage for any particular year in which these circumstances exist. As the time has long since expired for the holder of a miners' homestead perpetual lease to convert his lease to a miners' homestead lease, this provision has been removed from the present Act.

The provisions in the Act at present relating to subdivision are rather unwieldy and are responsible for delays in the issue of subdivisional leases after the plan has been examined and the subdivided areas transferred. Provision has now been made for the plan to be examined and for fresh intruments of lease for each subdivided block to issue immediately in the name of the original leaseholder. The blocks may then be transferred, with the transferee receiving his instrument of title without unnecessary delay. The minimum area which can be transferred at present as a subdivision is 20 perches. The area remaining in the original lease after subdivision must also be a minimum of 20 perches. It is apparent that in many cases, such as in the business centre of cities such as Gympie and Mt. Isa, this minimum area of 20 perches is far too restrictive. The Bill provides that the minimum areas in the case of subdivision and balance remaining must be in conformity with the requirements of the local authority.

New sections have been introduced to provide for surrender from and addition of areas to a miners' homestead. In both cases the consent of the local authority to the proposed action is required. The current Act is deficient in relation to the issue of provisional or fresh instruments of lease. The Bill corrects this situation and introduces new sections providing for the issue of a provisional instrument of lease in cases where the original document has been lost or destroyed, or cannot be obtained by the person entitled to it for reasons beyond his control. In cases where the original document has become mutilated, the Minister may approve that a new instrument be issued in lieu.

If it is found that an instrument of lease is defective due to an error in its preparation, or from later more accurate knowledge, the Bill provides for the Governor in Council to declare, by Order in Council, the particulars of the necessary correction. Provision has been made as well for the Minister to recommend to the Governor in Council that the defective instrument be cancelled and a fresh instrument issued if necessary.

When land held as a miners' homestead is taken for mining purposes, the present Act provides for compensation to be paid to the lease-holder for damage caused to improvements. No compensation is provided for the value of the land, or the lessees' interest therein. A miners' homestead is Crown land under the Mining Act 1968–1974 and the provisions of that Act relating to compensation payable for crown land taken for mining purposes apply. Consequently, there is no need for separate compensation provisions in the Miners' Homestead Leases Act and the Bill premoves this provision. I may add that the provisions in the Mining Act are more equitable and they provide also for the lessee's interest in the land to be taken into account. The compensation payable for land being taken from a miner's homestead for mining purposes now will be the same as that paid in respect of land taken from

titles issued under the Land Act that are regarded as Crown land under the Mining Act.

The Bill repeals the section dealing with the making of regulations and introduces a new section widening the power to make such regulations in order that the objects and purposes of the Act may be achieved. Other clauses in the Bill are formal, dealing mainly with conversion of money, references to decimal currency and the change of the expression "The Principal Act" to "The Mining Act of 1898" or "The Mining Act 1968–1974".

I feel that I have covered again the main points of the proposed amendments, and I commend the Bill to the House.

Mr. MARGINSON (Wolston) (9.45 p.m.): As the Minister said earlier in his speech, this is an updating of the Act for the convenience of applicants, with which we agree. I want to thank him for his detailed second-reading speech, which outlined fully the working of the amendments to this Act, and we on this side have no objections to it. We believe it will be an improvement on the present legislation, and we support the Bill.

Mr. CASEY (Mackay) (9.46 p.m.): At this stage, I have only a couple of points to make.

The Minister has included in the Bill provisions relative to subdivision and what may happen in the case of subdivision. However, many of the miners' homestead leases are very old. Some of them provided for the payment of rental for a period of 30 years, after which it became only a peppercorn rental. That was under the original Act relating to miners' homestead leases. Many of those now on a peppercorn rental seem to be going on in perpetuity. Many of them are tied up in old estates round the countryside and have become a burden on the local authorites concerned. Some have been brought to my notice in the Mackay district, and there are many in the Tablelands area.

The problem has arisen mainly in connection with miners' homestead leases. It would appear—I am not sure about this, and I seek the Minister's advice on it—that some clauses of the Bill could actually be used to try to determine the leases. I accept the comments that he made at the introductory stage that miners' homestead leases are in fact Crown land. Although they are in the name of the lessee, and they continue in perpetuity, they are actually Crown land.

I know of one case in which the old fellow who had the lease died and his wife and family were able to continue living on the land as long as they continued the rental payments. Unfortunately, the wife started to argue about the payment of a transfer fee back in the 1930s. I think it was then a 30s. transfer fee; today, of course, it would be $3. Because she refused to pay that fee, the lease is still lying in the department in the name of her husband. She has since died, and two members of her family also have died. Her grandchildren continued to pay the rental for the 30-year period, after which it became a peppercorn rental. As long as they continue to pay that rental on the 20 acres of land, they can continue in occupancy. In fact, the land is no longer used for mining purposes. The mineral field is virtually defunct, although it is still a declared field.

An impasse seems to have been reached. I have discussed the matter with the shire council concerned. It is worried because there is a rate income from the area and the people have to continue meeting the rates. That has been the principal pay-out they have had to make on the land for the past 14 or 15 years. They cannot actually do anything with it other than let it revert to the Crown. It is still tied up in two estates.

I know that is not the only case of this nature. It is rather an involved case and I do not wish to give the House full details.

I am sure that the Minister, with his knowledge of the various Acts that he administers, will appreciate the point I am making that problems do arise with the old miners' homestead leases. Something must be done very soon to overcome these problems. They are causing a great deal of embarrassment to many people, in addition to a great deal of cost in solicitors' fees. I know, too, that the Public Curator has nearly been driven mad by people who still have leases tied up in estates. They cannot be subdivided; they cannot be sold or disposed of. Some people seek to have them revert to the Crown and be declared vacant Crown land. If they are then put up for auction, the money grabbers alongside are the ones who want to come in and take over. Yet the people in occupancy cannot do anything. They cannot even secure a lease in their name because the land is tied up in an old estate back along the line. I would like to know from the Minister whether anything can be done under the provisions of the amending Bill to correct this situation. If not, perhaps at some later stage he may look further into this matter to ensure that old miners' homestead leases are tidied up.

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Energy) (9.50 p.m.), in reply: I appreciate the concern of the honourable member for Mackay. I have dealt with some of the problems in that very area. I do not know whether he also realises that in the hinterland of Mackay there are still some mining freehold titles under which the owner

of the land also has the right to the minerals in it. This is another difficult title that has to be passed on. Some of them get tangled up in estates. I can assure the honourable member that any mining title associated with any estate is far simpler to handle than an ordinary title that might be caught up in the same difficult situation. As to the miners' homestead leases that he talks about—we can call up the rent if we desire, and if the rents are not paid we can cancel them. While people are in residence it is true that it is regarded almost as freehold land, and they have to pay rates to the local authority.

Mr. Casey: The rental is so low it does not matter. The local authority rates become the problem, and the local authority misses out.

Mr. CAMM: The rent is virtually nothing if they have paid it for 30 years. We can call upon them to pay additional rent if we so desire—a peppercorn rent. If they do not accede to our request it means that no-one is interested in the land, and it reverts to the Crown through the mining titles. If the honourable member has any particular one he desires examined and he lets me know about it, I will take it through to show him just what can be done.

Motion (Mr. Camm) agreed to.

COMMITTEE

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

Clauses 1 to 33, both inclusive, as read, agreed to.

Bill reported, without amendment.

THIRD READING

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

MEETING OF QUEENSLAND BRANCH OF COMMONWEALTH PARLIAMENTARY ASSOCIATION

Mr. SPEAKER: I wish to notify honourable members that a meeting of our branch of the Commonwealth Parliamentary Association will be held in this Chamber at the conclusion of tomorrow's sitting of the House. The purpose of the meeting is to adopt the rules of the branch which were recently approved by the executive committee. A copy of these rules has already been furnished to each member.

The House adjourned at 9.54 p.m.