Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 4 DECEMBER 1975

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

AUDITOR-GENERAL'S REPORT

DEPARTMENTAL ACCOUNTS

Mr. SPEAKER announced the receipt from the Auditor-General of his report on certain departmental accounts for the year 1974-75.

Ordered to be printed.

PAPERS

The following papers were laid on the table, and ordered to be printed:—

Reports—

Public Service Board, for the year 1974-75.

Commissioner of Police, for the year 1974-75.

Health and Medical Services of the State, for the year 1974-75.

Department of Aboriginal and Islanders Advancement, for the year 1974-75.

The following papers were laid on the table:—

Order in Council under the Medical Act 1939–1973.

Regulations under—

Stamp Act 1894–1975.

Fire Brigades Act 1964–1973.

Traffic Act 1949–1975.

MINISTERIAL STATEMENTS

AIR FARE CONCESSIONS GRANTED TO LEADER OF THE OPPOSITION

Hon. Sir GORDON CHALK (Lockyer—Deputy Premier and Treasurer) (11.3 a.m.): My attention has been drawn to a report in this morning's "Courier-Mail" headed "$96,000 fares for Burns claimed". The report is based on an interjection by the honourable member for Townsville South (Mr. Aikens), who interjected after he had directed a question to me without notice, which is recorded in "Hansard" as follows:—

> "I ask the Deputy Premier and Treasurer: Will he tell the House the amount paid at the taxpayers' expense by way of air fares and air fare concessions granted to the Leader of the Opposition since the inception of this concession?"

The answer I gave is also recorded in "Hansard", as follows:—

> "I am quite sure the honourable member realises that it would be impossible for me to quote off the cuff figures of expenditure incurred by any member or of

any allowances paid to him. If the honourable member will put the question on notice, I shall provide him with the information he seeks."

There is no record in "Hansard" of Mr. Aikens's interjection, nor did Mr. Aikens accept my courteous request to place the question on notice. Hence it is not on the Business Paper this morning.

However, so that the public will not be misled by the honourable member's inaccurate interjection, I would advise the House that I am informed that for the financial year 1974-75 the cost of air fares for Mr. Burns amounted to $1,443, and for 1975-76 the amounts paid to date total $159.

BANKRUPTCIES UNDER LIBERAL-COUNTRY PARTY GOVERNMENTS AND LABOR GOVERNMENT

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (11.7 a.m.): An advertisement published in "The Courier-Mail" of Wednesday, 3 December, and authorised by the A.L.P., claims that "The Bankruptcy Court tells its story" and that "More businesses went broke under Liberal-Country Governments than under Labor."

Mr. Marginson: You gave us all this yesterday.

Mr. KNOX: Well, I am giving the Opposition the second chapter this morning.

This advertisement, and the statistical graph and the information it contains, cannot be taken as an accurate or truthful guide to the number of small business failures in the period 1965 to 1974, in particular from 1970 to 1974. One reason for this is that the Bankruptcy Court is concerned only with insolvent individuals, and not with insolvent companies, which include a high proportion of small businesses.

As this advertisement refers to small businessmen being helped by a reduction in company tax, I have obtained the official figures relating to petitions lodged for the winding up of companies in each of the last four years. In 1972, the last year of the Liberal-Country Party Government, the number of petitions lodged in Brisbane was 135; in 1973, the first year of the A.L.P. Government, 137; in 1974—and that was when socialism was starting to take effect—it had increased by 100 to 237. So far this year, the number of petitions stands at 259, and there are still four weeks to go.

Those figures give the lie to this advertisement. In fact, the actual answer by the former Attorney-General (Mr. Enderby), which is to be found on page 2935 of the "Hansard" of the House of Representatives, states "Separate figures for small business are not kept."

The fact that the graph contained in the advertisement is headed "Small Business Bankruptcies in Australia" yet the answer on which it was based specifically mentioned that small business figures were not kept, shows how dishonest and desperate the A.L.P. has become.

The very same answer by Mr. Enderby does provide details of company bankruptcies in the Australian Capital Territory and the Northern Territory, and these show that in 1972 there were 70 company bankruptcies, and in 1974 there were 194 company bankruptcies.

This advertisement is scandalously false and deliberately misleading. It is typical of the desperation which has marked the campaign of the A.L.P. in recent days.

Whilst one can possibly excuse the desperation of the A.L.P., given the fact that two opinion polls in recent days have shown the A.L.P. support in this State is about 35 per cent and falling, it is impossible to excuse the publication of data which are false, and which the A.L.P. knew to be false.

However, no amount of fiddling with figures can cover up the fact that the socialist Government in Canberra wrecked thousands of businesses—large and small—in Australia and created the worst level of unemployment in our history. That is what the people will judge the A.L.P. on: That is why the Labor Party itself will be wrecked on 13 December.

COMMISSION OF INQUIRY INTO YOUTH

Hon. J. D. HERBERT (Sherwood—Minister for Community and Welfare Services and Minister for Sport) (11.10 a.m.): I present the report of the Commission of Inquiry into the nature and extent of the problems confronting youth in Queensland.

The commission of inquiry was established last year to make inquiry into the nature and extent of the problems confronting youth in Queensland under the terms set out in the Order in Council of 3 October 1974.

The commission comprised—

His Honour Judge Demack, a judge of District Courts as chairman.
Mrs. J. L. Guthrie, M.B.E.
Miss S. M. Tuk.
Mr. F. T. Moore.
Mr. N. T. J. Williams.

Of necessity the terms of reference contained in the Order in Council appointing the commission were very broad, covering generally the place of young people in the community.

The commission called for submissions from the public by the use of advertisements in the newspapers and on the radio. Its members appeared on television programmes and spoke on radio programmes. They also visited a variety of organisations and institutions, particularly high schools. Booklets, professionally designed to stimulate the interest of young people in the inquiry, were widely distributed.

The response to this was extremely encouraging. In all, the commission received 277 written submissions, which, reproduced on foolscap, consisted of more than 2,300 pages. Many of the larger submissions referred to books and articles, which were made available to the commission. The commission also sought information from interstate and overseas on the issues raised in the submissions. The commission held public hearings in Cairns, Townsville, Mackay, Rockhampton, Gladstone and Brisbane which extended over 26 days. The transcript of these proceedings consists of 1,373 pages and in all 240 people addressed the commission during these hearings. The chairman and other members of the commission visited schools, institutions and organisations, and discussed the issues raised in the submissions with more than 1,000 young people in Grades 11 and 12, and with more than 350 teachers, social workers and other people who are involved with youth work, both professionally and voluntarily.

I am certain that this report containing more than 80 recommendations will attract a great deal of public interest and discussion. Early in the report, attention was drawn to the use of the word "problems" and its association with the young people of our community. The report indicated the commission's feelings that "problems" is not a helpful word when considering the place of young people in society.

To speak of youth problems seems to suggest that the difficulties young people face are of their own making, and that they have only to conform and the difficulties will disappear. The commission preferred to approach its task from a positive point of view and saw childhood and adolescence as times of growth. The commission referred to the categories that are mentioned in the Declaration of the Rights of the Child adopted by the United Nations Organisation which sets out this growth as physical, mental, moral, spiritual and social.

So that there can be a purposeful examination of the recommendation of the commission by interested groups, Government Departments, industry and individuals, the Government proposes to circulate this report, and its recommendations, widely in the community. However, unfortunately, because of other work presently being undertaken by the Government Printer in relation to the forthcoming Federal Election, printing of the report has not been completed.

A limited number of copies in stencilled form are available and I have arranged for a copy to be delivered to each member at Parliament House early this afternoon. In addition, immediately printed copies come to hand, I shall ensure that a copy is sent to each honourable member. I received this report only recently, and I want to give honourable members the opportunity to study its contents during the forthcoming parliamentary recess.

Copies of the report will be printed, and when these are available, I invite honourable members to bring it to the notice of interested groups and individuals within their areas. The contents of the report are of great interest and deserve to be widely read.

Naturally, it should not be taken that every recommendation will become part of Government policy. Each recommendation, however, will be carefully considered. Comments, criticism and suggestions are invited from all sections of the community.

I lay upon the table of the House the report and recommendations of the commission of inquiry into the nature and extent of Problems Confronting Youth in Queensland appointed by Order in Council dated 3 October 1974 and commend it to each and every honourable member. I move that the report be printed.

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

QUESTIONS UPON NOTICE

1. LABOR POLICY ON HOUSING

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

What has been the effect on young home buyers of the Commonwealth Labor Government's policy on housing, particularly as it affects young people's ability to purchase their own homes through the Queensland Housing Commission?

Answer:—

The Whitlam Government's policy of cutting back funds for housing in Queensland will result in 650 fewer homes being built by either the Queensland Housing Commission or co-operative housing societies during this financial year. The effect on young married couples and their chances of owning their own Housing Commission homes are clearly disastrous. Home-owning for these recedes ever further into the future as the days go by. The situation is further aggravated by the Whitlam Government's mishandling of the economy, resulting in permanent building societies necessarily charging high rates of interest. This forces more people in the low to moderate income groups to seek the lower interest loans available when purchase of Housing Commission homes is desired. In turn, this means the waiting lists get longer and longer, to the point where there are now over 8,000 applications for Housing Commission homes and rapidly increasing. It is worthy of note that those in the low to moderate income groups are those about whom the Whitlam Government crows that it cares the most. It is also worthy of note that Mr. Uren now trumpets loud and clear that, if his Government is re-elected, over $20,000,000 will become available for low-interest loans. That

$20,000,000 must include the $12,800,000 ripped off those in Queensland seeking a roof over their heads. It also seems like a clear-cut case of deliberate misappropriation of funds by the A.L.P. for political campaigning purposes instead of housing. It is also clear Mr. Whitlam knew months ago an election would be coming, because he has kept the $20,000,000 from State housing to make grandiose promises in New South Wales and Victoria to buy votes.

2. ACCESS ROAD TO BRISBANE AIRPORT

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

(1) Have any plans been drawn up to re-route traffic travelling to and from the Brisbane airport so that the level crossing in Nudgee Road is bypassed?

(2) If not, will he urgently institute an investigation into the ways by which traffic can bypass this very serious traffic impediment?

Answers:—

(1) Yes, but these are dependent on the future internal planning for the airport. The plans have been discussed over a number of years with the Commonwealth Department of Transport but no finality has been reached.

(2) International airport traffic will soon be using Sugarmill Road off Kingsford Smith Drive. Lights and channelisation will be installed at Nudgee Road railway crossing. Further improvement of access to the airport will depend on the future airport planning. The timing of these improvements is therefore in the hands of Commonwealth Department of Transport and we hope they will be in the hands of the Honourable Peter Nixon within a week or two.

3. REEF CITY DEVELOPMENT, BOWEN AREA

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

(1) Is he aware of a group of companies headed by Robert Wilkie and Peter Jaques, trading under the names of Sunny Blue Skies, Reef City, and Aspley Park, which are selling land in various parts of Queensland, including, in particular, a development in the Bowen area between Yeates Creek and Emu Creek called Reef City?

(2) Have these companies title to any land for sale?

(3) Has a subdivisional plan been approved by the Bowen Shire Council for the development?

(4) Has it been brought to his attention that they have been selling land on (a) a straight-out cash basis, (b) a share basis for high-rise and commercial development and (c) an option basis when land becomes available?

(5) Because of this, can any action be taken by his department to warn intending buyers of the dangers and pitfalls inherent in becoming involved with the companies peddling these types of transactions and unscrupulously robbing decent people in the process?

Answer:—

(1 to 5) The Corporate Affairs Office has no record of a current registration of either a company or business name "Sunny Blue Skies" or "Reef City". Two companies, Aspley Park Pty. Limited and Aspley Development Pty. Ltd., are incorporated in Queensland, but the records of the Corporate Affairs Office relating to these companies do not contain any reference to the persons named in the question. No record is held by the Titles Office at either Brisbane or Townsville of any of the so-called group of companies. I understand that on 15 August 1975 a Supreme Court writ for defamation was issued against the editor of the "Bowen Independent" and a Bowen housewife by Robert Wilkie of "Churchable", via Coominya, and this action apparently relates to publication of a letter referring to a proposed "Reef City Development" on the southern side of Edgecumbe Bay near Bowen. If the honourable member has any specific complaint to make in relation to land-dealing by the persons named in the question, I will have appropriate investigations made. Apart from that I should mention that some inquiries are being made into the land dealings referred to because of other information that has come to hand.

4. AGED-CARE FACILITIES, ROCKHAMPTON

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

With reference to my request for additional State aged-care facilities in Rockhampton and his reply that there are at present satisfactory alternatives to admission to such institutions as "Eventide" what are these alternatives for aged people seeking accommodation at this time, as a recent survey has shown that all aged-persons homes have waiting lists?

Answer:—

I am advised that in many cases it is far better on medical and social grounds for an aged person to continue to live in his own home among familiar surroundings than to be admitted to an institution such as an "Eventide" or nursing home, and the department's policy is to this end. The supportive services which I mentioned in my reply of 2 December 1975 to the honourable member's question enable aged people to do this. Such services include

my department's Community Health Service and Home Help Services provided by my department, as well as domiciliary nursing services such as that provided by the Blue Nursing Service (which is subsidised by my department) and Meals on Wheels. "Eventides" and nursing homes have their place in the care of the aged but they are not the only, or necessarily the best, way of caring for old people.

5. DECENTRALISATION OF QUEENSLAND PORT DEVELOPMENT

Mr. Wright, pursuant to notice, asked the Minister for Tourism and Marine Services—

In view of the statement by the chairman of the Queensland Harbour Boards Association, Mr. A. C. Field, that spending $50 million on the dream plan for the new port of Brisbane would be money badly spent, and as he has put forward an excellent case for the upgrading of other port facilities in Queensland, will the Minister now give consideration to this suggestion and undertake to assist such ports as Port Alma to play a greater role in the Queensland shipping scene, as this would be in the interests not only of decentralisation and regional development in Central Queensland but also of renewed viability, which would remove a heavy financial burden from the ratepayers of Rockhampton, who are at present responsible for much of the debt of Port Alma?

Answer:—

I strongly disagree with the suggestion by the chairman of the Queensland Harbour Boards Association that money spent on improving the facilities in the port of Brisbane would be a waste. Whilst I can appreciate that Mr. Field would wish to sponsor his home port of Townsville, I am at a loss to understand how he, as chairman of the Queensland Association, should be so misguided on the basic principles of transport economics as to suggest that the Brisbane region should be served by general cargo port facilities at Gladstone or Townsville. With regard to Port Alma, I should remind the honourable member that facilities at that port were completely rebuilt a few years ago at a cost of about $5,000,000 and that they are now as modern as any in Australia.

6. FIGURES FOR TEACHERS TO BE SHOWN IN SUPERANNUATION REPORTS

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

(1) As the annual report of the State Service Superannuation Board for the year ended 30 June 1975 does not categorise the members of the fund, (a) what is the number of teachers under each heading, in tables 1 and 2 "Contributors" and tables 3 and 4 "Beneficiaries", (b) what were the teachers' contributions under the heading "Finance" in the section "Income", (c) what are the amounts expended for teachers under the heading "Finance" in the section "Expenditure" and (d) what amounts are attributable to teachers under the heading "Finance" in the section "(B) Commutation of Annuity Pension", "(C) Refunds and surrender Values, etc.","(D) Wholelife and Endowment Assurance" and "(E)"?

(2) Will future annual reports contain a breakdown of data to indicate those members who are or were teachers and to show the amounts of contributions and expenditure?

Answers:—

(1) The State Service Superannuation Scheme, which embraces most Crown employees other than police officers, provides for standard rates of contribution and standard rates of benefit for all contributors. Separate records are not maintained for any of the classes of contributors and are not readily available. To obtain and maintain the information requested would involve considerable clerical time, the expenditure on which is not considered justified.

(2) No.

7. PARLIAMENTARY PRIVILEGES OF LEADER OF THE OPPOSITION

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

What parliamentary privileges are allowed to the Leader of the Opposition?

Answer:—

The honourable member will be aware that the position of Leader of the Opposition is recognised under the Westminster system of parliamentary government. In Queensland the salary of the position, for example, is statutorily determined. Other forms of recognition relate to personal office staff, air travel, provision of a motor vehicle (together with chauffeur, petrol and oils) and, as well, he receives special allowances for telephones, postages, etc. I am sure the present Leader of the Opposition and his predecessors would agree, in a politically impartial manner, that far greater recognition has been given in these areas to the office of Leader of the Opposition since our Government's assumption of office in 1957 than was previously the case.

8. SCHOOL-CHILDREN AFFECTED BY DARWIN CYCLONE

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

(1) What is the situation regarding Darwin cyclone-affected children who attended school in Queensland during 1974-75 as far as financial support is concerned?

(2) In particular, what is the situation regarding a student who is attending a non-State school and is able to go back at Christmas time to Darwin, where he will attend his previous school in 1976?

Answers:—

(1) Darwin children who attended a Queensland secondary school during 1974 and 1975 were provided with textbook allowances from the State. Further assistance was provided by the Commonwealth through its Isolated Children's Scheme.

(2) Financial assistance associated with the return of families to Darwin is a Commonwealth matter.

9. DANGERS OF COLOUR TELEVISION RECEIVERS

Dr. Lockwood, pursuant to notice, asked the Minister for Mines and Energy—

(1) Which brands of colour television receivers have or are being sold with live 240V chassis?

(2) Are these sets a danger to householders who own them?

(3) Are they a danger to television technicians who attempt to repair or service them?

(4) Are such sets required to display a warning concerning the danger of the live chassis?

(5) If not, will they be recalled by the vendors?

(6) Have live-chassis colour TV sets caused any electrical shocks or deaths in Queensland?

Answers:—

(1) I am aware that some television receivers to which the honourable member refers are on sale in Queensland. As these sets pose no electrical problems, particular brands of sets have not been recorded. These sets are electrically no different from normal electrical appliances which house live parts. The "chassis" is internal and is a subframe contained within the set, accessible only by the use of tools.

(2) No.

(3) No, provided an isolating transformer is used during these operations. This is recommended in the service manuals.

(4) Yes. Clause 2.3.1 of Australian Standard 3159 provides for this.

(5) All sets checked comply with this requirement.

(6) No cases have been reported.

10. GOAT MILK DAIRIES, TOOWOOMBA

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

(1) Is he aware that goat milk dairies which have been delivering milk for 18 years or more in Toowoomba are to be stopped by his department?

(2) Is he aware that, if this is true, hundreds of customers will be victimised in that, as the milk is only to be sold in shops or at the dairy, customers will have to travel up to 12 miles for their supplies, and owing to this distance and extra cost would possibly cancel orders and put the dairies out of business?

(3) Will he look into this matter urgently?

Answer:—

(1 to 3) I can assure the honourable member that there is no move being made in my department to prevent any established goat milk dairy in Toowoomba which has been delivering milk from continuing to do so.

11. VALUATION OF LAND AT SOMERSET DAM

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

Lessees of land at Somerset Dam have not received rate notices from the Brisbane City Council for several years and the council claims that valuations have not been carried out by the Valuer-General's Department. If this is so, when are the valuations likely to be completed?

Answer:—

Somerset Dam leases are situated in the areas of the Shires of Esk, Kilcoy and Caboolture. Notices for the payment of rates in the first place are issued by these local authorities to the Brisbane City Council. Under the Somerset Dam Catchment Area Declaratory Act of 1974, provision is made for the Brisbane City Council and the lessees to reach an agreement on the apportionment of the rates. In the absence of reaching an agreement, section 8 (1) of the declaratory Act mentioned, provides that the Valuer-General shall apportion the unimproved capital value in accordance with the formula set out. Following a request from the Brisbane City Council, these apportionments of rates have been prepared in the office of the Valuer-General but not released. The reason for withholding release is that an appeal had been made by the Brisbane City Council to the Land Appeal Court against the unimproved capital value of nine of the lease areas in the Shire of Esk. The Land Appeal Court handed down its decisions on 8 August 1975 and the Valuer-General has instigated an appeal to the Full Court of the Supreme Court of

Queensland. The apportionment of rates levied are dependent upon the unimproved capital values in dispute and the Valuer-General has withheld his apportionments from the Brisbane City Council and the lessees until the points of law are clarified. In these circumstances, there are good practical reasons for the Valuer-General to delay his advices to the parties until the decision of the Full Court is available, but the matter will be further examined and I will then communicate with the honourable member on the subject.

12. UNLICENSED CHARTER BOATS

Mr. Houston, pursuant to notice, asked the Minister for Tourism and Marine Services—

What action is his department taking to warn tourists of the dangers in hiring unlicensed charter boats?

Answer:—

No special action along these lines has yet been taken by my Department of Harbours and Marine. However, it is a matter which could be discussed between my Departments of Tourism and Harbours and Marine and I will arrange accordingly.

13. POWDERED BUTTER

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

(1) Has the C.S.I.R.O. developed a new dairy product called powdered butter, which could become an excellent time-saving product, particularly for home cooking, as it would eliminate the need to cream butter and sugar?

(2) Is this product being marketed commercially in Queensland and, if not, will he take action to get the marketing of this product under way?

Answers:—

(1) The C.S.I.R.O. Division of Food Research developed a product known as butter powder some years ago, but this could hardly be regarded as a new product.

(2) This product has not been marketed in Queensland, or, as far as I am aware, in any other State. I understand this is because of technological problems and economic factors.

14. DRAINAGE SCHEMES FOR NORTH QUEENSLAND SUGAR-GROWING AREAS

Mr. Casey, pursuant to notice, asked the Minister for Water Resources—

(1) As the problem of inadequate drainage is threatening the economic viability of the sugar-growing areas of Queensland north of Townsville, is it possible under the River Improvement Trust Act to establish drainage areas in the river basins of Far North Queensland on the same basis as river trusts currently established in Queensland and, if so, are any established for this purpose?

(2) What action has already been taken by the Irrigation and Water Supply Department to assist cane growers in far northern mill areas to provide proper drainage of farm lands into the main river systems from the Herbert to the Mossman Rivers, and what works are projected?

Answers:—

(1) There are no provisions in the River Improvement Trust Act for trusts to establish drainage areas, but there is no reason why a river improvement trust should not undertake drainage works within its area. Drainage works, however, are usually of benefit only to the limited area in which they are constructed. Thus if river improvement trusts were to undertake drainage works, it would be necessary for the River Improvement Trust Act to be amended to enable the trust to rate such limited areas separately. None of the 18 river improvement trusts to date have constructed drainage works.

(2) The Irrigation and Water Supply Commission has over the years investigated drainage schemes in a number of areas between the Herbert River and Mossman but schemes have been established in three areas only. In recent months the commission supported a request from the Northern District Sugar Industry Productivity Group arising from a deputation led by Mr. E. Row that funds be made available to undertake an over-all investigation of drainage problems in this area but, because of the over-all economic situation, this request was not able to be met. In the current year the commission will undertake limited investigation in some areas and has sought advice from the Northern District Sugar Industry Productivity Group as to those areas which it considers might be given priority in the investigation programme. As funds become available, the investigation of drainage in these areas will be expedited. Apart from approved works in the three drainage schemes already established, no new works are to be undertaken at this stage.

15. ELIGIBILITY FOR STUDENT ALLOWANCES

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

(1) Is he aware that the current adjusted family-income limits used in determining eligibility for student allowances for parents of students attending approved secondary schools create hardship for parents whose adjusted family income is just above the designated maximum figure?

(2) Will he give consideration to the payment of a reducing student allowance on a basis similar to that paid by the Commonwealth under the tertiary allowance scheme for adjusted family incomes above the present designated maximum figure?

Answers:—

(1) Parents with adjusted family incomes slightly in excess of the amount allowed to be eligible for the student allowance are disadvantaged to a small extent. Every effort is made, however, to ensure that these parents claim for all permissible income deductions.

(2) A review of all forms of student financial assistance from my department is currently being undertaken and the proposal raised is one being considered.

16. LABOR'S PROMISES ON HOUSING

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

(1) Did Mr. Whitlam promise on 5 June 1972 that Labor would initiate a programme of land, housing and interest rates to reduce the average cost of home-ownership by between $4,000 and $6,000?

(2) Has Mr. Whitlam kept his promise on housing?

(3) Is there any reason why Australians should now believe the panic-stricken grab-bag of promises which Mr. Whitlam is desperately making in a wild, last-minute attempt to save his discredited political hide?

Answers:—

(1) I understand that Mr. Whitlam did make a series of promises about land, housing and interest rates in 1972, along with many other "pie in the sky" promises, which the voters of Australia have since found were simply vote-catching propaganda.

(2) Mr. Whitlam certainly has not kept his promises about reducing housing prices by between $4,000 and $6,000. This would no doubt be confirmed by any of the young married couples trying to buy a home, or any other home buyers (if there are any left) who are living in tents or caravans, or with in-laws.

(3) There are absolutely no reasons why any Australian should believe the last-ditch stand which Mr. Whitlam and his henchman Tom Uren are making about low-interest housing loans. Why should anyone believe this after the last three years of broken promises on low-interest loans by the Whitlam Government? I am also wondering why Deputy Commissar Uren is making all these last-ditch promises. Has my Federal counterpart, Joe Riordan, also bitten the dust, to join other ministerial corpses gracing the Whitlam Cabinet Minister graveyard?

17. ALLEGED POLITICAL BIAS OF GYMPIE HIGH SCHOOL TEACHER

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

(1) Has his attention been drawn to a letter published in last week's "Gympie Times" wherein a parent of a child at the Gympie High School alleged that a teacher at the school had asked children in a class to raise their hands if their parents voted for the A.L.P. and had then let out of school early those children who raised their hands?

(2) Did this incident in fact occur and, if so, will he assure the House that this teacher will be immediately dismissed, as this individual is obviously totally incapable of carrying out the responsibility and accepting the trust given to a school teacher?

Answers:—

(1) Yes.

(2) Inquiries from the Gympie High School reveal that the allegations in the anonymous letter published in "The Gympie Times" grossly misrepresented the alleged incident. There is no cause whatsoever to take any action against the teacher concerned.

18. LABOR'S TAX PROMISES

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

(1) Has his attention been drawn to statements by the discredited former Treasurer, Mr. Hayden, that under the proposed Labor tax scheme Australians would pay less income tax?

(2) How can this be true, when tax revenues under the proposed Hayden Budget would increase by 43 per cent in 1975-76?

(3) How can the people pay less income tax and at the same time Mr. Whitlam collect more in tax revenue?

(4) Have Mr. Whitlam and Mr. Hayden suddenly discovered a new and magical method of multiplying money between the time it leaves the taxpayer's pocket and the time it arrives at the Treasury?

Answer:—

(1 to 4) I am aware of the statements referred to by the honourable member for Stafford. The claims by the former Federal Treasurer that taxpayers will pay less tax under the Labor tax scheme are proven to be false by Mr. Hayden's own budget papers. According to the budget papers, individual income taxation during the current financial year will total $8,683 million. In the last financial year individual income tax totalled $6,071 million, which is $2,611 million less than the current year. In fact, in two years, personal income tax in Australia will have more than doubled —from $4,238 million in 1973-74 to $8,683 million in 1975-76. The information which I have given is to be found on page 105 of the 1975-76 Budget Speech and Statements, which are official documents produced by the former Whitlam Government.

19. SELECTION FOR OFFICE OF GOVERNOR

Mr. Ahern for **Mr. Akers,** pursuant to notice, asked the Premier—

As the A.L.P. Speaker of the Commonwealth House of Representatives has been reported in "The Courier-Mail" of 3 December as saying that a future Federal Government might find it necessary to appoint Governor-Generals who would act in accordance with party dictates, will he assure the House and the people of Queensland that his Government will continue to recommend persons of integrity for appointment by the Queen to the office of Governor of Queensland?

Answer:—

With all due respect to the sincerity and good intentions of the honourable member, I feel that his question begs the question. However, my answer is unhesitatingly, whole-heartedly, unreservedly and most emphatically "Yes".

20. INFERIOR SEED FOR POTATO GROWERS

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

(1) Has his attention been drawn to the potato growers' problem of inferior certified seed being sent by interstate agents?

(2) What redress have growers in protecting their interests by recovering compensation from agents or growers who supply inferior certified seed?

Answers:—

(1) Complaints do arise from time to time about the quality of seed potatoes purchased by Queensland potato growers. In accordance with the provisions of the Fruit and Vegetable Grading and Packing Regulations, seed potatoes must be the produce of plants which have been inspected by an officer of the Department of Agriculture in the State of origin and approved or certified as being suitable for seed purposes.

(2) Queensland growers would be well advised before accepting delivery to check that a label and a seal are affixed to each bag. If doubts arise as to quality after delivery has been accepted, the grower should contact the nearest suitable officer of my department, ensuring that some of the seed potatoes representative of the purchase (and preferably in labelled, sealed and unopened packages) are available for examination by the officer. Advice will then be given as to the procedure to be followed if further action appears justified.

QUESTIONS WITHOUT NOTICE

TRANSFER OF INSPECTOR KEEN TO LONDON

Mr. MELLOY: I ask the Minister for Police:

(1) Under what circumstances did he recommend the transfer of Inspector Keen to London to assist the Agent-General on his mission to Europe on espionage work on behalf of the Liberal and National Country Parties?

(2) Did the action have his complete approval?

(3) Are Queensland police officers trained in this type of work?

(4) When is it expected that Inspector Keen will return to Brisbane, and to whom will he report?

Mr. HODGES: I am unaware of the episode other than that a police officer was requested by the Premier to do a certain job for him overseas. Other than that I am not aware of any other circumstances associated with the duty he had to perform. I prefer that the honourable member put his question on notice.

NEGOTIATION OF SWISS LOAN

Mr. MELLOY: I ask the Deputy Premier and Treasurer:

(1) Is he aware of reports from London this morning that the Queensland Agent-General in Britain (Mr. Rae) is negotiating a $320,000,000 loan in Switzerland at the present time?

(2) Has this loan been approved by the Queensland Cabinet, with whom is Mr. Rae negotiating, and if it has not been approved, on whose authority is he acting?

Sir GORDON CHALK: I was telephoned this morning by an A.B.C. representative of "A.M." He told me that he had secured a statement through the A.B.C.'s representative in London to the effect that Mr. Rae was alleged to be negotiating a loan of $300,000,000-odd on behalf of the Queensland Government. My reply to that statement, which was broadcast a little after 8 a.m., was along these lines: firstly, I said that I had no knowledge that the Queensland Government wanted $300,000,000 for any particular purpose; secondly, I said that before a loan could be obtained for the Queensland Government, it would have to have the approval of the Australian Loan Council. I also indicated that the loan allocation to the Queensland Government had been set by the Loan Council and, to my knowledge as Treasurer, we were having no difficulty in raising the required sum so that we could carry out all of the obligations on the State for loan work. I indicated that I had no knowledge of the matter and that, to my knowledge, it had not been before Cabinet, and therefore I regard the statement as a certain amount of eyewash.

CONFUSION ARISING FROM FORMATION OF NUMBERS BY MIGRANTS ON BALLOT PAPERS

Mr. LINDSAY: I ask the Deputy Premier and Treasurer: Is he aware of the danger of an unnecessarily high number of informal votes in the forthcoming Senate election as the result of the tendency of naturalised continental European migrants to form the figure "7" with a short horizontal stroke across the vertical arm and to form the figure "1" with a small horizontal stroke before forming the vertical stroke? If so, will he (a) indicate to the Chief Electoral Officer and scrutineers the need to make allowance for this and (b) use his position to give this matter maximum publicity through the media with a view to making migrants aware of the dangers involved and the possibility that their votes would be regarded as informal?

Sir GORDON CHALK: The point made by the honourable member is a good one. Those of us who have had the opportunity of travelling overseas very often become confused by the way in which the figures "1" and "7" are formed by people on the Continent. Perhaps such formations could lead to the declaration of certain votes cast in Australia as being informal. I shall draw this matter to the attention of the Commonwealth Electoral Office with a view to avoiding such confusion. No doubt the responsibility will then be on the Commonwealth electoral officers to decide whether or not such votes should be allowed or declared to be informal.

AURUKUN ASSOCIATES AGREEMENT BILL

Mr. MILLER: I ask the Minister for Mines and Energy: Who was the individual who acted on behalf of the Aurukun community and was complete agreement reached? Further, is it correct that clause 11 has been excluded from the Schedule to the Bill and, if so, why is this so? Finally, is it possible to have the Bill lie on the table until all doubts surrounding its introduction are resolved?

Mr. CAMM: My attention has been drawn to the claim by certain individuals that clause 11 has been omitted from the agreement. It is quite significant that three days ago the same people claimed that there had been no discussion whatever. Now they say they have had full discussions and that one clause has been omitted. The full details will be outlined by the Minister for Aboriginal and Islanders Advancement at the second-reading stage of the Bill.

INVESTIGATION INTO OVERSEAS LOANS

Mr. MARGINSON: I direct a question to the Minister for Justice and Attorney-General, because it is stated that the subject-matter was mentioned to him by the Premier. When was it arranged that the Agent-General would visit Switzerland to investigate certain allegations concerning loan raisings?

Mr. KNOX: I think the honourable member might care to address his question to another Minister.

Mr. MARGINSON: I have a supplementary question.

Mr. Hinze: Ask me. I'll tell you.

Mr. MARGINSON: The Minister wouldn't know. As the Minister for Justice and Attorney-General did not like the question, I ask the Deputy Premier and Treasurer: Can the people of Queensland and Australia take seriously the Agent-General's visit to Switzerland regarding certain loan raisings, in view of the fact that some eight weeks ago when I visited the Agent-General in London he told me he proposed to visit Switzerland this month on a vacation and to call on his brother, who lives there? Is this just another election gimmick that the Premier has for the voters of Queensland and of Australia?

Sir GORDON CHALK: All I can say is that I know that Mr. Rae, the Agent-General in London, paid a visit to Switzerland. Whether he went there to see his brother, or for some other purpose, is not known to me.

PROTECTION FOR PURCHASERS OF SECOND-HAND CARS

Mr. WRIGHT: I ask the Minister for Industrial Development, Labour Relations and Consumer Affairs: In view of the call made for greater protection by the R.A.C.Q. for purchasers of second-hand cars, what action does he intend to take on this very worthwhile suggestion?

Mr. CAMPBELL: While it is not the practice to indicate policy before an official announcement, I think I should say that this matter is being examined. I do know that other States are having extreme difficulty on occasions in enforcing regulations passed under their legislation owing to weaknesses in the human nature of those people who are responsible for testing vehicles. We are experiencing the same difficulty with our very good roadworthy certificate legislation. Whilst over 95 per cent of the motor vehicle testers give a valid, authentic report about the examination of motor vehicles, nevertheless, an occasional licensed tester fills out fraudulently a testing form, and consequently the motorist suffers some financial inconvenience. Naturally enough, we proceed against the few individuals in terms of the legislation. Whilst we might legislate in this field, it will not be a complete answer to the problem.

AGED-CARE FACILITIES, ROCKHAMPTON

Mr. WRIGHT: I ask the Minister for Health: As it seems that his department does not accept that a serious accommodation situation confronts the aged in Rockhampton, especially in the areas of nursing-care and the ambulant, will he undertake to have a study made of these specific needs

in Rockhampton as I am convinced that such a study will prove that greater State involvement is urgently required?

Dr. EDWARDS: I am concerned that the honourable member cannot understand plain English. He asked me what additional features were available. When I answered his question this morning, I outlined those additional features to him. We have undertaken a study, as I indicated in my answer to him the other day, and we have no intentions of undertaking a further one. As I said the other day in answer to the honourable member, my department has set up a new admission programme by which we are assessing these people. That will continue. If he has any patient in his area about whom he is particularly concerned, he could make representations to me and I will have that case assessed.

DOUBLE TAXING

Mr. WRIGHT: In asking the Deputy Premier and Treasurer about the issue of double taxes, I draw his attention to the statement on "T.D.T." last night by the National Party secretary, Mr. Evans, that the States will not be levying additional tax but will get 30 per cent of the tax raised by the Commonwealth, which conflicts with the Treasurer's statement in the Assembly last Thursday night, 27 November—

> "The principles that have been put forward by Mr. Fraser and Mr. Anthony do provide that, if a State so desires, it could implement additional tax to enable it to carry out some of the things desirable in that State."

In view of the conflicting view now put forward by the National Party secretary, Mr. Evans, does he still stand by his statement?

Sir GORDON CHALK: I do not know the text of Mr. Evans's statement that the honourable member has referred to. What I myself said previously was that I did not know what amount of tax deduction might be the basis of reduction, but that, if 30 per cent raising by the State was permitted, as I understand it, that could be a basis on which the State could raise additional money if it wanted to. That is the basis of the Canadian system, which provides for a certain amount of funds to be raised at a national, or federal, level. Likewise, a State can request the national Government to add what might be regarded as a percentage surcharge to a taxpayer's assessment. I believe that the manner in which I explained the issue the other evening is the basis on which the proposal would be and could be implemented; but in no circumstances let us say that the State would have to or would desire to raise an additional amount.

POLITICAL PARTY MEMBERS AS POLLING BOOTH OFFICIALS

Mr. TURNER: I ask the Minister for Justice and Attorney-General: Can a financial member of a political party who holds an executive position in that party also hold a Government-paid position as an official at a polling booth on polling day?

Mr. KNOX: In this State—and that is the only area I can speak of—the practice is that returning officers seek officials for polling day. One of the conditions is that the officials shall not be activists in political parties. Indeed, one of the conditions of appointment of the returning officer is that he is not a member of a political party.

In Federal elections I have found a poll clerk behind a booth who has been an activist for the A.L.P.

An Opposition Member interjected.

Mr. KNOX: He is well known to the honourable member for Nudgee. He happens to be one of his supporters.

I recall the circumstances. It was not very long ago. I usually make a practice of visiting the polling booths in my electorate during a Federal election, paying a courtesy call on the poll clerks and passing the time of day, as long as it does not interfere with their work. The gentleman of whom I speak was most abusive to me because I happened to be a Liberal. He is well know as a member of the A.L.P. I found that quite a number of other people who visited that polling booth on that occasion had the same experience. The matter was reported to the returning officer who removed the poll clerk from the office.

Mr. Marginson: You reported it.

Mr. KNOX: I did not report it. It already had been reported to the returning officer by a number of people. My experience was similar to that of other people.

Apparently in Commonwealth elections, it is possible for political activists to be appointed as poll clerks. It is an undesirable practice and if the honourable member knows of such a person, he should see that the Federal member, if he happens to be of the same political persuasion, or somebody in authority, reports the matter to the returning officer in that electorate and has the official removed.

PROMOTION OF FILM "JAWS" BY SALE OF IMITATION SHARK DORSAL FINS

Mr. W. D. HEWITT: I ask the Minister for Health: Does he know that imitation shark dorsal fins have been sold in southern States in conjunction with the promotion of the film "Jaws"? Does he know that senior officials of the Surf Life Saving Association have expressed great concern at the sale of these fins and have asked for their withdrawal from sale? Can the honourable gentleman advise the House whether such fins

are being offered for sale in Queensland now that the film is being shown in Brisbane or whether in fact they are not being offered for sale?

Dr. EDWARDS: It was drawn to my attention some time ago that these fins were available in southern States to promote the film "Jaws", which is currently being shown throughout Australia. I might also say that this matter was brought to my attention by the honourable member for Chatsworth. Immediately afterwards, inquiries were made concerning the possibility of the fins being released in Queensland.

I am very pleased to say that all of the firms normally selling this type of article that were contacted by the department agreed that they would not sell them. They appreciated the dangerous effect that these articles would have on children swimming in the surf and still water in the forthcoming season. As a result, it has been agreed generally that they will not be released in Queensland.

I am very pleased to say that, although Queensland is often regarded by some people as being a backward State, it has taken the lead throughout Australia in this regard. We are very proud of the association that the department had with retailers in this matter. I pay a tribute to the honourable member for Chatsworth, who brought this to my notice. As a result of his attitude and action, the people of Queensland will be saved from a very nasty situation.

A.L.P. INTIMIDATION OF VOTERS IN FEDERAL ELECTION

Mr. AIKENS: I ask the Minister for Police: Is he aware that in accordance with custom all A.L.P. branches and members have been notified to vote early and often on 13 December and that arrangements are being made for certain thug elements in Townsville to be present at the polling booths in that city to intimidate——

Mr. Wright: Start again with the words, "Once upon a time."

Mr. SPEAKER: Order!

Mr. Frawley: Give him a backhander, Tom.

A Government Member: Change his nappie, Tom.

Mr. SPEAKER: Order!

Mr. Frawley: You never get tangled up with women, anyway.

Mr. AIKENS: I am not here to talk about the copulatory habits of any particular member. This is too important a matter.

The word has gone round in Townsville that the bully boys are to be organised to intimidate and, if necessary, assault the electors at the Townsville booths on 13 December. As this is a Federal election, do the Queensland police have any authority to protect the people on that day?

Mr. HODGES: The Queensland police will have total authority on that day, as they have at all times, to maintain law and order everywhere in the State.

AUCTIONEERS AND AGENTS ACT AMENDMENT BILL

INITIATION IN COMMITTEE

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

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (12 noon): I move—

> "That a Bill be introduced to amend the Auctioneers and Agents Act 1971-1974 in certain particulars."

Honourable members will recall that in April I introduced into this House a Bill to amend the Auctioneers and Agents Act. Because of the controversial aspects of some of the proposals contained in the Bill, it was left on the table to allow time for it to be thoroughly examined by all interested parties for comment on the proposals.

In May a seminar organised by the Justice Department was held which all members of this House and agents throughout Queensland were invited to attend to discuss the proposals contained in the Bill. Some very worth-while comments were made at the seminar and I thank all those who participated for the valuable contribution they made towards this legislation. There were over 500 people present. Several other submissions have also been received from interested parties.

It is now proposed to proceed with the amendments which were contained in the Bill introduced in April with only a few minor changes. One of the most controversial matters contained in this legislation has been the provisions relating to sole agency and multiple listing. This part of the Bill has not been altered and section 43 and section 70 (3) will be repealed.

Some concern had been expressed about the proposal to prohibit the sale of unregistered land. Careful consideration has been given to this proposal and it is proposed to proceed with the amendment but it will now only apply where the land is subdivided into more than five allotments. To enable the industry to adjust to this, it is proposed that this provision will not come into operation until early 1978.

Since the Auctioneers and Agents Committee is not a separate legal entity and can have no rights apart from the rights of its members, it is considered this could present some problems particularly in relation to claims against the Fidelity Guarantee Fund. It is therefore proposed to further amend section 6 to provide for the incorporation of the committee. It is not now proposed to insert the new section 70A which was previously proposed relating to commission payable by a vendor or the new subsection (5)

in section 83. The other proposals are similar to those contained in the Bill introduced in April.

Mr. WRIGHT (Rockhampton) (12.4 p.m.): The introduction of this Bill at this moment is a great surprise, especially to the Opposition, because we were told that it was not coming on. I question the tactics being used in this Chamber at the moment, especially with the amount of legislation members have to deal with, when they are told legislation will not be coming on and all of a sudden the order of the day is changed and this Bill is rushed on although I must admit I am very pleased it has come on because this vindicates an attitude that was expressed about the Minister for Justice and Attorney-General that he could be trusted and that we would in fact see this legislation introduced.

As honourable members will recall, some time ago we saw the galleries full of people who had pecuniary interests in this legislation and pressure was being applied to all members of this Chamber to see that the legislation did not go ahead. In that debate I challenged the Minister to give us an assurance that this Bill would be introduced. So I personally—and I think I speak on behalf of all the Opposition and, I know, many other members of this Chamber—was very pleased when at long last the Bill was introduced. We do not know exactly what is in this Bill except that the Minister says that it is basically the same as the one that was introduced in April.

I only hope that section 43 will be removed from the Act. This section relates to multiple listing requirements and we wanted to see this removed. This was the basis of our arguments previously. So the Opposition will look very, very carefully at this provision. We will not have much time, however, unless the Minister intends to leave the second reading of the Bill until March next year. Perhaps he will be able to tell us that.

Mr. Houston: We might be coming back Tuesday.

Mr. WRIGHT: The honourable member for Bulimba says that we might be coming back on Tuesday, but I think it is rather ridiculous to have legislation as important as this introduced on one day and then a few days later we have to try to debate it. It has been very controversial. Members of all political parties have held differing views on the question. It has even created some dissension in this Chamber, and I know that it has been the cause of much pressure being applied.

The auctioneers and agents' industry must be cleaned up so that confidence can be placed in the people who act within it. The point I make, Mr. Hewitt, is that people within the industry have been asking for legislation, not critics from outside. People such as the Q.L.R.E.A. and the R.E.I.Q. have said, "We must clean up sections of this industry. We must clean up the question of registration. We must ensure that people have confidence in the industry." Therefore, it is necessary to have good legislation.

On behalf of the Opposition, I say to the Minister that honourable members on this side of the Chamber will study the Bill very carefully; but at least I welcome it now.

Mr. GYGAR (Stafford) (12.6 p.m.): It is with some degree of delight that I, personally, see the proposed Bill being introduced.

As the Minister has assured the Committee that it will follow in general terms the provisions of the Bill that was the subject of considerable discussion in this Chamber in the earlier session, it is not my intention to rehash the question of multiple listing. At that time I expressed my feelings at some length and in some detail. Neither do I intend to again discuss the question of a single commission, because I take it from the comments made by the Minister a few moments ago that he has decided not to include in this Bill the provision that was in the earlier Bill.

As I understood what the Minister said, the proposed Bill will also eliminate the odious provision in the earlier Bill about legalised sharking. In the debate on that occasion, I protested very strongly against the introduction of a provision stating that the first person to get a signature on the dotted line would receive the whole commission and that would be the end of the matter. From the Minister's comments, I presume that no such provision is to be included in the proposed Bill, but I would ask for that assurance from him when he answers the comments of honourable members in this introductory debate.

I wish to direct my attention particularly to three aspects of the matters covered by the Auctioneers and Agents Bill that were canvassed when the earlier Bill was introduced and that I believe are of considerable importance. Two of them relate to sharks and fringe operators, who, unfortunately, for some reason or other, appear to be attracted to the business of agency, selling, offering for sale and dealing in land. One of the reasons may be the booming prosperity and go-ahead development in the last few years before the Whitlam Government came to office. It was a period in which the entrepreneur, the person who was willing to use his brains, take a risk on his future security, and gamble in real estate could sell real estate and make a tidy sum for himself out of the transactions. I do not think that is wrong.

Mr. Houston: If he overcharges the purchaser, it doesn't matter to you?

Mr. GYGAR: I have not said anything about overcharging. Once again the honourable member for Bulimba is launching into a socialist tirade, trying to make out that any entrepreneurial activity, any sort of gamble on the future prosperity of the

country, is wrong. Because any gamble on the prosperity of the country over the last three years was bound to go down in flames is no vindication of the honourable member's socialist theories. In fact, entirely the opposite is true. The reason why entrepreneurial activities have crashed over the last few years is the absolute incompetence of Mr. Whitlam and his cronies, who, as has been said by people in other places, could not manage a hot-dog stand.

Let me get back to dealings in land. Dealings in land are part and parcel of the activities of the business world in a developing and thriving community. As the community grows, so, too, does the use of land. Of necessity, the turnover, subdivision, resubdivision and resale of land becomes a crucial factor in that prosperity. It is only by the opening up of new land, the improvement of land and the trading of land that people in this or any other country can look forward to continued growth.

This activity was being pursued by good and honest people intent on providing good service, honest and fair assessment of potential, honest representation and agency of the people on whose behalf they were dealing, but, unfortunately, because of the large turnovers in land and the immense profits which could be made by snide operators, there were attracted to this field a large number of sharks and ne'er-do-wells whose only intention was to get in, make a quick profit—usually at the expense of the workingman—and get out again.

I should hope to see in the Bill two provisions that have been previously mooted in this Chamber. The first deals with agents who are purchasing on their own behalf. That would be one of the dirtiest snide tricks pulled by people supposedly in the know about the way buying and selling is handled. What those people used to do was to accept an agency to sell on behalf of some innocent client. Then they would effectively sell to themselves, usually at a rather deflated price, and at the same time take a commission. The result of that sort of activity could be exemplified in the used-car field. A dealer would take a car from a person and purport to sell it on his behalf for $1,000, but in fact sell it to himself for $1,000, take commission out of that $1,000, and effectively buy the care for about $800. He was then in the position, through his dealings and trading on the market with which he was aware, to resell the vehicle for $1,200, and thereby make a profit of $400—an enormous percentage. He would obtain that profit virtually under false pretences by purporting to have made an honest sale of goods on behalf of his client.

Mr. Aikens: One of the oldest tricks in the game.

Mr. GYGAR: Of course it is. The honourable member is one of the more sagacious members who know what goes on in the world of business.

I hope I shall be delighted to see provisions in the Bill which will prohibit that sort of practice. There is no doubt in my mind, and in the mind of every honest member in the Chamber, that that should be banned. I hope it is specifically and clearly banned. The person who sells to himself is in no way an agent of the person on behalf of whom he is supposedly disposing of the goods. An agent cannot have two masters; he either works for his client or he works for himself. If he is selling to himself, he is not working on behalf of the client, who has the right under a free and decent system of laws to expect that a person taking an agency will act fairly and honestly within the limits of that agency.

I would hope that the Minister will introduce in this Bill measures which would ensure that those bland, less efficient crooks who sell to themselves in their own name are prohibited from their future nefarious activities. I would also hope to see some type of legislation introduced whereby their friends, business associates, employees and others tied up in tangled corporate webs are also banned and prohibited from purchasing from an agent purporting to represent an innocent client. There should be only one method by which an agent gains his remuneration, and that is from the just returns of his agency—the commission paid to him, which is part of the recognised system of trade in our country under the free-enterprise system. If a person wishes to be a speculator in goods, that is an entirely different thing. Speculation and agency are two fields, and must be kept separate. I hope to see in this Bill firm legislative measures to ensure that they are kept separate. They cannot be intermingled without the client being victimised. I seek the Minister's assurance on that aspect.

The other method of fringe operation we have unfortunately seen springing up has also been a child of the severe economic climate we have been forced into by the incompetence of the Whitlam gang in Canberra. It has arisen from the fall-off in the building industry, which whether we like it or not, turns the whole rental business into a seller's market. Landlords are able to impose whatever restrictions they wish on land, houses and flats that they offer for rent.

Another unfortunate side effect is the near desperation in the minds of many people who seek accommodation within certain price ranges. In the past it was the normal practice of persons seeking accommodation to go to a reputable real estate agent—perhaps one who specialises in lettings—and ask if he had anything on his books. Alternatively, the common practice in Brisbane was to read the advertisements in the Saturday newspaper, in which could be seen a plethora of houses and flats for rental. Unfortunately, because of the non-availability of rental accommodation and the increase in the number of young

married people seeking accommodation, this has become a thing of the past. Houses and flats simply are not being built.

This has led to certain undesirable social activities, not the least of which is the gathering at about midnight Friday or 1 o'clock on Saturday morning at the Courier-Mail building at Bowen Hills of lots of young married people in search of accommodation waiting for the publication of the papers. Anyone who cares to go to the building at that time will see these people who, in sheer desperation, wait for the newspapers to come hot off the press so that, hopefully, they can be the first to telephone either the landlords or letting agents to obtain accommodation. It is a terrible state of affairs when young people have to resort to that to try to find accommodation.

It is also a terrible thing for anyone who offers a house or flat for rent. Certain people who have advertised flats have told me that they have received phone calls at 1 or 2 o'clock in the morning from young people who are desperate to find accommodation for themselves. They try to be the first person to answer the advertisements, which, in many instances, relate to houses and flats that are no better than rat holes.

As a result of this desperation among young people in search of accommodation, a new brand of shark has been unleashed onto the community. Certain snide, unscrupulous and despicable persons have set themselves up as agents when in fact they are nothing of the sort. All of us have seen them; they are well known. There used to be one such person in Petrie Terrace, who set himself up as someone able to find homes and flats for young people who are searching for accommodation. Words fail me in my search for a suitable term to describe these carrion crows who thrive on the adversity of others.

Mr. Moore: Vultures.

Mr. GYGAR: I thank the honourable member for Windsor; they are indeed vultures. From newspapers they cut out advertisements, type the details onto a sheet of paper, expanding those about mod cons and so on, and display a page that purports to contain details of a house or flat that is available for rental. They say, "We can show you where to find it." Unsuspecting young people go into these places, where the unscrupulous proprietors tell them, "For $10" or "$20"—depending on what they think the market can stand—"we will let you in to have a look at the type of properties we have available."

Mr. Houston: Are those places registered with any recognised organisation?

Mr. GYGAR: The ones that I am aware of certainly are not. They are fly-by-night vultures who prey on the community. I have no doubt that when we tramp on them this time they will crop up somewhere else.

Mr. Chinchen: Surely they must be registered to operate?

Mr. GYGAR: No. As I understand it, they are not required to be agents. They do not have to be registered agents. Anybody—any shark—can paint on a building a sign such as "Flat Finders Incorporated", compile sheets purporting to show that accommodation is available and fool young people into paying out money for them. Normally these sharks are inefficient and unwilling to spend a cent more than necessary. Rather than employ secretaries to prepare rapidly sheets of advertisements that appear on a Saturday, they get around, in their own good time, to typing the sheets themselves. It is usually the following Thursday or Friday before a sheet gets into their supposedly up-to-date files. In such circumstances young people say, "Here is my $20, give me 10 leads." They get them, but the trouble is that places which are in any way decent are taken up by 10 past 8 on the previous Saturday morning.

We must do something about these sharks. I understand that under the first Bill mooted it was planned to prohibit them by providing that no-one other than a registered agent could engage in any type of activity relating to the renting of flats, houses or other types of accommodation. The good part about having this activity restricted to registered agents is that they come under the supervision of the Auctioneers and Agents Committee. Many nasty words have been spoken in this Chamber about auctioneers and agents and their governing committees, but after considerable research I am satisfied that the governing committees are basically honest and look to the good of the industry. They are quite well aware that, if they hold themselves out to be the agents of sharks or committees governing sharks, sooner or later—perhaps later, but certainly eventually—the Legislature or the public will smash them for being racketeers.

These committees are concerned about the good of the public. Perhaps they have a selfish concern in that they are looking at the good standing of their members with this Legislature and the public, realising that it is critically important to their business profits. Nevertheless, they are interested in the good of the public. We need some sort of committee to oversee the activities of home-finding and similar services to make sure that they offer the service they purport to offer.

As I see it, a basic principle of agency is that a person who holds himself out to be an agent, and who collects a fee as an agent, must deliver value to his client. A person offering flats that have been occupied for from four to five days before being placed on his files is in no way offering his clients valuable consideration. If we are to support the laws of agency—and I do so most whole-heartedly—we must

crack down on sharks and ensure that only bona fide agents operate in this field and that their activities are clearly supervised.

I shall now refer briefly to the sale of land without a registered plan. It has been the practice in the past to allow land to be sold which is not subject to a registered plan held in the Titles Office. While the practice was inadequate, it was necessary because of the economic plight. In the former boom time the Titles Office and, particularly, the city council, could not register and approve plans swiftly enough. That time has passed. We now need the added safeguard of registration to ensure that people buying land are not prohibited from building, or improving a property, for any period longer than is absolutely necessary.

I am glad to note that, from time to time, the Minister has mooted that small subdivisions involving truncations and similar activities will not be affected by this legislation. The application of this measure in 1978 is to be appluaded. It is a good common-sense proposal designed to allow the industry to implement the changes that, hopefully the Minister will introduce; it will permit agents to adjust their business practices.

On the whole, this is a good, forward move. I hope that the Minister, in reply, can indicate his intentions concerning the matters I have raised.

Mr. AIKENS (Townsville South) (12.25 p.m.): Because of my respect for you, Mr. Hewitt, I am not going to introduce into this debate any matters connected with the coming Federal election. I think that is a foregone conclusion. Anything I might say about it would be redundant. However, there are two or three things I want to say about estate agents and various other people covered by this Bill.

It is about time that we reverted to the practice that existed for many years of allowing an estate agent to handle the conveyancing when he sold a property. Few would know the inconvenience and delay caused by the present system. When a person buys a property, the agent arranges all the papers and obtains all the signatures necessary, and then the matter is sent to a member of the legal profession for the conveyancing work to be done.

I make an appeal to the Government, too, to try to simplify the procedures involved in conveyancing. Many years ago I bought a home and did my own conveyancing. The procedures were complex enough then. Four or five years ago—or maybe a year or two more—my grandson bought a home and, with my help, he did his own conveyancing. Frankly, it was a herculean job. The cleaning of the Augean stables was nothing compared with the conveyancing work that had to be done by an ordinary person on the purchase of his own home. I do not know how many forms my grandson had to fill in and how many Government departments he had to go to to get those forms. In some Government departments he could not get the forms at all. I had to get them for him. The issue of those forms to an ordinary citizen seemed to be part of the activities of a secret society.

I do not think that that situation should be allowed to continue. I do not know whether the new Minister is in charge of that aspect of property sales or whether it comes within the ambit of the Minister for Justice. At least he could have a talk with that Minister and try to clear up the maze associated with the conveyancing involved in the sale of a piece of property.

Placing conveyancing in the hands of a solicitor is usually akin to dropping it down a bottomless hole. The poor unfortunate fellow goes back to the agent time and time again and says, "When will I get the papers in regard to my property? When will I get the deed? When will this matter be cleaned up?" If the solicitor thinks that the buyer is an ordinary citizen who does not know the rather tortuous thinking, processes and workings of the legal fraternity, he will usually say, "Look, your papers are up at the Titles Office." He might change that and say, "Your papers are at the Stamps Office."

A woman came to me not long ago and said, "I have been to my solicitor. I cannot get a balance at all, Mr. Aikens. My solicitor tells me that the papers are at the Titles Office." I did not know the facts of the case but I took a 99-to-1 chance, because those are the odds, and said, "You go back and tell your solicitor that he is a liar, and that I said he is a liar; that the papers have never left his office." I did not know the particulars, but it was a 99-to-1 chance. I could not lose.

She went back to the solicitor and said, "I have been to Mr. Aikens and he said you are a liar; that the papers are not at the Titles Office." Sure enough, they were not at the Titles Office at all. When she mentioned my name, he mucked around among his papers, got in one or two of his clerks, articled or otherwise, and said, "Oh, yes. Look, we really forgot. We gave that to one of our messengers to take up to the Titles Office on such-and-such a date. He is a dilatory fellow. I am always chastising him." They had not been taken up at all. They had never been prepared!

Mr. Jensen: The same thing happened to me in Bundaberg.

Mr. AIKENS: All of us experience it. I can remember the honourable member for Port Curtis bringing this matter up in the House. It has been brought up 150 times. That is why I think we should take the conveyancing out of the hands of the legal profession and give it back to the estate

agents—or, better still, make the conveyancing procedures so simple that the ordinary citizen could do them himself. People come to me and I have one stereotyped piece of advice to give to them. It is, "If you are going to come to me for advice and help, promise me that you will keep away from solicitors, and the further away you keep from them the better."

I know of a case concerning a person who paid a considerable amount of money for a home on, I think, the corner of Walker and Blackwood Streets in Townsville. A solicitor was acting for him. After the papers were completed, the money was paid over. As the matter was being dealt with by a solicitor, that took an interminable time. About five or six months later he received a very large bill and, as well, a demand from the council to do certain work on the building. When I made inquiries for him, I found that the council requirements had been on the building for three years, yet the solicitor had cleared it for purchase and said that there were no council requirements on it. The chap was up for about $900.

He said to me, "Can I get that $900 back?" I said, "Theoretically you can. If you talk to the Minister for Justice he will tell you that it is dead easy to get it back. All you have to do is to report it to the Queensland Law Society. But if you take my advice you'll keep as far away from the Law Society as you would from a typhoid carrier. Your only chance of getting that money back is to sue your solicitor." He tried to sue the solicitor—and honourable members know what chance he had of getting a solicitor in Townsville to sue the other fellow on his behalf. So the poor chap went down the drain for about $900.

Mr. Greenwood: That is not true.

Mr. AIKENS: It is true, and if the honourable member is trying to oleaginously toady to the legal profession, he is wasting my time and the time of the Committee. If the honourable member for whatever electorate he unfortunately represents (by the grace of God and the gullibillity of his electors he is in this Chamber) looks at the pages of "Hansard" of a few years ago, he will find that I actually gave the name of the solicitor and everything else connected with that case. That man bought a home in good faith, paid money in good faith to a Townsville solicitor, and months later was slugged with a council requisition that had been on the house for years before the solicitor sold it as an agent.

Mr. Greenwood: What I said was not true was that a man would find difficulty in obtaining representation to sue another solicitor.

Mr. AIKENS: I do not mind the honourable member for Ashgrove saying that, but I think that we all object to his believing that we are all so gullible, infantile, naive or unsophisticated that we would believe it. Let anyone try to get one solicitor to sue another. Put it to the test. As a test case I might get the honourable member for Ashgrove to act for me. I am sure that he will make a mistake while he is acting for me. Then I will sue him and see if I can get a solicitor, even in this great big rat warren, to represent me in a case against him.

Mr. Greenwood: I am not very good in criminal cases.

Mr. AIKENS: Of course, he would not have anything to do with me because, as Nugget Jesson would say, I am a criminal of the first water.

The honourable member is not in court. In this Chamber he talks to men, many of whom came up the hard way. We earned our living out in the great big, open world beyond the confines of this Parliament and beyond the confines of the law courts of this land, and we know what goes on.

Mr. Jensen: Only a few of us left, too.

Mr. AIKENS: There are only a few of us left. After I was born, they threw the mould away. Nevertheless, that is the way it goes. The honourable member for Ashgrove should not think that members of this Parliament are as unsophisticated, gullible and as infantile-minded as the people he deals with in his chambers.

There is another matter concerning estate agents that requires attention. The Government member who spoke first on this Bill touched on it.

An Honourable Member interjected.

Mr. AIKENS: Well, it was a very good speech. It was very well prepared and delivered excellently. At least I could understand what he was saying. He concentrates on lucidity—and that is something very few members do.

Mr. Murray: The honourable member for Stafford.

Mr. AIKENS: I do not know where he comes from. He took the seat from a very good man and appears to be a very good man himself. The case I refer to is that of agents jacking up the rent. In these days quite a lot of people outside provincial cities in the country and various other places are buying city properties as an investment and in the hope that they might get something out of it. They leave everything in the hands of the estate agent. The first thing an estate agent does if a fellow has an eye on a block of flats is to go along—I have mentioned this and given names a dozen times—to the tenants in that block of flats and jack up their rents, say, from $35 a week to $55 a week. Some of them, of course, have to pay it to keep a roof over their head. Then he draws up a list of six flats at $55 a week bringing in

a total rent of $330 a week. Then on the basis of that deliberately jacked-up, false-value rent, he takes it to the fellow in the country—sometimes a chap who came from another country and made a few pounds here the hard way—and says, "Look, here is a wonderful block of flats in Townsville with $330 a week coming in." Of course, he is able to convince the fellow from the country that he should pay a staggeringly high price for it. He might convince him that he should pay $55,000 for the property. But what the buyer does not realise is that the estate agent, having jacked up the rent from, say, $230 a week to $330 a week, has got in first and bought the property himself for $35,000. So he sells the property he bought himself for $35,000 to this chap for $55,000. Of course, if the new buyer wants to continue renting the flats, he goes on collecting the commission on the falsely increased rentals of those flats.

So when we are dealing with estate agents, we are dealing in the main with a rather shady group of people. Now and again one strikes an honest one but they are very few and far between. When we are dealing with the legal profession, we are dealing with an even shadier group. I think the people should be protected against them both, and I am going to appeal to the Minister for Justice who has introduced this Bill to do all he possibly can to ensure, as I have always asked him to ensure, that this Parliament bides by our first duty, our first obligation, which is to protect the little people, the ordinary people who have no means of otherwise protecting themselves.

I protect a lot of people in Townsville, as have I told honourable members. My first more or less order to them when they come to see me about a business matter is to keep away from solicitors—"If you go to a solicitor, don't come back to me." I think that if all members adopted that attitude and we all stood up in this Chamber and fought for the rights of the little people, we would be better representatives than we are.

Mr. LOWES (Brisbane) (12.38 p.m.): I do not remember very many legal maxims, but when I hear the honourable member for Townsville South talking about doing his own conveyancing I am reminded of that old one that the man who acts for himself has a fool for a client. When I hear him talking about the change which has taken place in the time since he bought a property and when his grandson bought his property, it illustrates quite clearly the change that has taken place in the complexity of conveyancing in the intervening period. We now see drainage problem areas. These are matters which, although real, were not matters for the council in the time when the honourable member bought his own home. Town plans are something new, as are resumptions made by the Main Roads Department as a result of town plans and reports such as the Wilbur Smith Report. The effect of these things is so far-reaching that a man who attempts to do his own conveyancing puts himself at a grave disadvantage. He might well part with his money and find he has acquired nothing or find that he has acquired something which has an encumbrance upon it. They are only a few of the problems which are attached to conveyancing in this day and age.

Let us look at the matter of contracts. I see the honourable member for Sandgate in the Chamber. He invited me to look at a contract recently to see whether it was an enforceable contract. Not all contracts are simple and straightforward. They can be varied; they can become effective at a date far into the future, as was the one that the honourable member for Sandgate brought to my attention; they can also present problems for the purchaser in the provision of purchase money, and from this can arise problems of gift duty and stamp duty. A search in the Titles Office is never simple and straightforward, and often more problems are associated with it.

Conveyancing is not rightly the work and duty of real estate agents. A real estate agent has the function of finding a purchaser. He is the agent, and that is something which he must always remember. He must remember, too, who is the principal—the person who has enlisted him for the particular purpose of finding him a purchaser.

The honourable member for Rockhampton voiced some concern—he may also have voiced some concern on behalf of the few supporters that he has—about the effects of the Bill. I say to him that his concern is unfounded. As the Minister outlined in his introductory speech, the Bill is for the benefit of the people, and also for the benefit of the auctioneers and agents—the people who are licensed under the Act.

In addition to the Minister's introductory speech, I refer honourable members to a letter from the Minister that appeared in "The Courier-Mail" on 15 July last, in which he said—

> "In effect, this will make multiple listing arrangements a matter of common law, as they are in New South Wales, where multiple listing operates very effectively and in the public interest.
>
> "Likewise real estate agents will not be prevented from obtaining sole agency to sell property. Again this practice will become a matter of common law. It is hoped to encourage the practice of selling by sole agency.
>
> "Since the changes to the Act were first proposed there has been ample opportunity for all interested groups to consider the proposals and offer alternatives.
>
> "A seminar on the Bill was attended by more than 500 licensed agents and I believe that agents generally are now better informed on exactly what the changes will mean."

That would be some consolation to any person who might have genuine concern about what is intended by the Auctioneers and Agents Bill.

Earlier in the year honourable members were being snowed—I think that is the proper term to use—by people in the industry. I refer particularly to a brochure that I received containing an article by Mr. D. J. Bingham in which he made these comments—

> "It is obvious that the legislation relating to auctioneers and estate agents and its implications are not apparent to many people. It may not concern the public generally, I suppose, unless they are wanting to sell or buy a house.
>
> "I am concerned to realise how few active auctioneers and real estate agents understand the law . . ."

In my opinion, a lack of understanding may be the cause of the concern of the honourable member for Rockhampton, and there is certainly a lack of understanding amongst agents in particular.

Only this morning I had an instance in which an agent who was acting as principal for a landlord told a tenant that she would have to vacate immediately because her rent was then one week in arrears. He told her that the rent which she had paid previously had been paid only for a trial period, and that as the rent had then gone into arrears, she had not succeeded in the trial period and was bound to vacate immediately. Either that particular agent was unaware of the provisions of the Residential Tenancies Act or of the Termination of Tenancies Act, or he was attempting some type of try-on. An understanding of the law should be obligatory on all persons who practice as auctioneers and agents.

The question of sole agency is a vexed one. It is perhaps the underlying problem with multiple listing and auctioning. Earlier this year we went to New South Wales and Victoria to see what the practice is there. Whereas in Queensland the listing of properties for sale with the general agency would represent about 70 per cent of listings, in New South Wales and Victoria the position is quite the reverse. General listings are so unpopular with agents down there that they rate them at about 10 per cent of the listings received. It is interesting to note that they regard the original listing as the most important function of their agency, whereas I understand that in Queensland perhaps the listing of a property is taken over the telephone, with little more than that being done. In the southern States, after a listing is given, the agent goes with the owner to the property, inspects it thoroughly and notes all of its aspects, such the the number of bedrooms, services available, proximity to schools and transport.

That means that when any person makes inquiries about the availability of homes in a particular price range and offering certain facilities, the agents know exactly what they have. The listing of a property is not just something that has been given to them over the telephone by an owner who quite rightly might have a rather rosy view of his own property. In Queensland by far the most prominent listing would be the general agency listing.

We also learnt that auctioning is very popular in those States. That may be on the increase in Brisbane, as instanced by the number of properties we see listed for sale each Saturday. Photographs are published which show the best aspects of the properties being offered for sale. It would be unreasonable to give other than sole agency for the auctioning of a property. Any auctioneer who accepts the listing of a property for auction requires the landlord to meet some of the advertising costs, including the cost of any photographs published in the Press. But there is more to be done by an agent who has the duty of auctioning a property than merely inserting a photograph in a newspaper that would have the best coverage. That is evident by the circular letters that reach solicitors. In fact, those circular letters are sent to all sections of the community where there may be some interest in a property, particularly a commercial property. Very often the advertising of commercial properties extends to interstate and, at times, to overseas.

Once an auctioneer accepts a property for auction and engages in the necessary campaign to adequately advertise it in order to do the proper conditioning for auctioning, he should not be denied the right to sole agency. It would be unreasonable to deny him that right. An auctioneer who went to all that bother would have good cause for complaint if on the morning of the auction he found that the property had been sold by private treaty by some other agent who had not had the duty of auctioning it, and consequently the auctioneer obtained no commission. That would be quite unreasonable, and therefore sole agency must continue to exist in that field.

Sole agency as a simple form of sale is another type of selling that is adopted in New South Wales and Victoria, in contrast with what happens in Queensland. I have made some inquiries among real estate agents in Brisbane who have what I would regard as fairly general practices, and I am assured by them that the number of sole agencies they have would represent scarcely 20 per cent of their business. It is almost a rarity for a property owner who wishes to sell his property to place it in the hands of a sole agency simpliciter.

Sole agency has certain advantages, and it might be something that should be encouraged by auctioneers and agents. By giving sole agency a property owner gains the advantage of limiting the number of persons who will want to inspect his property for the purpose of listing it. On the other hand, under general agency it is not unusual for

many agents or their salesmen or representatives to want to gain access to the home so that they might obtain full details of it. Under sole agency, one agent alone has the right to introduce would-be purchasers to the owner.

Sole agency offers encouragement to the agent, who knows that he is the only person who will receive commission—the remuneration that the agent receives for his services—on the sale of the property concerned. I suggest that real estate agents in Queensland encourage the sole agency system, because it has been adopted quite extensively in New South Wales and Victoria, where it is regarded as being an ideal way of listing properties put up for sale. Many agents have assured me that without sole agency they would not even contemplate advertising in the Press or by other means properties that are placed in their hands.

With both auctioneering and sole agency simpliciter, a restriction is imposed upon other agents. Under multiple listing, however, which was introduced in 1971, this restriction is lifted. We have multiple listing again with sole agency. This is merely another means of selling properties and of presenting properties for sale. It is another means of circulating information concerning properties for sale within reasonable limits.

In New South Wales and Victoria the system of multiple listing is adopted and it works very well. In those States there is not, as there is in Queensland, a statutory form of multiple listing. When the Queensland system was explained to real estate agents in New South Wales, they were astounded to learn that a real estate agent who carried on business, for example, in the centre of the city could in fact multiple list properties as far away as Ipswich and Redcliffe. In New South Wales and Victoria multiple listing occurs only in metropolitan areas, and even then it is limited to suburbs.

Each State publishes a journal listing the properties that are offered for sale in various suburbs. The New South Wales journal is entitled "Weekly Realtor". Multiple listing agencies do not extend beyond those suburbs. In Queensland we had what may have been a first, fine, careless rapture under multiple listing; agents in Queen Street were multiple listing properties 25 miles away.

The removal from the Act of multiple listing provisions will not adversely affect real estate agents who presently enjoy any benefits that may flow from multiple listing. They would still be able to do exactly as they are doing now. It would seem that if they are to get the best out of multiple listing they would be wise to follow the practice adopted in New South Wales and Victoria, that is, to sell within their own suburban areas.

One of the important provisions in the Bill relates to the limitation on the sale of unregistered land. The sale of unregistered land is not restricted to Queensland, but in recent years Queensland has been subjected to a deal of unsavoury publicity owing to the sale of such land on Stradbroke, Russell and other islands. Similar sales have taken place on the mainland. In such circumstances it is incumbent on the Government to restrict the sale of unregistered land.

One of the problems associated with buying unregistered land is that the purchaser may well buy land that does not measure up to what he believed he was buying. The final design of the land may be different from the design on the plan shown to the purchaser because the plan was merely a proposed plan—a plan that had not been approved by a local authority.

I am well aware of the delay that occurs between the time development commences and when the title for each block is issued. This problem existed about two years ago.

Mr. Aikens: You do admit that land is sold without a clear title?

Mr. LOWES: That is the problem we are trying to remedy. There is no way to remedy it other than to do what we propose, that is, to prohibit the sale of designed land that is unregistered.

I am well aware that there have been delays—and delays by local authorities have been quite extensive. Because of the decrease in demand for land in the last two years, far fewer plans are being presented to local authorities and the Titles Office. I am assured that as recently as yesterday a subdivisional plan could be put through the Titles Office in less than a month, and sometimes in as short a time as two weeks. The problems that existed about two years ago are now non-existent.

In restricting the sale of unregistered land we will not cause any unnecessary hardship, particularly as the Minister indicated that a period of readjustment is being allowed. He also indicated that the Bill provides for the Auctioneers and Agents Committee to be incorporated. While there have been no problems in administering the industry, it is envisaged that there could be. The industry should control itself. As a Government we do not believe in intruding on any industry. We believe that when an industry with a fiduciary function similar to that of the auctioneers and agents industry is involved, the public is entitled to protection. That is in conformity with the consumer protection that the Government has introduced. We believe the principle should be extended to the consumer who buys land. Although there has been no problem, we foresee that there could be problems and, on that basis, we believe that the committee—the administrative body—should become incorporated. I support the Bill.

(Time expired.)

[*Sitting suspended from 12.59 to 2.15 p.m.*]

Mr. GREENWOOD (Ashgrove) (2.15 p.m.): I would like to express the gratitude of many Queenslanders to the Minister for the enormous amount of work that he has put into the preparation of this Bill. It is work that has continued for almost two years. In particular, after the Bill was introduced more than eight months ago it was allowed to lie on the table so that the debate on its provisions could go out into the community to enable the people to see precisely what was proposed and to indicate their views.

Speaking as a member of the Minister's committee, I would like to say how much benefit I have gained from the feedback that we have had. Both the major associations representing real estate agents in this State have gone to a lot of trouble to present us with reasoned arguments on the various provisions of the Bill. This illustrates the great benefit to Parliament of encouraging a measure of public debate.

Mr. Chinchen: Hear, hear! There should be more of it.

Mr. GREENWOOD: I could not agree more.

Our society at present is one of the best educated in the world. We have tremendous resources of expertise outside the ranks of civil servants and honourable members who sit in this Assembly. It would be stupid for Australian politicians to believe that they hold anything like a monopoly on the skills necessary to enact good legislation. I think that in the future all Parliaments have to be prepared to submit their proposals to the suggestions of a highly educated, skilled community. In the United Kingdom for many years now it has been the practice to publish white papers, green papers and papers of various other colours with the object of allowing the community to see precisely what is proposed, and to criticise and suggest alterations.

Mr. Jensen: It would be good if they put one out on solicitors and their charges and rackets.

Mr. GREENWOOD: The honourable member for Bundaberg is trying to steal the thunder of the honourable member for Townsville South, who is not even here. He is the only one who is allowed to talk like that.

Speaking for myself, I deplore some of the remarks of the honourable member for Townsville South. He referred to Queenslanders who are in the real estate business as, in the main, a shady group of people. All I can say is that that has certainly not been my experience or the experience of most Government members of the Assembly. On the contrary, as I have said we have derived an enormous amount of benefit from the careful and reasoned arguments which they have put to us. I hope that there will be many more opportunities in the future for groups such as theirs to present reasoned submissions to the members of this Parliament.

Reverting for a moment to the efforts made by the Minister to achieve a consensus on the Bill—I should mention the seminar he organised, which was attended by approximately 500 or 600 real estate agents and provided an excellent forum for the ventilation of various opinions.

Mr. Jensen: I don't know why he organised it. They are up in arms over this Bill. He didn't do a good job organising it.

Mr. GREENWOOD: Certainly many people were up in arms over some aspects of the Bill. Various people dislike various things about it but instead of just pushing it through the way some Governments might have done, and instead of following the example of Whitlam and his crew in Canberra, our Minister for Justice admitted the possibility that his Bill could be improved and that some aspects of it might not be perfect. He therefore went to the community and sought their views. That is the difference.

Mr. Jensen: He has done that a number of times, but other Ministers have pushed Bills through. The Justice Minister has always done the right thing.

Mr. GREENWOOD: Well, that was the approach that he adopted and, as a result, we now have a very much better Bill.

Not only did the Minister seek the advice of people actually working in this field in Brisbane; he and his committee also went to New South Wales and Victoria to see how other States had solved this particular problem—or, should I say, this particular set of problems. After all of that work he has come back and introduced this Bill.

When looking for the solution to this very vexed question of sole agency, multiple listing and multiple commissions, it is interesting to note that what the Minister has decided to do is to remove some of the legislative provisions which have been causing trouble and to revert to the common-law situation. While we are in the business of paying compliments, we should perhaps acknowledge that after all of these difficult debates, after examination of all the alternative solutions, and after some of the most heated controversy that has surrounded any Bill in recent years, the ultimate solution that Parliament is adopting is restoration of the common law.

So, in rising to support the Bill and in complimenting the Minister on introducing it, it is perhaps worth while recording that we Queenslanders have the benefit of living under a legal system which, far from being as black as the honourable member for Townsville South would paint it, is in fact so sophisticated and just that it represents the considered view of all of us and has produced the best solution to these very difficult problems.

Mr. M. D. HOOPER (Townsville West) (2.25 p.m.): Although I shall be sitting next to the honourable member for Townsville South in the aeroplane on the way home to Townsville, I think I must join with the honourable member for Ashgrove in offering some criticism of some of the comments made by the honourable member in his speech on this Bill.

The honourable member for Townsville South castigated real estate agents generally, which I think is a shame. I have a first-hand knowledge of the real estate agents who operate in Townsville. Up till six years ago I had spent 25 years in that occupation in that city and during that time I got to know all the real estate agents very well. I can say with certainty that, almost without exception, the members of that profession acted in accordance with the high ethics of the profession and did not engage in the malpractices suggested by the honourable member for Townsville South.

Mr. Jensen: I thought he was just talking about solicitors.

Mr. M. D. HOOPER: I shall get round to that, too. He did mention that at times real estate agents purchase properties and sell them at a substantial profit. I think a person engaged in that calling has the right to purchase a property, but if the honourable member for Townsville South has any first-hand evidence that there was malpractice on the part of an agent in purchasing a property and reselling it quickly at a profit, he should have advised his friend or relation to see a responsible solicitor. I feel sure that a solicitor would have made this person aware that there is a section in the Auctioneers and Agents Act which protects vendors from the possibility of an unscrupulous agent purchasing the property himself.

Under the Act it is mandatory for an agent (or a member of his family) who purchases a property listed with him to advise the vendor that he is the purchaser and the vendor should give him something in writing to make the subsequent buyer aware that the agent or the member of his family is buying the property and that the vendor himself considers that the price he obtains is the best he can get on the market at that time. I do not mind telling the honourable member for Townsville South and other members of the Committee that that is part of the Act; and I am sure that the honourable member for Ashgrove will confirm that.

There were charges also that agents indiscriminately raise rentals on properties. This is not true. The agent is always the meat in the sandwich. There are some landlords who are hungry and will continually try to raise rents. If the local authority increases rates by $20 or $50, some landlords immediately want another $200 a year in rent. They say to the agent, "I want you to tell these tenants I want an extra $5 a week. If they don't pay, they can get out." In such cases the agent has to do what the owner says and advise the tenant accordingly. If he refuses, the landlord takes the property out of his hands and gets some agent across the road to collect the rent.

Mr. Frawley: The landlords are never game to do the dirty work themselves; they always put it on the agents.

Mr. M. D. HOOPER: That is what they employ agents for. In fairness I say that this is not generally the case with most landlords. The majority of landlords in the business of earning income from rentals are aware that, taken over a period, the reliable, honest and trustworthy tenant who pays a reasonable rental is a far better tenant than the one who might pay a high rent today but not pay the rent next week. In the long run, landlords miss out with such tenants. Landlords realise that fact and do not try to increase rents haphazardly.

Turning to the Bill itself—it was fairly well canvassed on the earlier occasion when it came before the Parliament. I do not wish to explore many of the provisions in the Bill except to say that I agree with what was in the previous Bill with the exception of the provision dealing with multiple listing. As I recall, multiple listing was first canvassed about 10 years ago in Queensland, and the agents in North Queensland, at least, had no wish to participate in such a scheme. We saw it simply as one whereby a lazy agent could merely go around and obtain listings and put them on his book, and then for the rest of his time, until the property was sold, sit on his backside waiting for some enterprising agent to make the sale.

We always considered that the agent who was the effective cause of the sale was entitled to commission. This was the principle that applied. Most agents abided by it and were never happy with multiple listing. However, we did like sole agency in some cases. Because of their particular use or the locality in which they are located, some properties are very difficult to sell. That means that a great deal of money has to be spent on advertising and much time has to be devoted to promotion. In cases such as that, I believe that agents should be given the protection of sole agency, and the vendor should be prepared to give sole agency if he wishes to have an energetic agent pursuing the sale of his property. Over the years, it has been the normal practice in cases of that type for agents to share commission. It is not uncommon to see an advertisement by an agent having sole agency saying, "If any member of the R.E.I.Q. or other association gets in touch with me with a possible purchaser, I will share the commission with him on a particular basis." So I think there is a great deal of merit in making provision in the Bill for sole agency.

I do not wish to pursue the matter any further, other than to say that I think it is high time these amendments to the

Auctioneers and Agents Act came into being in Queensland. I fully support the proposed Bill.

Mr. LAMONT (South Brisbane) (2.31 p.m.): I support the Minister in his introduction of this legislation. In common with other members of this Assembly who have preceded me in the debate, I have taken a close interest in the Bill from the very beginning.

It will be recalled that a Bill was introduced at the very end of the session earlier this year and laid on the table so that the public, agents and others would have the opportunity to comment, and I believe that we are all better informed because of that. Nevertheless, I have some reservations about the industry as a whole. As this is the introductory stage, I should like to refer to some of them in my speech today.

First, I look at the question of multiple listing. It has been defended to me by many people, and I was present at the seminar of which the honourable member for Ashgrove spoke earlier, which was attended by some 600 people—lawyers, real estate agents, members of the public and, of course, many members of this Assembly. I was convinced that there were many advantages in multiple listing; in fact, one would have to be blind not to see the many advantages of multiple listing if in fact it were to work ideally. Obviously, the vendor gets much wider advertising of the property that is for sale, and that increases the opportunity for sale. If that were all there was to it, there would not be any argument against multiple listing as it stood under the Act. However, I believe that some agents have taken advantage of the provisions of the Act. Some multiple-list property, then sit back and say, "Well, somebody else will push it for me. I am too busy at the moment" or "I can't be bothered" or "I am not interested in that property. With any luck, having multiple-listed it, I will still cash in a bit at the end when somebody else gets it rolling for me." I am certain that does happen. I hope it is not so widespread that one would be able to say that the majority of agents operate in this manner, but I am certain that some do.

I am interested particularly in the aspect of sole agency. Sole agency is to some extent a misnomer, I think, because when I first heard the phrase, looking at it with the advantage of a knowledge of common English usage, I took it to mean that no other agent could cash in on a commission where an agent had sole agency. But sole agency as it existed under the Act meant much more than sole agency in the common English usage sense. It meant in fact sole right to proffer, and that meant, Mr. Hewitt, that if you or I put a house up for sale and we gave it to an agent who multiple-listed it, that agent would have sole agency, or, should I say, a sole right to proffer that property for sale, for two months. If, indeed, in that period no buyer was forthcoming, he could multiple list it again for a further two months, retaining sole right to proffer.

It could happen—I have seen it happen in individual cases—that there was some urgency of sale, the right price was not forthcoming, and a relative—a brother, or even a father—could say to the vendor, "We realise that you want to shift this property so you can take up your new position in Melbourne or overseas, or whatever the case may be. We have decided that we will buy it—we rather like it—and we will give you the price you are asking." But the owner could not sell the property even to a close relative without paying a commission to an agent who, in these circumstances of sale, would not have done anything to bring about the sale. I do not believe that sole agency in that sense was a very proper thing to continue, and I congratulate the Minister for taking steps against that.

At the seminar referred to by the honourable member for Ashgrove, we were informed by an authority on commercial law—Mr. Forbes from the university—that it is still possible under the proposed legislation for an agent to write into his contract sole agency in any terms that he may like. If the other party is prepared to sign it, an agent or any person can write virtually anything he likes into a contract, as long as it is not criminal. There is no reason why sole agency, in the terms we normally understand "sole agency", should not be written into a contract for agency, and thus revert to common law, as the honourable member for Ashgrove correctly pointed out. I congratulate the Minister on taking that step. At one time some publicity was given to the proposal that that be overruled by an additional amendment. I am glad to see that that amendment is not forthcoming.

The honourable member for Townsville South talked about agents being a shady group in the main. I should hope it is the other way around. I know there are some who are shady, as there are in any profession or job. I should hope his words "in the main" would apply to the more honourable members of the profession, and that they are not a shady group in the main but a shady group in the minority, at most. I am certain that the members of the profession I have spoken to, particularly about this legislation, have been in the majority, and consequently honourable people. Of course we know that some people abuse their position.

At the end of the debate on the Lands Estimates, I took the opportunity, perhaps a little mischievously, to speak about an incident which really did not come under those Estimates. However I received the indulgence of the Chair and I spoke about an agent who abused his position in a matter concerning an elderly lady in my electorate. Briefly I would like to recap that

because I am going to back it up with a second case that has been brought to me since then as a result of the publicity that was given by the media to the first case I mentioned. The entire credibility of the Real Estate Institute of Queensland hangs on cases like these. I believe that the institute in the past has given assurances that these sorts of things could not happen with R.E.I.Q. members. I can assure it that they have happened with R.E.I.Q. members. Some of those people are still R.E.I.Q. members. Until the R.E.I.Q. cleans up its own house, its credibility in other matters must be at stake.

On that earlier occasion, I spoke of an agent who had multi-listed a property in East Brisbane for $23,000. When it did not shift in two months, he told the elderly lady who owned it that he would get a carpenter to look at the structure to see if that was why it was not attracting buyers. After the carpenter inspected the property and talked to the agent, the agent went back to the lady and said, "It obviously is not going to bring $23,000." They negotiated a little more, and the upshot of it was that the agent himself signed up the property and bought it for $11,500. I believe that he also gave himself a commission, which I know to be against the law, and which I hope will be fully investigated when I send a copy of this speech to the appropriate authorities. I also intend to send a copy of it to the president of the R.E.I.Q. because I would like to see that agent struck off the institute's list. I also intend to take further action because I believe that such a man should never be allowed to practise or be turned loose on the public again, if the allegations are true.

Mr. Houston: He is a member?

Mr. LAMONT: Yes. He was a member of the R.E.I.Q. at the time, and I believe he still is. He bought a property roughly worth $23,000 for $11,500. He then got in touch with me. I regret to say that it was through the lady's solicitor—the solicitor of the person who was so badly done by. It was through him that he found out that I was taking an interest, which, incidentally, I felt was somewhat a breach of confidence. Anyway, he contacted me and I discussed the matter with him. He told me that solicitors and barristers that he had consulted told him that his contract was good and he could enforce it in the courts, and that he intended to proceed. I said that I felt that, whether the solicitors or barristers had told him that he was legally safe, he certainly did not have the force of morality on his side. I asked him whether he could see that the moral issue was quite a different thing from what he could legally get away with in the courts. He said he did not feel he had done anything wrong legally and therefore did not feel he had done anything morally wrong. I found out then that, in addition to having bought this property for half price and having done the lady, if I may use the colloquialism, out of $11,500 to $12,000 he insured the building for $10,000. We knew the land was valued by the Valuer-General's Department at $8,500, so he put an admitted price on the property of $18,500. Therefore, even in his own conscience, he must have known that he had done the lady out of at least $7,000.

I put the matter to him in these terms, and he refused to accept the proposition. It was only when I mentioned to him that there was such a thing as parliamentary privilege and that persons of that type can be named in Parliament that he changed his attitude. I told him that, if he refused to tear up the contract and intended to proceed with the contract, I would name him in Parliament, tell the entire story and send a copy of my speech to the "Sunday Sun". Persuaded by this sort of logic, that gentleman—if I might use the term—agreed to tear up the contract.

Unfortunately, his solicitors, who, I believe, had given him somewhat unfortunate advice—they had given him legally correct advice, and many people may take the view that that is all they are called upon to do (I believe that solicitors ought to talk about morality to clients as well as about legalities)—they wrote to me to convince me that I should not take the matter any further. They said that he had torn up the contract and the lady had her home back. What they did not tell me, however, was that they had placed a caveat on the property and the caveat was still in existence at the time they wrote to me; nor did they tell me whether or not the fellow was still thinking about disputing the matter if he thought he could get away with it. They seemed to miss an important point, which was not that the lady get her property back but that a fellow such as that should not be allowed to operate his wiles upon the public. The solicitors attempted to assure me that if I raised the matter they would take it further. I, in turn, assured them that there was very little they could do legally if I raised the matter in Parliament. And I did that during the debate on the Estimates of the Lands Department.

I see the Minister for Lands has entered the Chamber to hear this story for a second time. That indicates, no doubt, that it must indeed be a gripping one.

Provoked by the solicitors who acted for that fellow, I raised the matter during the debate, and subsequently the caveat was raised too. Thanks to the co-operation of the Chairman and the indulgence of the Minister for Lands as well as the honourable members in allowing me to raise the matter, and thanks, too, to the co-operation of the Press reporters who wrote up my story, this lady has been saved from an unfortunate situation.

The tragedy is that this is not an isolated incident. The day after I spoke on that matter, persons connected with "T.D.T." asked me if that was the only case I knew of, to which I replied, yes. But I spoke too soon; within four days I had received phone calls from several other persons who had suffered similarly at the hands of agents, who were members of the R.E.I.Q. Agents had bought up their properties and sold them to other agents and either charged commission or, and for all we know, split the commission. They had made profits from unsuspecting vendors.

One of the curious coincidences about all of these instances brought to my attention—I must confess I have not investigated them fully, but I am prepared to accept that in each instance there is at least a prima facie case—is that in all cases the vendors involved were old ladies, many of them widows.

It is up to the R.E.I.Q. to ensure that unscrupulous agents are weeded out. This matter must, of course, be looked at by bodies other than the R.E.I.Q., because agents outside the institute are involved. This is a matter that is proper for Parliament to examine.

There should be some way of providing that every purchase made by a licensed agent is subject to scrutiny. I do not pretend to have the answers to all these problems, and I do not know how this should be done. Perhaps the honourable member for Brisbane (a member of the Minister's committee and a solicitor) or the honourable member for Ashgrove (also a member of the Minister's committee and a barrister) or other members who were or are real estate agents could come up with suggestions. It seems to me that we should ensure that when an agent buys property, he buys at a fair price and gives the vendor value. Just as it is illegal for an agent to charge commission in such a case—he is a party to the contract—it should be illegal for him to gain an advantage from a contract by virtue of his advantage in having professional knowledge. The public must be protected.

If we can establish some method by which we can examine these transactions, and if instances such as the one I have detailed come to light, the people concerned should be struck off and never allowed to practise again. If doctors and lawyers can be struck off, agents should be in the same position and never allowed to again perpetrate their wiles on the public.

I intend to send copies of this speech to the R.E.I.Q., to the statutory committee and to the agency that employed this man, although I am told that he is no longer working for it; I have no proof of that. I intend to send copies of my speech to these various people in the hope that action will be taken. I hope, too, that the Minister will give some serious thought to statutory ways in which incidents of this sort can be prevented so that we may protect the public from agents who seek to take advantage of their position and make a killing. I believe it is part of our duty to protect the public. In fact, it is probably the greatest part of our duty as members of this Assembly.

I intend to speak at the second-reading stage on the detailed aspects of the Bill. From what I know of the proposed measures at this stage, I can only say that I am delighted at the way the Bill has turned out and the way the Minister feels about it. I am sure that the community will accept the Bill in the form in which it is presented, and benefit from it. I commend the Minister's action.

Mr. MILLER (Ithaca) (2.47 p.m.): As has been said by a number of honourable members, the Bill has lain on the table since 23 April this year. Very few Bills are put to such a test. I cannot criticise the length of time that elapsed before it was brought back to the Chamber; in my heart, I believe we should have longer to consider legislation than we usually do. But I do criticise the fact that this is but one of two or three Bills that has been subjected to the rigours of such testing. While I cannot criticise the delay, I do criticise the fact that more legislation is not subjected to the same rigorous testing. After all the delay, we have come up with exactly the same answers that we had in April 1973 and exactly the same answers as we had in 1974. I am very pleased to note that at last it has been presented to us to become law.

In the intervening time, many innocent people have been hurt. Many innocent people lost commissions through the operations of the multiple listing bureau, because our legislation required that all commission had to be passed to the agent who was a member of the multiple listing bureau, whether he sold the property or not. Many people were hurt while the passage of this Bill was delayed. It is to be hoped that from now on it has a very speedy passage.

I thank the Minister for the opportunity of going to Sydney and Melbourne with him and his committee in the intervening time. As members of his committee, we were able to see at first hand how the multiple listing bureaus operated in Victoria and New South Wales. I can only say that the multiple listing bureaus in those two States were shocked when they were told of the privileges that the R.E.I.Q. multiple listing bureau enjoyed. Not for one moment did they think that they should enjoy the same privileges. Multiple listing works very well in New South Wales and Victoria, but the bureaus do not have the same privileges as those which applied in Queensland for a number of years. I do not believe the Minister of the day intended to give the R.E.I.Q. multiple listing bureau the powers that he gave to them when he introduced the legislation.

Mr. Houston: We argued it out.

Mr. MILLER: We certainly argued it out.

Mr. Houston: He knew what he was doing.

Mr. MILLER: With due respect, I think he became confused between multiple listing and sole agency. I really believe that happened. I do not think he was au fait with the real estate industry. I think he came in here quite blind to the problems he was creating. Unfortunately, when we do create a problem in this place, it takes one hell of a time to change it—far too long. In the meantime, people are victimised because of wrong legislation. So I am pleased that at last we are doing something to rectify it.

What do these amendments mean to the general public? They will mean that the multiple listing bureau will carry on. There is no question about its going out of being. There will still be the right of sole agency and there will still be the Real Estate Institute member who wants to sell a house in the normal fashion. However, it does mean that the ordinary person in the suburbs who did not realise what he was doing when he signed a multiple listing bureau form will now know exactly what it means, because it will be under common law.

In New South Wales, under common law, a 10c piece has to be affixed to the pamphlet that is given to the client. I have copies of the folders used in New South Wales and in Victoria. As I said, inside the folder used in New South Wales is space for a 10c piece. That must be affixed before any discussion takes place with the vendor. In Victoria a 50c duty stamp has to be affixed to the contract. That has not been the case in Queensland. If anybody passed to me a folder with a 10c piece in it, the first thing I would want to know would be, "What is the 10c for?", because nobody gives me 10c for nothing. He would have to explain it to me. This is working very well in New South Wales.

Mr. Moore: It is only a peppercorn.

Mr. MILLER: It is indeed. Because New South Wales does not have sole agency as of right, there have been no problems with multiple listing in that State. There is no problem in Victoria. It has no sole agency as of right, because a property is subject to multiple listing. Multiple listing bureaus down there are going ahead in leaps and bounds because they are giving service to the public.

What we are doing in Queensland under this Bill is saying to members of the public, "You can go to your local real estate agent and put your property in his hands, you can go to one particular agent and give him sole agency under common law, if you wish, or you can go along to the multiple listing bureau and list it there also." It means that, if one of the agents has a contract signed before the multiple listing bureau does, that agent gets the money. Surely the agent who sells the property first is entitled to the commission. So we are only rectifying an injustice that has operated in Queensland for a number of years now.

I am very happy indeed that the Minister is changing the composition of the board. I have never been happy with its composition up to this point. I am not saying that anything untoward has happened in the past with the multiple listing board, but it could happen. It could have happened had we not been prepared to change the board's composition. The individuals look upon themselves as first representing the organisations that they are delegates for. They go back to those organisations.

I have with me a report of a court case in New South Wales between a member of the Fire Brigade Union of Employees in New South Wales and the Fire Commissioners. With your indulgence, Mr. Hewitt, I would like to show to the Chamber just how a representative of a particular organisation on a board does look upon his organisation as his responsibility and thinks that he should report back to his organisation on what is happening on the board. Some of the questions that came forward in that case are very enlightening. With your indulgence, Mr. Hewitt, I shall quote some of the questions and answers in Mr. Bennetts's evidence. They are as follows:—

> "Q. If the advice was to the effect that there were grounds for appeal you would then have proposed to pass the material on to the Union? A. Yes.
>
> "Q. That, I suppose, because the Union would be the Board's opponent in the appeal? A. That is right.
>
> "Q. And the Union might get some benefit from knowing what advice the Board had had? A. Yes.
>
> "Q. That is right? A. That is right."

And so it goes on. There is a whole page of questions and answers. It came out very loud and clear in this court case that the employee looked upon himself not as one responsible wholly and solely to the board on which he served but as the representative of his union. To me, that is totally wrong. People who serve on a board must look to the board as their sole responsibility and anything that is discussed at board level should not go out of the confines of that board.

So I am indeed happy to know that the Minister is going to change the composition of the board and that we will have the say in who goes onto it. We are very grateful indeed for this, because there have been rumours in the past—I do not say that they are right—that board representatives have been going back to their organisations and giving out information on what had been discussed. In that regard, I am particularly happy indeed.

Because the matter was covered fully in April this year, I do not feel that I need speak any longer. All I can say to the Minister is, "Thanks for pursuing this course of action."

Hon. A. M. HODGES (Gympie—Leader of the House) (2.57 p.m.), in reply: The Minister for Justice has asked me to thank all members for their contributions, which he says he will peruse over the week-end. He will reply to them in the second reading on Tuesday.

Motion (Mr. Knox) agreed to.

Resolution reported.

FIRST READING

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

AURUKUN ASSOCIATES AGREEMENT BILL

SECOND READING

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Energy) (2.59 p.m.): I move—

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

In introducing the second reading of this Bill, I would like to draw honourable members' attention to the detailed consideration that has been given to proper care of the environment and to the special provisions in this regard relating to lands, harbour and works, local government and water.

There can be no doubt that we, as a Government, have introduced the most stringent measures which will ensure that the area to be mined will be restored in a satisfactory condition and that local flora and fauna will be disturbed as little as possible.

In fact, we have laid down that the mining companies will ascertain whether any part of the area to be used for mining or associated activities has any intrinsic value in terms of natural phenomena which may justify preservation. The companies will also ascertain the significance of previous Aboriginal culture in the area.

Not only will the Government require an environmental study on the mining operations and associated activities, but it will also require reports on the refinery, water supply to the mine, harbour, town and refinery, service routes and the whole lease area. No less than 12 State Government departments will be involved in consultation with the mining companies preparing the environmental study, and the companies will also be required to consult with any local authority likely to be affected by works undertaken by the companies.

This agreement not only safeguards the rights of the people in the area, but also the environment, in a manner which will ensure protection of the land and its flora and fauna. During the reply to the introduction of the Bill on Tuesday, reference was made to Aboriginal land rights.

As I mentioned in introducing the Bill, agreement was made between the company representatives, the council and elders of the Aborigines at the reserve, the Superintendent of the Presbyterian Mission at the reserve, a representative of the Australian Presbyterian Board of Missions and the Director of the Department of Aboriginal and Islanders Advancement. My Cabinet colleague who is responsible for the welfare of Aborigines and the policing of Aboriginal reserves will advise the House on these matters in more detail during this second reading.

In this regard, even though the Minister in charge of that department will be replying, as I was the recipient by rather indirect means this morning of a letter in which my name was mentioned, I think it is incumbent upon me to say just a few words in respect of what has been going on in relation to the rights of Aborigines in this area. I have here a telex copy of an article in "The Age" that is full of lies and distortions. It is supposed to have come from someone associated with or representing the Presbyterian Church. As it is only a telex, I am not going to quote from it, but it would appear that there has been extreme misrepresentation in respect of this agreement.

In this letter it is said that one clause of the agreement between the mining company and the Aborigines has been deleted from the Bill. It is also said that in 1968 an agreement was made and that there has been no consultation since. Yet I have a copy of a report of the Presbyterian Church which indicates that there have been discussions. It says here—

"In negotiations with the Government, the representatives of the consortium . . ."

this is after they made the first agreement whereby the company entered into agreements with the Presbyterian Mission, the department and the natives of Aurukun themselves——

Mr. Burns: This was for prospecting.

Mr. CAMM: Yes, this was for prospecting. The report said further that if there was a lease to be taken up certain additional clauses would be inserted. When the company decided to mine, it also had consultations with the Aboriginal people, the department and representatives of the church. It was claimed in this document that the mining company was endeavouring to get out of the responsibility of paying 3 per cent of the profits to the Aurukun people, and it was in this regard that this meeting was held. This was the passage—

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

consortium. Late in the Parliamentary session of 1971 the Premier was advised that the consortium was not happy with the 3 per cent profit participation."

These are the words of the report. Actually it is not quite factual in this respect. It continues—

"In a special consultation convened by the Premier, the Minister for Aboriginal Affairs (Hon. Neville Hewitt) and the Director (Mr. P. Killoran) stood firm on the agreement; so did the Board's representative, Rev. J. R. Sweet, ——"

In their own words he was there in consultation in 1971.

Mr. Burns: You say he is telling lies now.

Mr. CAMM: You said that, not me.

I return to the report—

"—so did the board's representative, Rev. J. R. Sweet, emphasising that any change in the agreement would have to be negotiated with the Aurukun community. The Premier, supported by the Cabinet, decided then not to proceed with the Bill in 1971."

There was no intention of putting a Bill through; there was no Bill being framed.

The report shows that there were consultations in 1971 between the mining companies and Mr. Sweet. In the letter, there is reference to the lack of any consultation following the report. It is recognised that there has been agreement, and the letter says that clause 11 has been deleted. Let us see, Mr. Speaker, what clause 11 said. It provided—

"Should bauxite prospecting lead to Tipperary Land Corporation seeking a mining lease over portion of the Aurukun Reserve, further negotiations between Tipperary Land Corporation, the Mission and the Community will take place to ensure adequate safeguards and compensation in the interests of the Aboriginal people."

One of the issues was to be the training of Aborigines for employment with Tipperary Land Corporation.

I have here a copy of the Bill, and at page 53 this appears—

"pay to each Aborigine employed by the Companies the usual award rate of pay applicable to the particular trade occupation or calling of such Aborigine and when no award is applicable pay to such Aborigine a wage being not less than the minimum wage prescribed by law;".

At page 55 it says—

"where practicable to the Companies and by arrangement with the Mission, from time to time purchase stores, fuel and sundry small goods from the Mission and hire dinghies and boats as needed; and

"to liaise with the Mission and the Council from time to time so that the work of the Mission and the Council and the work of the Companies within the Reserve can proceed with harmony and understanding and with the co-operation of the parties involved."

It is contended that there is no provision in the Bill for the Aborigines to share in the success of the industry. At page 53, the Bill says—

"not later than the end of the third year of mining activity, pay to the Director on behalf of the Aborigines three per centum of the net profits of the Companies from the Companies' mining operations conducted in on and about the Reserve. The first of such payments shall be made——"

It goes on to say that the Aborigines are going to share in the success of the industry. As to equality with white workers——

Mr. Burns: You are saying "all the Aborigines". That is going into the Aborigines' Welfare Fund?

Mr. CAMM: That is right.

Mr. Burns: Not just for the people at Aurukun.

Honourable Members interjected.

Mr. SPEAKER: Order!

Mr. CAMM: As to the problem of alcoholism—at page 54 the Bill says—

"assure the good conduct of employees of the Companies; terminate the services of any employee or contractor guilty of misconduct and arrange for the immediate removal beyond the boundaries of the Reserve of any employee or contractor discharged for misconduct;".

Mr. Burns: Have you seen the drunken Aborigines at Weipa?

Mr. CAMM: I have seen them at Weipa; I have seen them everywhere. I have seen drunken white people, too.

The Bill goes on—

"not without the consent of the Director bring any alcoholic beverages upon the Reserve;".

A claim has been made that the clauses which are enumerated have not been included in the Bill. The matters with which they deal are catered for quite adequately within the Bill.

On page 2, clause 3, it is stated that both the Aurukun Community Council and the board refute the accuracy of some recent Press statements attributed to me concerning the agreement of the Aurukun council to the Aurukun bauxite mining proposals. It seems to me that these people have taken it upon themselves to cast aspersions on other people in a very snide way, because they refer to "recent Press statements attributed to the Minister for Mines". They do not come out and say what I said. If they did, I would deal with them in a place other

than this House, because I have been very careful to ensure that what I have said relative to the Bill accords completely with what is in the Bill itself.

As I have said on many occasions, the responsibility for administering this part of the Bill and negotiating the agreement rests with the Department of Aboriginal and Islanders Advancement and the Minister concerned, not with me. Yet these people have the effrontery to mention my name and try to imply that I was telling untruths. The telex that I have here, which is attributed to a representative of the church, contains nothing but untruths and misrepresentations.

Mr. Burns interjected.

Mr. CAMM: I will let the Leader of the Opposition have his say. He says that these benefits should go only to the people at Aurukun.

Mr. Burns: No, I didn't say that.

Mr. CAMM: Would the honourable gentleman say that the benefits of Mt. Isa should go only to the people of Mt. Isa? There is a great old A.L.P. philosophy that we should all be equal, that we should all have a share in the profits made from the natural resources of this country.

Mr. Burns: You're saying that.

Mr. CAMM: I'm saying it, yes. I believe in this. I believe that the profits from our mineral resources and the benefits from our mineral resources should be shared with all the people of Queensland. If special consideration is to be given to the Aboriginal people because of the resources on their reserves, the benefits of those resources should be shared by all the Aboriginal people of Queensland, not just by one group who happen to live in a particular area that is well endowed with mineral resources. Let it be borne in mind that no other group of people in Queensland enjoy the privilege of having any extra earnings for themselves as a result of the mining of minerals on their lands.

It is, and always has been, a fundamental of the Mining Act that minerals are the property of the Crown—with the exception of coal mined on land freeholded prior to about 1910.

Under legislation in the Crown Lands Alienation Act of 1860 to 1868, and the Minerals Lands Act of 1872, which have all been long since repealed, the ownership of minerals other than gold could be bought by the freeholder. As a result, some of the land was made mineral freehold during that period.

However, since 1898, the right to minerals can only be obtained by title granted under the Mining Act. In other words, the ownership of land does not give ownership of our minerals on or under the surface of the land, except as indicated a moment ago about coal-bearing lands freeholded prior to 1910.

Replying to the Opposition spokesman, I also made mention of royalty payments for our minerals, which are prescribed by regulations under the Mining Act. However, I doubt whether many honourable members on the Opposition benches realise the magnitude of this royalty income. So far as bauxite is concerned—and this is what we are dealing with in the development of the Aurukun project—the mining company at Weipa, Comalco, pays over $1 a tonne for all bauxite it exports and 50c a tonne for bauxite treated in Queensland. I know that has been contested by the company itself.

The rate of royalty varies with the price of aluminium, which I believe will rise before the Aurukun project starts production. I have good reason for believing that.

Although the Aurukun Associates are restricted to an annual export of 2 500 000 tonnes of bauxite until the construction of the refinery commences, their royalty payments will exceed $2,500,000 a year in the initial stages of development and, indeed, much more in later years. Surely no one would deny that such an income will benefit all the State and its inhabitants, including the Aboriginal and Island people.

I would also draw honourable members' attention to the fact that company tax is currently levied at 42½ per cent of profits, and the Federal Government will therefore receive a considerable income from the Aurukun Associates. Again, this will benefit the people of Queensland and Australia, including the Aborigines who live in the Aurukun area.

That is why I commend and support the Aurukun Associates Agreement Bill as a new major step in the mineral development of this State—a development that has been dormant during the past three years of socialist rule in Canberra.

Not only will all the people gain through royalties and taxes, but they will also gain in employment, through a new town, port and industrial complex, and a general boost to the economy of North Queensland.

Mr. MELLOY (Nudgee) (3.14 p.m.): I support the honourable member for Ithaca, who this morning expressed the opinion that this Bill should be withdrawn.

Mr. Frawley: Rubbish!

Mr. MELLOY: It is not rubbish.

This is a very important Bill for the people of Aurukun. They are opposed to mining of that area despite any claims by the Minister and the Government that agreements have been reached with the people of Aurukun in relation to it. They are fearful of what

will happen if a mining project is established there. They are fearful that Aurukun conditions will be similar to those at Weipa.

A Government Member: What's wrong at Weipa?

Mr. MELLOY: The honourable member should go and live there for three or four weeks; then he would find out. Instead of spending half an hour there on his way to Darwin or somewhere else he should stay there for a few days and nights and mix with the Aboriginal people. If he did that he would find out what drink has done and what has happened to the Aboriginal women. He would see how the domestic situation has been destroyed as the result of the employment of a huge number of workers at the Weipa complex. He would learn that the people are thoroughly disgusted at what is happening in their area. And this is what the people at Aurukun are afraid of. They do not want to see drunken brawls breaking out in their community. The 1,200 people who are scattered around the area do not want to see situations similar to those that arise in other mining areas either adjacent to or on Aboriginal reserves. That is why they want the Bill deferred, withdrawn and resubmitted, perhaps in the March session.

Mr. Camm: What for?

Mr. MELLOY: To give everybody an opportunity to discuss it with the Minister, who has introduced his legislation on the basis of consultations held in 1971. Representatives of the church have not had an opportunity to discuss this Bill with the Government, and certain anthropologists at the university are gravely concerned about this proposal. They, too, want to discuss it with the Minister and the Government.

We must ensure that at Aurukun we do not create the degrading type of situation that has arisen in other areas where mining takes place on Aboriginal reserves. At Weipa the domestic life of the Aborigines has been disrupted, women have been the victims of rape, and the people have been subjected to all the things that go with the white man when he is let loose in a foreign community or in a secluded area such as Weipa or Aurukun. Nobody would deny that there is drunkenness in Weipa.

Mr. Camm: What a terrible opinion you have of white people when they are let loose in Aboriginal communities.

Mr. MELLOY: Any opinion that I have of white people is prompted by their actions. I am not decrying white people and distinguishing them from anyone else. But we know what happens when the sophisticated way of life of white people is imposed on undeveloped or more or less retarded people in secluded areas. The Minister knows what happens in Darwin or in any other place containing a large Aboriginal population and where the influence of white people is evident. People in Aurukun do not want to see these things happen.

This legislation is a betrayal of the people of Aurukun. Contrary to the Minister's claim, they have not been fully consulted on the matter. He alleges that in 1971 a conference was held with Mr. Killoran and representatives of the company and the Aborigines. At that time no agreement was drawn up. Whilst the proposals submitted included one for the training of Aborigines, no mention is made in the Bill of the training of Aborigines at Aurukun.

It is always easy to get out of something if it is not in black and white. The Government could tell the Aborigines till it is blue in the face that it will look after them, train them and give them full employment. But if it is not prepared to put in print what it tells them it will do and what they can expect if the project goes ahead, it does not mean a thing. Verbal assurances are not worth a cracker. The Minister said that 3 per cent of the net profit will go to all Aborigines——

Mr. Moore: What's wrong with that?

Mr. MELLOY: The honourable member should wait a minute.

The Minister said that it is to go to all of the Aboriginal people in Queensland. How many Aboriginal people are there in Queensland—about 23,000?

Mr. Wharton: There are 50,000.

Mr. MELLOY: Imagine how far 3 per cent of the net profit in 10 years' time (that is when profits of any significance will probably start to flow) will go divided among 50,000! Imagine how far 3 per cent of the net profit (that is, the profit after so much is paid into reserves and into any other avenue by means of which money can be socked away) will go when divided among 50,000 Aborigines!

The Aborigines at Aurukun are the ones to be most affected by this project. They are the people who will suffer. Although these resources are on their reserve, we are told that the return from them is to be paid into Consolidated Revenue. Probably a fund will be set up and the money distributed by way of facilities and concessions for the Aboriginal people. I do not see how it can be handled otherwise if it has to be shared among 50,000. They could get about 50c each every year; it would not be worth a cracker to them. What is to happen to this 3 per cent of net profit? The Minister may shake his head, but surely he can visualise what 3 per cent of the net profits divided among 50,000 Aborigines will be worth to each.

The people at Aurukun should be looked after. In the first instance, they should get an adequate proportion of the 3 per cent —if it is to be 3 per cent. Personally I would prefer royalty payments to 3 per cent of the net profit. Royalties would ensure

that the Aborigines got something significant from the valuable resources mined in the area rather than something from what is left after everybody else has had a crack at it and money has been channelled into reserves and all the other avenues in which undisclosed profits can be hidden.

How long will it be before the Aborigines get any return? The Bill provides that they are to get some return at the end of three years, but by that time there may not be any great profit. I cannot see a substantial profit being made until 10 years have elapsed. By "substantial" I mean an amount that would really mean something to the Aborigines in that area. If 3 per cent of the net profit is to be distributed among the 50,000 Aborigines in Queensland, it will not mean anything to each individual Aborigine.

I return to the lack of communication between the authorities and the Aboriginal people of Aurukun. The Aborigines are not satisfied that they have been consulted sufficiently on this matter.

Mr. Camm: Who told you that?

Mr. MELLOY: They are not satisfied, and they have expressed their dissatisfaction.

Mr. Camm: Who told you that?

Mr. MELLOY: The Presbyterian Church itself.

Mr. Camm: You spoke of Aborigines first. Which Aborigines did you speak to?

Government Members interjected.

Mr. SPEAKER: Order! I ask all honourable members to refrain from persistent interjections and to allow the speaker to be heard.

Mr. MELLOY: There has not been sufficient consultation between the authorities and the Aborigines. On 26 June 1973, a letter was sent by the Premier to the Presbyterian Church authorities, in which he said—

> "... that any decisions likely to lead to mining or other operations on the Reserve will be made in consultation with the Aboriginal Councillors and people of Aurukun."

That has not happened.

Mr. Camm: How do you know that?

Mr. MELLOY: The Minister said he had a conference in 1971. With whom did he confer in the last three years?

Mr. Camm: I shall let the Minister for Aboriginal and Islanders Advancement reply to that.

Mr. MELLOY: I read from a copy of a letter sent by the Board of Local Mission of the Presbyterian Church to the Premier and the Treasurer—

> "In the light of the above we earnestly ask the Government to withdraw the Bill pending consideration of it by the Aurukun Community, its Legal Advisers and our Board, and the holding of appropriate negotiations—to ensure that the undertakings of the Government and of the Premier are honoured"—

the inference, of course, is that they have not been honoured; the people at Aurukun obviously feel that there has not been sufficient negotiation or consultation with them on this Bill—

> "and to ensure that the negotiated rights of the Aurukun people are safeguarded."

They are not safeguarded under this Bill. There is nothing in the agreement in the third schedule to indicate just how much the rights of the people are safeguarded.

Mr. Camm: Why don't you read it?

Mr. MELLOY: It's just words.

Mr. Gygar: What an unusual thing to have in an Act of Parliament!

Mr. MELLOY: You wouldn't know.

Mr. SPEAKER: Order!

Mr. MELLOY: The rights of the people are not clearly defined and are not clearly delineated by this Bill. Unless the Government does that, it can skip out of the agreement at any time it wants. It is too late once the scheme is in operation.

Other members of the Opposition wish to contribute to this debate. They will in no less forceful terms indicate the views of the Opposition. We appeal to the Government to withdraw the Bill. If there is nothing to be afraid of, why not withdraw it and bring it on again next Tuesday, giving those who are interested a few days to talk to the Minister and to the members of the Government?

Hon. C. A. WHARTON (Burnett—Minister for Aboriginal and Islanders Advancement and Fisheries) (3.28 p.m.): I rise to support the Bill before the House. At the outset, let me say, and make it very clear, that there is no intention—nor would I tolerate any such attempt—to remove any of the Aboriginal people from the community at Aurukun or to allow their way of life to be interrupted other than by their own choice.

Mr. Melloy interjected.

Mr. WHARTON: I happen to know what I am talking about. You don't. You haven't got a clue.

Mr. SPEAKER: Order!

Mr. Melloy: You only know what you are reading.

Mr. SPEAKER: Order!

Mr. WHARTON: I listened to the speech of the honourable member for Nudgee. I have never heard so much political poppycock in all my life. But for the election next week, he would not have thought about it. I don't know why he doesn't talk a little bit of common sense instead of political nonsense that no-one would ever believe.

It must be said that mining operations will be far removed from the community residential area—probably 25 kilometres or more—and areas sought by the Aborigines to be excluded from the lease have been excluded. Their township will not be taken away, nor will their land. The honourable member for Nudgee would not even know where the place is.

Mr. Melloy: I have been there more than you have.

Mr. WHARTON: What were you doing up there?

Mr. Moore: He has a girlfriend there.

Mr. SPEAKER: Order!

Mr. WHARTON: To ensure a clear understanding, it is necessary to mention a few historical facts, which are that the Government confirmed the management of the Aurukun Aboriginal community under sponsorship of the Presbyterian Church of Queensland by Order in Council dated 4 June 1941. Trusteeship of the reserve is vested in the director. Subsequently the Presbyterian Church of Queensland utilised the services of the Board of Ecumenical Mission and Relations to operate as its agents. This organisation is known as Boemar.

The people of Aurukun have developed and are an emerging community of very fine people, and at this time I pay a particular tribute to the outstanding work of the missionaries, especially those of the earlier days who established and maintained a safe place for the people to gather and to grow in numbers and progress. An outstanding man was the late Reverend Bill McKenzie, to whom full credit must be paid for the stage of development reached by the Aboriginal people of Aurukun today. I did not hear the honourable member for Nudgee pay a tribute to any of them. He said his fellow missionaries gave life and hope to the Aborigines and enabled them to evolve without tension to their present stage of development.

The Tipperary Land Corporation sought access under a mineral prospecting authority and terms and conditions were ultimately agreed upon by an exchange of letters, on which the appropriate representatives of the Aborigines and the Presbyterian Church were kept fully informed, ultimately culminating in the document set out in the Third Schedule.

The document, which has been completed as an agreement by the appropriate parties, codifies the exchange of letters and incorporates the conditions which must be observed by the company but, of course, subject to the approval of this Parliament to the Bill.

Business must proceed on the basis of a mutual integrity and understanding and we believe this exists.

I do not propose to reiterate the conditions set out in that document other than to draw attention to the 3 per cent profit participation mentioned on page 53 and I particularly draw attention to the words—

> "Net profits of the companies shall be determined in accordance with accepted accounting practices and conventions applicable to mining and benefication activities in Australia."

It has been suggested to me that intercompany financial dealing could negate any profitability but, apart from the fact that dealings with reputable business organisations would not tolerate such a situation, the trustee holds, on behalf of Queensland's Aborigines, some 40,000 shares in Comalco, which holds and operates an adjoining bauxite lease.

As a significant shareholder, the trustee is therefore competent to obtain factual statements of profitability in regard to Comalco's operation for comparison purposes.

In regard also to sharing in the success of industry, the Government's policy is that the Aboriginal reserves are for the use and benefit of all Aborigines in the State and this must have relevance in the present case.

I would further point out that, as mining is completed, section by section, the land automatically reverts to reserve in its rejuvented and, most probably, greatly improved condition.

Agreement has also been reached with the company that it will finance two Aborigines of Aurukun as recorders to ensure that their significant sacred sites are not disturbed. The department will provide the instructor.

There have been some numbers of consultations both personally by me and by the director with representatives of the Aurukun people and they have indicated their approval of the "Neely agreement".

Might I say that in May last, the director and I were there and had discussions with the councillors of Aurukun on this particular matter. They were in agreement. Since then they have met the director and indicated their agreement again.

As recently as two days ago, my director and I were at Aurukun and attended a public meeting of more than 150 people, when once again the full details were explained to the people and satisfactory and acceptable replies given to their questions. Again no objections were made. This gives the lie to what the Deputy Leader of the Opposition said in his speech.

It is significant that yesterday I was at Hope Vale at a public meeting when the Aboriginal people there questioned the position at Aurukun as they had heard some disquieting reports by radio. When it was explained to them that the terms and conditions at Aurukun were exactly the same as those which had application at Hope Vale with regard to a mining venture there, they expressed their extreme satisfaction and could not understand why there could be any apprehensions at Aurukun as the arrangements had given them full participation, practical on-the-job training, a feeling of sharing, equality of work opportunity and, indeed, to some degree, preferential treatment. They proudly told me of the improvements they had made at Hope Vale with the funds that had flowed to their council as a result of the arrangements.

Of course, in reply to the honourable member for Nudgee—these funds do not go into Consolidated Revenue; they go into the Aboriginal Welfare Fund.

Mr. Melloy: I said that.

Mr. WHARTON: You did not. You don't know what you said, you great fob. You should sit down. Whatever you said, you said wrongly.

Mr. SPEAKER: Order! I warn all honourable members that persistent interjections will not be tolerated. Also the honourable member for Nudgee knows that he cannot interject from other than his usual place in the Chamber.

Mr. WHARTON: It is a matter of some regret to me that there should have been any tensions created in the minds of the people of Aurukun or indeed, for that matter, the people of the State and to give this House an indication of the relationship between the people of Aurukun, Boemar and my department—the following letter dated 13 November 1975 was served on the director on 18 November by a deputation of three representing the council, the church elders and the police of Aurukun, but it is signed by all of the councillors—

"Dear Sir,

"The Presbyterian Church has looked after Aurukun now for a long time. The council now feels that it is time for the church to look after the religious side still, but the running of the community should be looked after by the Department of Aboriginal and Islanders Advancement.

"The community here has now grown very large. There are many people at Aurukun who have no respect for the council or the manager. They think that because the church is still looking after the community they can do as they like because they think that B.O.E.M.A.R. is weak. The people will not listen to the Council of Aurukun or the manager, because they have been told by B.O.E.M.A.R. that the B.O.E.M.A.R. manager has to listen to them and to write letters to them.

"We need the strength of the D.A.I.A. to stand behind the manager and council, then the people will listen to us and do as they are told.

"We need a european policeman to be stationed here, to help the council with the training and running of the Aurukun police force and the court. To make sure people come to the court when asked, as now they often don't come or turn up for cases. Because of the kinship ties and relationships it makes it very hard for the Aboriginal police to do a good job.

"We ask you to come to Aurukun because we want to talk to you about how we feel, then you will know what the true picture of our problems is at Aurukun.

"Sgd:

Donald Peinkinna
Geraldine Kowangka
Fred Kerindun
Bruce Yunkaporta
John Koowarta"

I was there and had discussions with them. This was the meeting to which I referred. The director replied to the letter——

Mr. Wright: What is the date of that?

Mr. WHARTON: November.

Mr. Burns: What year?

Mr. WHARTON: If you are going to take up my time, I will give it to you in a moment. The director acknowledged that letter on 21 November——

Mr. Burns: This year?

Mr. WHARTON: Yes, November 1975. In reply to some interjection of the honourable gentleman's—I was there in May 1975, and two days ago, Tuesday.

An Honourable Member: When did you draft that letter for them?

Mr. WHARTON: Mr. Deputy Speaker, might I reply to the honourable member—I was going to say something else—by reading the director's acknowledgment of that letter on 21 November. It states—

"Dear Mr. Peinkinna: I write to acknowledge your letter dated 13th November which you handed to me at the end of our talks on November 18th last regarding the future of Aurukun.

"As you know Aurukun has been sponsponsored by the Presbyterian Church of Queensland for many years in a partnership with the State and you will no doubt recall my general explanations of how this partnership works.

"I understand that the Reverend Coombs and Mr. Edenborough have visited Aurukun and no doubt will be in touch

with me again following their meetings with you and your people. The matters you raise are very important to everyone and, of course, will need a great deal of consultation and discussion with you, your people and the Presbyterian Church so that you will understand your request cannot be acted upon immediately.

"I hope to visit your place for a short time next week and will explain further to you.

"With kind regards to you all,

"Yours faithfully,

"Sgd: P. J. Killoran

"Director."

We were there and explained it and it was accepted.

There is another matter. Someone else raised the matter of clause 11 of a letter and I want to comment on it. There appears to be some attempt made to suggest that clause 11 of a letter dated 2 August 1968 from the General Treasurer, Australian Presbyterian Board of Missions, has been excluded for some ulterior motive.

The clause refers to "key issues" as being—

(a) training of Aborigines for employment with T.L.C.;

(b) a sharing by the Aborigines in the success of the industry;

(c) equality with white settlers; and

(d) a seeking of an answer to the alcohol problem.

Let me say in regard to paragraph (a) that the agreement provides an undertaking by the company to employ employable Aborigines and this naturally includes their training for the job they hold, and further the company undertakes to encourage maximum participation by Aborigines in employment opportunities.

Paragraph (b) is related to the profit-sharing as well as the benefits from direct employment, and development of private business ventures to supply the company's and the township's needs, etc., whenever possible by local people.

Paragraph (c) is covered by a provision that award rates and conditions apply. Surely this gives equality.

Paragraph (d) is a social and religious problem and is one of great concern in all societies. Some degree of supervision is provided by existing legislative limitation relative to liquor on the reserve, which is controlled by the Aboriginal community council in consultation with the director. The incidence of alcoholism is constantly under review by the Health Department, with whom my department maintains close contact.

I am sure honourable members will agree that the principles have not been overlooked or excluded. So I say, after being there in May 1975 and, as I said, the director being consulted in August, my further meeting there on Tuesday last and the correspondence that has passed between these people and the companies, the Bill does protect the people of Aurukun and the Aboriginal people generally in every way. I commend the Bill to the House.

Mr. POWELL (Isis) (3.40 p.m.): I take part in the debate because I am concerned about the publicity that has surrounded the Bill and the statements made by various people whom one might regard as being people one can trust and whose word one would always be able to accept.

On the one hand, the Minister for Mines and Energy in Queensland (Hon. R. E. Camm), a person for whom I have a very high regard and whom I have always found to be truthful, honest and correct, has made certain statements; on the other hand, the Rev. James Sweet of the Presbyterian Church has made claims to the contrary. The problem facing honourable members is to try to find out the truth and what is going on in this instance.

Since the Bill was introduced, I have spent some time attempting to carry out research and find out exactly what it is all about. As an elder of the Presbyterian Church, I find it strange that until today no member of that church who is concerned with the issue has approached me to speak to the Minister on his behalf or on behalf of the Aurukun mission.

Mr. Wright: They only found out a few days ago that something was happening. They were as surprised as everyone else.

Mr. POWELL: That is just not true. These negotiations have been going on since 1968. I have been a member of this Assembly since 7 December 1974. If people knew that something was going on in connection with these negotiations, surely they should have approached members of the Government to speak on their behalf with the Ministers of the Cabinet to try to get something done that they wanted done.

Let us examine the proposition that has been put before the House. Firstly, it is complained that the Government has not honoured its promises. Honourable members can only take the word of the two people concerned on whether or not the Government has honoured its promises. The two Ministers concerned—Mr. Camm and Mr. Wharton—have given honourable members in the Chamber this afternoon a chronological account of what has transpired. They have convinced me, at least, that they have done all that they possibly could to adhere to the agreement that was made in 1973. I suppose it is only a question of interpretation, and each member must work out for himself whether he believes that the agreement has been adhered to. As I see it, it has been adhered to.

Mr. Speaker, it may be said that because I am a member of the Government I will stand up in this Chamber and support the Government. That is not necessarily so. If my conscience dictated that in this instance the Government was doing something that was wrong, I would not have any hesitation in saying so. However, in my opinion, there is here a conflict of people and people's interests in the Bill.

It is an historic Bill. It sets up an historic agreement—an agreement which, in my opinion, will benefit not only the people of Aurukun but also all the other people of Queensland. I am informed that a telegram was received today by the solicitors in Brisbane acting on behalf of the Aboriginal people, saying that they do not agree to any mining going on at Aurukun. The Minister was at Aurukun only the day before yesterday and met the people face to face, and they agreed then that the agreement should go ahead. Whom is one to believe? Just what is going on in this particular instance?

Mr. Wright: That is why we want more time.

Mr. POWELL: No matter how much time is given, it is obvious that we could withdraw the Bill today; we could defer it and bring it on again in six months or 12 months, and exactly the same arguments will take place. There will be exactly the same disagreement because people are refusing to agree to things that are written down and which the Minister has in his documents. It seems strange to me that the Minister could have been there two days ago, that he could speak with the people concerned and confirm the guarantees that have been given by the Government, and that today a telegram has been received from them saying that they do not want any mining at Aurukun.

Nobody in this House realises better than I do how people can be manipulated, particularly people who are not as sophisticated as those who live in the community in which we live. That is what concerns me above everything else. One group speaks to the people concerned and they agree with the arguments of that group, but two days later somebody else can go there and those people can be swayed in favour of another agreement. Somebody must speak on behalf of the Aborigines. Surely that is the argument. Who is going to speak on behalf of the people of Aurukun? Is it to be the Presbyterian Church, which administers the mission stations, or the Queensland Government? I think the whole argument can be boiled down to that.

There is always conflict among people in the immediate area of a proposed mining operation. The people who have lived on Fraser Island for many years are not happy about the sand-mining operations. The people of Aurukun are not happy about the bauxite-mining that is proposed. In the interests of the State and the interests of the people, the mining venture on Fraser Island is going ahead, even though the people who live there do not agree with it. We have a parallel position with the mining venture covered by the Bill.

The B.O.E.M.A.R. people, who have written to all members of Parliament, stated that clause 11 in some agreement has not been complied with. They refer to four subclauses which they believe are left up in the air. The first one concerns the training of Aborigines for employment with T.L.C. I am quite certain that there is no problem there. I am sure that T.L.C. and whoever else operates there will want to use the people living in the immediate area. They will not want to import people and pay them all sorts of fantastic salaries to meet union demands for site allowances, etc.

Subclause (b) referred to deals with the sharing by the Aborigines in the success of the industry. If honourable members look at clause 2 (c) of the Third Schedule on page 53 of the Bill, they will see that it states—

> "not later than the end of the third year of mining activity, pay to the Director on behalf of Aborigines three per centum of the net profits of the Companies from the Companies' mining operations conducted in on and about the Reserve."

Again we come to a point of disagreement between the intention of the Government and the wish of the Presbyterian Church. It believes that the 3 per cent should not be paid to the department to be held in trust for the Aborigines of Queensland but that it should go to the people of Aurukun. If we carried that argument to its logical conclusion, it would mean that the people of Mt. Isa should be directly benefiting by some payment from the mining at Mt. Isa, and that the people on Fraser Island should be directly receiving some monetary benefit from the sand-mining on Fraser Island. They don't get one penny out of it. Taking that argument further, I say that it would be logical to assume that the profit from mining companies should go to the people in the immediate area of the mining operations, and consequently to the people of Blackwater, Goonyella and all other towns in mining areas. That might be all very fine in theory. I am afraid there is so much theory in the opposition to the Bill that it is not funny.

The theory is that the people themselves own the land immediately around them. In theory that is a marvellous concept, but it just does not work. The people of Queensland own the minerals in the land in Queensland administered by the Queensland Government, which negotiates the best deal possible. I believe that on this occasion it has negotiated the best deal possible. Really there is no need for the Government to say that any money will be put aside for the Aboriginal people of Queensland. It could just put the money into Consolidated Revenue and forget about it; but, because the Queensland Government is concerned

for the welfare of Aborigines, it says that the money will be held in trust for all Aborigines. It is reasonable to assume that the money in this trust fund will go towards helping the people at Aurukun.

The third provision concerns equality with white settlers. We in Queensland have always adopted the attitude that no-one is inferior to anyone else. The average person in Queensland is willing to accept his neighbour at face value and is not concerned about his colour, race, creed or religion; but perhaps there is discrimination based on the behaviour of people. I venture to suggest that some honourable members are wary of the way in which persons of all colours and creeds behave and act. There is no way in the world that we can legislate to provide that everyone is equal to his neighbour. That is impossible. We can introduce Bills of Rights and anti-discrimination laws until we are blue in the face; we will not be able to stop people from thinking the way they want to think and from acting the way they want to act. It is impossible to legislate to compel one person to act towards another in a certain way. Equality with whites at Aurukun, or in any other place in this State, must be governed by the way people want to live.

A problem that causes tremendous heartburn is the consumption of alcohol. A good deal of the contribution of the member for Nudgee on the alcohol problem among Aborigines at Weipa is quite true; but don't let us confine our remarks to Aborigines. In Weipa both Aboriginal and white people can go to Weipa South and consume as much alcohol as they wish and return to their homes, where they are paid their dole cheques. That is their way of life. The Aborigines at Weipa are being destroyed.

Mr. Gunn: The church has not been able to stop it.

Mr. POWELL: That is quite correct; but it is not for the want of trying.

The alcohol problem cannot be solved while people adhere to double standards, while some persons believe that it is right and proper for them to consume as much alcohol as they can but that it is not proper for others to do so. We know that some members of the community are unable to drink large quantities of alcohol. We also know that alcoholics are not satisfied with only one drink and feel compelled to go on a binge, thereby probably making fools of themselves. In no negotiations will we be successful in finding the solution to the alcohol problem. Perhaps a solution lies in denying people the right to drink alcohol—if it can be regarded as a right, which I do not accept—but then we would be charged with discrimination.

Mr. Gunn: You would have a public outcry.

Mr. POWELL: Indeed we would.

As I said at the outset, we have the problem that, on the one hand, some people claim that an agreement has been sought and reached with the Aborigines at Aurukun while, on the other hand, eminent members of the community, who are quite worthy of our trust, say that that is not so. I find it very strange that, when the Minister for Aboriginal and Islanders Advancement and Fisheries—a man who I know is honest and deeply concerned for the welfare of the Aboriginal people—was at Aurukun two days ago, he found the people to be in full agreement with the proposal contained in the Bill, and that today we received a telegram stating that they do not want any mining there. It seems probable to me that what the honourable member for Nudgee said is fairly true. The Aboriginal people are fearful of mining. Why should they be fearful? Have the benefits that can accrue to their village and in their way of life been pointed out to them? The Aboriginal people and all the people of Queensland have to decide the way they wish to live. If they want to live on a reserve, in what might be termed, basic, traditional tribal areas, that is fair enough—let them do so—but do not let them complain that they do not have the benefits enjoyed by the people in the city.

An Honourable Member interjected.

Mr. POWELL: And no unemployment cheque, either.

The problem is very finely balanced. It will not be answered in this Bill or by any group of people. If the people choose to live in a traditional tribal way, I believe they are entitled to do so. If they do not choose the traditional tribal way, but choose to live in the type of civilisation that has evolved in Australia today (which is generally regarded as the white situation), they should be able to do so. But they cannot have it both ways; nobody can. City people who choose to be beachcombers would find very quickly that they have no money to live on if they cannot in some way get a dole cheque. We cannot have it both ways. We must have direction. We must encourage Aborigines and all other people in the nation who are in the same socio-economic group to get to the stage of education where they can make up their own minds.

That is the problem with the Aurukun people. They are not being allowed to make up their own minds. They are being manipulated, and perhaps from two sides. On the one hand, the Department of Aboriginal and Islanders Advancement is guiding them in a way which I believe is right. They are being guided to accept the way of life that is basic in Queensland today—in the majority way of life. On the other hand, a group of people—some of them belong to the churches and others do not—believe that Aborigines should live in the tribal way—and no other. The people causing the conflict are doing

neither the Aborigines nor the people of Queensland a service. They are purely and simply confusing the people.

It disturbs me that this legislation, borne out of five to six years' negotiations——

Mr. Wright: Seven years.

Mr. POWELL: I am disturbed that this legislation, borne out of seven years of negotiation, discussion and argument should be attacked by people when it finally comes to fruition on the floor of Parliament. Can anybody tell me why members of Parliament were not lobbied before now? Why were not Government members approached about this issue by people representing the Presbyterian Church and other interested groups?

Mr. Houston: What would make them believe it was coming on now when it had been in the pipeline for seven years?

Mr. POWELL: I should imagine that a thing must come to an end at some time. The activity between the Department of Aboriginal and Islanders Advancement and the people of Aurukun should have indicated to anybody that something would come to finality soon.

Mr. Houston: Every Christmas you indulge in the same type of exercise.

Mr. POWELL: The honourable member is completely wrong. He is talking about the type of political exercise the Labor Party would engage in. We do not believe in that sort of nonsense. We are interested in legislating for the benefit of the people of Queensland and we are interested in doing whatever we can that is right for the people of Queensland. Whenever we legislate on mining affecting Aborigines, as we have in this Bill and agreement, we always have the woolly thinking of the socialists who want the Government owning everything and administering things so that the people are its servants.

They are arguing against this Bill on the grounds that it is being brought in too quickly. I reiterate what I said before: if it is too quick now, it will be too quick at any time, because the points at argument, as I see them, can never be resolved. Because of the basic differences in philosophy of those involved, they cannot be resolved.

I turn to the section on page 53 that I mentioned before, where obviously the people want the money left with the residents of Aurukun. How is that to be administered? How could we do it? If we do it for one group of people, why should it not then be done for the rest of the people in the State who have mining ventures at their back door? It is quite obvious that, if we do it for one, we must do it for the others, too.

The honourable member for Nudgee said that the people are fearful of mining because they have seen what has happened at Weipa. The church has seen what has happened at Weipa; I have seen what has happened at Weipa. It certainly grieves me that Aborigines—or anybody, for that matter—could be used in the way that they have been and that they have abused alcohol in the way that they have. I see no easy answer to that. Perhaps prohibition is the only one; but, again, immediate problems flow from that. There is no answer, except perhaps teaching the people how to be able to live in a white society.

Mr. Speaker, I will conclude with a few general remarks. The Bill does concern me, but I am completely and utterly sure that the Minister at the table, who is guiding the Bill through the House, has done all within his power to satisfy the agreements that have been made in the past. It is my belief that the Minister for Aboriginal and Islanders Advancement has also done all that he could to guide the people and to guide the Bill in the manner in which it has been brought before the House.

I see no hanky panky on behalf of the Government, as the Opposition would like to suggest. I see no underhand methods by the Government, as the Opposition and others would like to suggest. The Government has been completely open and completely straightforward in its negotiations and in the results of those negotiations. I believe this Bill will serve the best interests of the people of Aurukun and the people of Queensland. The important thing is that we should be concerned with the people who are there at the moment and what is to happen to them in the future. Are we to leave them there, sitting on millions of dollars worth of bauxite, or are we to develop it for them so that they, too, may develop along with it? I think that is the crux of the matter.

The Opposition says that the people of Aurukun do not want to do anything about it; that they want to leave their country as it is. We can hark back to several parts of Queensland where there are mining ventures. The people who live there would rather have it unchanged; but, for the benefit of the State as a whole and for the benefit of a people as a whole, the mining has gone ahead.

It disturbs me greatly that people who might be regarded as those we look up to in the community are trying to denigrate the Government for something that it has not done. In my opinion the Government has been true and honest and has upheld every agreement it has made.

Dr. CRAWFORD (Wavell) (4.4 p.m.): The confrontation between indigenous peoples and the Crown is, of course, not new in this country, but it does highlight a very large number of the problems that exist when a Government attempts to bring about the very best form of development of the country and also to guard the interests of those who are unable to look after themselves. It is, I believe, of importance for all honourable members to give serious thought to this whole matter. I was glad to hear the assurance of the Minister for Aboriginal and Islanders Advancement that he did go to Aurukun in the past few days and that this year he has paid more than one visit to that area in an attempt to negotiate with the local people.

The problem as I see it is not whether one can give the Aborigines in our community a fair deal but whether one can really ascertain from them what they wish to attain themselves. This is not a new problem; it is a problem that in recent years Federal Governments, both Liberal and Labor, have found increasingly difficult.

In the last year of the Liberal Government in 1972, something like $56,000,000 was spent on Aborigines in general and in the first year of the Labor Government the amount was doubled to $112,000,000. At the end of that time, Senator Cavanagh said that he suddenly found out that no advantages had accrued to the Aboriginal community from the spending of this extra large amount of money. That is a truism that we should bear in mind in this House so that we realise that it is not simply a matter of handing out funds and expecting the Aborigines or any other indigenous group in the community suddenly to be able to solve their problems.

Like other honourable members, I have been to Weipa. Because of the various remarks that have been made about alcoholism among Aborigines, the one thing that I must say in this respect is that all male Aborigines in the Weipa reserve receive the normal adult male wage. The fact that they misuse the wage they receive, cannot handle their funds or do not know what to do with their housing is not the fault of Comalco, which runs the organisation in that area.

It is a matter of concern to many groups in the community, including the churches, that this is in fact a point of great contention; but we are not able in any community to say to a group in that community that we will ban this activity or that activity. Censorship, prohibition and similar activities that perhaps in days gone by were thought to have merit would not work. If any group of citizens are to be treated as full citizens with full rights in the community, we cannot become paternalistic and say to them that we will ban their activity in this way or that. It just does not work in practice.

As well as that, the matter of attempting to ascertain the wishes of the Aboriginal community has very many political and other implications and is subject to political and other activities by those with a vested interest. It is true that many politicians on both sides of the political fence have been guilty of doing this in the past with regard to Aborigines in Queensland and in other parts of the country.

The fact is, as I have said in this House before, that we are dealing with a group of Stone Age people who, until the coming of the white man to this country, had not progressed in any shape or form, were still living in their absolutely traditional manner and had not made any progress at all as their fellows in other parts of the world had. It is a fact which has to be accepted. Then when we brought the white man's various sins of omission and commission to this country, we only accentuated the problem. As a result there is now no real answer in re-education programmes unless we are prepared as a community to undertake a very great deal of personal effort.

The basic problem with regard to Aborigines and their functioning in a community—either in their own community or mixed with the white community—is associated with both health and education. Many surveys have been carried out in this country which emphasise this point. A child group study in South Australia several years ago demonstrated quite definitely that of all the children approximately 6 months old about 20 to 30 per cent already showed decreased growth patterns compared with white children. By the time those same children were in their second year a larger percentage—40 to 45—showed these decreased growth patterns. It is a fact that if a young person is starved and not given a correctly balanced diet, irrespective of what he eats, subsequently his mental development is impaired quite drastically.

I believe that in Australia we need to take very great cognisance of the fact that we have on our hands a major problem that will not be solved by any person who feels he can issue orders in a paternalistic fashion, or by any person who thinks he can educate, in a haphazard fashion, any local community. This brings us back, of course, to the Weipa and Aurukun situation. In Weipa we have given the Aboriginal group the adult male wage, under the auspices of Comalco, and we have expected them to behave in a responsible fashion. They are able to buy all the alcohol they wish, and we expect them to be able to handle modern cars and other equipment. This in practice does not work out, and it will never work out in the approach that we have adopted up to date.

The only way to overcome this situation is to remove completely the paternalistic idea—in this respect the tribal councils are a good idea—and to set up in our community

concerned groups of citizens who are prepared to work for Aborigines rather than with them as has been the case in the past. There is a group in our community known as the Institute of Cultural Affairs. They have established a pilot project at a site in the north-west of Western Australian called Oombulgurri. This project has been set up with the idea of training the Aboriginal groups in that area to bring them into this century. They have very sound ideas in that they do not under any circumstances make an attempt to force any person to do anything. The place where they have set up is in the Forrest River area north of Wyndham. The original purpose was the resettling of this Aboriginal tribal land. The project was commenced in 1968.

There was an initial grant made by the Department of Aboriginal Affairs in Western Australia and within six months the Aborigines started to realise that it would be to their advantage to go back to their tribal areas and attempt to create a proper settlement of their own people. The project involves several community groups. The whites in the area, who regard themselves as their employees and friends and are not in any way paternalistically inclined towards the Aborigines, teach them to build, to provide their own food by growing it, to continue a programme of maintenance of buildings which are erected, and they continue to provide knowledge and expertise with regard to all forms of crops. In addition, they are given preventive care programmes in a community health project. In the same area, youth training programmes are instituted which provide regular employment for the young under a type of apprenticeship plan and teach them to be good mechanics, carpenters and plumbers.

There is also a total Aboriginal education programme to include an early learning programme at a pre-school level and a formal education programme for the adults. I believe that those responsible for the Bill before the House could well take into consideration some form of real programme for the training of Aborigines in the Aurukun area.

I think the Bill is a worth-while measure because it does use the resources of this State well and profitably for all citizens. There is no situation in which we can expect a responsible Government to refuse to initiate a project which will bring into the country $500,000,000 worth of expertise and knowledge. I am pleased to see that an alumina smelter is to be established in the area.

I am also pleased to see that there will be a 50 per cent Australian equity. On that subject—and in spite of the criticism of multi-national companies that has occurred over the years—I would remind the House that Mt. Isa and its full organisation stood for 20 years with borrowed American money before any dividend was paid to any shareholder in that company. If American money had not come to Mt. Isa in the 1920s, Queensland would not have the complex that is in that area now.

I would agree with the Minister, too, that the distribution of the funds from the 3 per cent is best made to the entire Aboriginal community. But I think that a well-oriented and well-documented programme of the type that I have mentioned could be initiated in the Aurukun area, and I believe that the Government could well take the initiative in that respect. It would have to be more than mere lip-service to the problem that has been troubling this country for 200 years. It needs to be a programme thought out in depth, as I have indicated, and I do not believe that the problems of alcohol or any other major problems will be solved unless that is done. In the Oombulgurri project, after the Aborigines had been there for a few years they decided that they would not have any alcohol there. That was their own decision. They realised the disastrous effects that alcohol had on their community. As a result, since then they have been able to thrive under the programme that I have spelt out to the House.

It is important that honourable members should not be carried away by any form of hysterical approach to this matter. We must all look at the question of development of Crown land in the Aurukun area as it ought to be looked at. We must realise that we live in a country in which, if a person owns land in Western Queensland that happens to have oil on it, the oil is not his, as it is in the United States of America—in Texas, for example—but belongs to the Crown. In spite of the talk of Aboriginal tribal grounds, no group has the right to lay claim to land that cannot be used for community purposes.

Of course, Aboriginal tribal grounds which involve the places sacred to Aborigines must be preserved. I noticed recently a report that Kennedy was killed in the northern part of Cape York Peninsula because he had inadvertently camped, with his boy Jacky Jacky, on a piece of ground sacred to the Aborigines and they reacted predictably under those circumstances. Such places must be retained, and we must do what we can to preserve them.

Finally, I should like to see set up in this community a university department that deals not with anthropology or other forms of study now carried out at the University of Queensland but particularly with the Aboriginal problems that I have mentioned. Only under these circumstances can the various developments that must be carried out in this State be carried out successfully.

Under the circumstances, I do not think there is anything that anybody could do to find out from the Aborigines from Aurukun whether they want anything more than has already been done for them. They probably would change their minds frequently because

of their disadvantaged situation. In spite of the efforts of the missionaries, they are still in that situation, and only if a programme of the type that I have envisaged were implemented would there be any real change for the better.

Mr. WRIGHT (Rockhampton) (4.19 p.m.): In the seven years that I have been here it has always worried me that at the end of the sitting the Government tends to bring down controversial legislation. I know that legislation must be brought down at the end of the year, but I notice, too, that members are usually given only a short time before having to debate the second reading. Today's legislation is a typical example of that. It was introduced on Tuesday of this week, and here we are, barely 48 hours later, debating the second reading.

It has been a strange debate today. Probably one could describe the contributions of some members as fence-sitting or even as having two bob each way. There have been clouded issues, and I do not think that the contributions of the Minister for Aboriginal and Islanders Advancement and Fisheries and the Minister for Mines and Energy have really removed the vapour that surrounds the issues. There seem to me to be too many unknowns, too many areas in which the facts are not clear. There have been charges and countercharges, mainly on the question as to whose side the Aborigines are on.

I do not think the issue is clear-cut, and I think it is understandable that some members are having two bob each way. It is important that we have the development suggested in the Bill. It is also important that we listen to and safeguard the rights and desires of Aborigines.

The honourable member for Isis questioned why the Presbyterian Church had taken last-minute action. I believe that was answered very clearly in the letter sent to all members of Parliament on 3 December. First of all, clause 11 has not been fully included in the Bill. We have to look at that closely because, regardless of what the Minister for Mines and Energy has said, we notice that the first part of clause 11 deals with the training of Aborigines for employment with the Tipperary Land Corporation. That is not mentioned in the Bill. The clause talks about a sharing by the Aborigines in the success of the industry. There is a sharing at the rate of 3 per cent.

From other literature sent to us we note that the people wanted royalties. They were opposed to the provision I have referred to. Again that condition is not fully included in the Bill. Clause 11 also refers to a seeking of an answer to the alcohol problem. While I accept the fact that some mention of that is made in the legislation, I do not believe that is the answer. I refer to the last paragraphs in that letter which state—

> "In the light of the above we urgently and earnestly urge you to withdraw the Bill pending its further study by the Aurukun Community and its advisers, and pending the promised further negotiations with the Community.
>
> "We apologise for this eleventh hour appeal to you, but frankly, despite the murmurings of others, our Board in the light of the assurances of the Premier and of the Government was confident that what appears to be happening would never happen."

I have here a copy of a letter dated 26 June 1973 from the Premier's Department to the then member for the area Mr. Wallis-Smith. That letter stated—

> "I am directed by the Honourable the Premier to refer to your letter of the 1st February, 1973, requesting that the conditions to be applied to any mining leases on land comprised in the Aurukun Aboriginal Reserve be made known to the Presbyterian Church Authorities and the Aurukun Community leaders before such leases are finalised.
>
> "Mr. Bjelke-Petersen has asked me to assure you that any decisions likely to lead to mining or other operations on the Reserve will be made in consultation with the Aboriginal Councillors and the people of Aurukun.
>
> "In addition, you will be pleased to learn that the Aurukun Councillors have been kept informed, step by step, of possible developments to date in all matters affecting their Community or people."

No challenge is made to that last paragraph.

Mr. McKechnie: Where did you get that letter from?

Mr. WRIGHT: It was given to me by a representative of the Presbyterian Church. They are not ashamed of it.

Mr. Camm: Who signed the letter?

Mr. WRIGHT: It is signed "J. P. Maher, Acting Under Secretary". I am prepared to table the letter, if necessary.

It is fairly obvious that the reason the church is acting in this way at the moment is that it believes that nothing will be done until some final and definite negotiations take place between that church and the Aurukun people. It has been said that these negotiations did take place. I ask: did they really? With whom? When? Was it three years ago? Was it only informally? Were any legal representatives from the Aurukun Community present? Were the Aborigines really aware of the total ramifications? I doubt whether most members of the Assembly understand the total ramifications of the legislation. I will be speaking about that later.

The Minister for Aboriginal and Islanders Advancement said that he discussed this matter when he was in Aurukun recently. I was a friend of that Minister long before I entered this Chamber. I do not doubt his word. I believe that discussions did take place. But could those discussions honestly be described as the negotiations that were promised to the Presbyterian Church? Could they really be described as the negotiations that were supposed to take place with the Aurukun Community? That is the whole crux of it. Discussions have taken place. I am told they have taken place between Mr. Killoran and a previous chairman of the Aboriginal Council. I know they took place while the Minister for Aboriginal and Islanders Advancement was in the area. But I do not believe that the negotiations which were promised by the Premier, and promised on behalf of the Government by those who negotiated from way back in 1968, did in fact take place. I refer back to the letter from the Premier's Department stating that these negotiations would take place before the leases are finalised. I do not think it was expected that simple discussions would be the case.

It is understandable that the church has had to take this last-minute or eleventh-hour action. It is understandable that the church is very upset. But even this aspect seems to be the subject of debate by members. The question has been raised whether the Aborigines in the area are really for or against this mining venture. I suggest that anyone who speaks must back up his remarks with evidence. I could get up and say simply, "Yes, I believe it," and the honourable member for Isis could get up and say that he believes it. But we need evidence. Surely no-one would take out a writ to try to stop legislation if he was in favour of that legislation.

I have here a copy of a Supreme Court writ that has been taken out.

Mr. Moore: It needs only one person to take out a writ.

Mr. WRIGHT: This writ has been taken out by five members of the council.

Mr. Moore: Only five members.

Mr. WRIGHT: Yes, five members, who are Donald Peinkinna, John Koowarta, Fred Kerindun, Bruce Yunkaporta and Geraldine Kowanka.

Mr. Frawley interjected.

Mr. WRIGHT: What a disgusting thing to say. The woman is sitting in the gallery. But we have come to expect that from the member for Murrumba.

As these people have taken legal action, I ask that you, Mr. Speaker, give consideration to ruling whether or not debate on this legislation should proceed.

Mr. Moore: Of course it can.

Mr. WRIGHT: I would be pleased to have a ruling on that.

I have with me a copy of a telegram signed by five members of the council and addressed to Mr. McMillan, reading as follows:—

> "We received your telegram on the first of December at approximately 4.30 p.m. We wish you to take legal action to stop the mining law. Please issue writ on behalf of Aurukun Community and you may do so in our names as Councillors.
>
> "We also wish Geraldine Kowanka to speak on behalf of the Council for the time being. She may speak in public on our behalf until she returns to Aurukun."

These five members of the council have put their names to a document, which I am prepared to table.

Further evidence of their feelings can be found in the instructions sent to Mr. McMillan, a solicitor, which read as follows:—

> "We, the following Councillors, Donald Peinkinna, Bruce Yunkaporta, Fred Kerindun and John Koowarta met with Mr. Bruce Johnston, Solicitor on behalf of Mr. Purcell on 1/12/75 at Aurukun to discuss the recent Press releases about proposed mining on Aurukun Reserve. As we have not been consulted directly or through our legal representative, Mr. Frank Purcell, we would like to point out that we have in the past employed Mr. Purcell and considered him to be watching our interests as we are so isolated and not able to be aware of what is happening from Aurukun.
>
> "We also would like to have Mr. Purcell continue as our Legal representative in this matter."

As I say, there is further evidence of their attitude.

I also have a copy of a telegram sent to Rev. Sweet, reading—

> "We the people of Aurukun say no mining at Aurukun. We the people say no. (Signed) People of Aurukun."

Mr. Camm: Anyone could send that telegram signed "People of Aurukun".

Mr. WRIGHT: One of the members of the council, a lady, is in the gallery. If we are going to question the sincerity and truthfulness of these people, let us call them to the Bar of the House, where they can be interrogated.

A telegram to Mr. Edenborough reads as follows:—

> "Urgently request Aurukun mining Bill be stood over until people have further discussions with mining company. (Signed) Chairman, Aurukun Mission."

Another telegram sent to Mr. Edenborough reads—

"We the people of Aurukun say no mining at Aurukun. We the people say no."

Mr. Miller: Who was that signed by?

Mr. WRIGHT: The people of Aurukun.

Mr. Houston: Someone must have signed it for it to go through the proper channels.

Mr. WRIGHT: I am sure all of this can be verified.

On 1 December 1975 the following statement appeared in "The Cairns Post"—

"The Aurukun Council wishes to let all the people know and especially the Government that they have been deeply shocked and very worried by what they read in the papers about proposed mining on the Aurukun reserve.

"In 1973 the Premier promised that any agreements about mining would only be made after consultation with the counsellors and the people of Aurukun. However, neither the Council nor the Mission has received any notification from the Government or from the mining company about current proposals. The Council first learned about it all from newspapers which arrived in the Mission last Monday (24/11/75).

"There are many questions which the Council would like answered. The Council has not been told where the mining lease is located, what sites are proposed for the alumina refinery, the township and the harbour, what guarantees are going to be made for the protection of sacred sites, and what sort of compensation is to be offered. As Council Chairman, Don Peinkinna, says, 'No-one knows anything.'

"If a percentage of profits from the mining is to go to Queensland Aborigines, the Aurukun councillors cannot see why the money should go outside Aurukun. As councillor, Mr. Fred Kevinden says, 'There's only one thing we can say, we want the money right here.'

"All councillors fear the potential threat of a major industrial development on their rich cultural life.

"As Chairman, Mr. Peinkinna says, 'The culture in Aurukun is very strong, and we want to keep it strong.'

"All councillors agreed it would be a good thing for television people to come and show what life is like at Aurukun.

"Now Mr. John Koowarto summed up the feelings of his fellow councillors: 'They made this decision without letting us councillors know. By right we are the people they should come to talk to. It is very unfair to us.' "

Again, that has been signed by these people.

Mr. WHARTON: I rise to a point of order. I was with the Aurukun people and I was assured on Tuesday that they did not write that letter.

Mr. SPEAKER: Order! I ask the honourable member to accept the Minister's denial.

Mr. WRIGHT: I will, but this raises a very serious accusation against the people up there, because I have signatures on this piece of paper. I challenge the Minister to carry out an investigation into this to see if these signatures and others that I have are the same as the real signatures of the members of this council. If they are, I expect the Minister to make a personal statement in this House explaining exactly what has been going on up there. A very serious accuation has been made. I expect the Minister to follow this matter up, because he said that these people who signed the document (a copy of which I have here) have now said that they didn't.

Mr. Wharton: That is right.

Mr. WRIGHT: That is a very serious accusation. I accept the Minister's denial.

Mr. Casey: He will do that as soon as his policemen get back from Switzerland.

Mr. WRIGHT: I accept that comment.

Mr. SPEAKER: Order! The honourable member will continue with his speech.

Mr. WRIGHT: The argument comes back to whether or not these negotiations took place. The Ministers says that they took place, and the evidence I have here shows that they did not take place.

There are grounds in the letter from the Presbyterian Church for believing that clause 11 has not been included in the legislation, as it should have been. It talks about so many things, one of which is award rates, and I see that in the Bill. It talks about profit sharing, and there is profit sharing of 3 per cent, but not on a royalty basis.

A telegram was sent to the Minister for Mines and Energy. Maybe he will deny that, although I was given it by an excellent authority. It was sent by Mr. David Johnson, the auditor, on behalf of the Aurukun Community. In this telegram, he said that the 3 per cent means nothing. The Minister, in his reply, might mention whether or not he got such a telegram, because it seems to me that someone is fiddling with telegrams and letters.

It is suggested that a royalty should be paid rather than a percentage of net profit, and a very good case has been made for that. Judging by the way in which the Bill is framed, I wonder if the percentage of profit will really help the Aborigines. I know from the legislation that it must be paid after three years, and we know that it is set at 3 per cent. But how many overseas companies really make profits? It has been

suggested to me that the alumina company at Gladstone has not declared a profit for many years; that it runs at a loss; that it sells its product at a loss to the mother company overseas and in this way pays no tax. If that is the way this new company is to be run, the Aurukun people, and more especially the Aborigines of Queensland, will receive nothing, regardless of what the legislation contains.

Another area of legislation refers to environmental studies. Part II of the Bill is headed, "Proper Care of the Environment." When I first read that, I was very, very pleased with it. I thought, "This is good, because there are certain requirements on the companies. They are obliged to furnish reports to the Co-ordinator-General about the mining operation and the various other aspects that are set out on page 9." I thought that that was excellent—until the honourable member for Bulimba said to me that he had noticed another section on page 18 that mentioned shell and shell-grit. I shall read that clause—

> "The Companies shall have the right to win and use shell, shell-grit, coral and other calcium bearing mineral as may reasonably be required by the companies for their purposes in such quantities and from such parts of the sea estuaries or any lands in or in the vicinity of the Special Bauxite Mining Lease as from time to time shall be specified by the Governor in Council."

In one instance the Government says, "There will be environmental impact studies. There will be reports to the Government about it."; yet the Bill gives the companies a total open go for the use of calcium deposits, destroying any coral reefs that might be there.

Mr. Camm: What a ridiculous statement.

Mr. WRIGHT: That is what it says.

Mr. Camm: Read the last line.

Mr. WRIGHT: I have read the last line about the Governor in Council. We know how much consideration the Governor in Council will give to this. We know the tremendous amount of work the Governor in Council has to contend with. I can see a pretty good case being put up by this lot, saying, "Yes, we need it." The case will be good enough and it will go straight through. It will not come back to this Parliament. It will go straight through.

On the same page we have a clause dealing with surface rights. This sounds pretty good, I must admit. It says—

> "The Companies shall in respect of the surface of any land within the Reserve of which they are or are deemed to be in possession permit persons so authorised by the Director as trustee of the Reserve to depasture stock and hunt game thereon"—

and this is the real crunch—

> "provided that such depasturing of stock and hunting of game shall not interfere with the rights and obligations of the Companies under this Agreement."

Who will decide the rights and obligations of the companies? Surely the companies will say, "Sorry, you aren't allowed to be on there, because the law says it is up to us. We believe it is interfering with our rights and obligations, so you must stay out." In one instance the Government says, "Don't worry. We have protected the rights of the Aborigines to hunt.", but in another instance we find that that is not so.

I heard the member for Wavell make a rather interesting comment about the tremendous benefits that will flow from the refinery. I was most interested in that. In that context I might refer to a Press cutting from "The Courier-Mail"—

> "Mr. Camm said a 600,000-tonne a year alumina refinery at Aurukun or elsewhere would cost more than $500 million and employ at least 1,500."

It has been taken for granted by the member for Wavell that that is an accomplished fact. The Bill does not say that. People talk about the project bringing a refinery and a smelting complex, but the Bill requires only that investigations and studies be held into the feasibility of establishing a refinery with the capacity to produce 600,000 tonnes of alumina per annum, and a smelter.

The Bill speaks about the feasibility of such a project, yet it has been said publicly by the Minister and now by members in this Chamber that it is a cut-and-dried case. That certainly is not so. I can see the companies producing feasibility reports showing that at this point of time it is certainly not feasible to go ahead with such a project. It is wrong to wave the carrot in front of the people of Queensland and the Aborigines of Aurukun, saying that this is what we will get. The legislation does not say that.

One might question as well the attitude to town-planning. Page 32 of the Bill refers to acquiring the best place for a town site. It says—

> "the Companies hereby agree to co-operate as far as practicable in procuring the most suitable townsite."

It amazes me the amount of litigation that takes place in this State because of such expressions as "reasonable" and "as far as practicable". I see trouble occuring in this, too. I believe the people of Aurukun would certainly lose their rights here.

We hear talk about protecting the people, but on page 37 the Bill says—

> "Nothing herein contained shall prevent the Companies or either of them from applying for acquiring or holding land in

fee simple or upon any other form of tenure or any mining tenure or any other right, licence, privilege or concession whatsoever."

We are talking about freehold title for the companies. I question that, if we stand by the land rights of Aborigines. If Government members doubt it, I suggest that the Liberals check their policy on land rights and then they will start to realise why people are worried. The legislation contains a clause that will allow the companies to take over and freehold their land, yet they say it is in the interests of the Aborigines.

Mr. Wharton: Why don't you read where it says that it will always remain as a reserve, the same as it is now?

Mr. WRIGHT: I read the full clause on page 37. I know that you are always advised by your departmental officials. I suggest that you read the Bill that you are involved in here.

Mr. SPEAKER: Order!

Mr. WRIGHT: I have been concerned also about the 3 per cent and the rental allocations. For the first five years it is $3 per sq. kilometre, after that $6, and then up to somewhere between $12 and $20. I wonder whether this is really sufficient. Unfortunately we will have to wait and see. It sounds good on the surface. It sounds good when the Minister talks about the tremendous employment benefits, the massive amount of money that will be spent, the advantages to the people and the advantages to Queensland by way of development. Yet when we come down to it, we can understand why some people are questioning this. We want development and need it, but not at any price. There must be protections.

We talk about the 3 per cent. I was surprised at previous honourable members who have spoken. I would have thought they would have said that if money is to come out of this, we must ensure that it will be used additionally for the benefit of the Aboriginal people. I accept the argument that it should not be used only for the Aurukun people because I can see that all people could benefit from it. But what will happen here will be the same as what happened in education. The moment more money was available from the Federal Government to spend on education in this State, the allocation by the State was cut back. The same thing could happen here.

A Government Member: It won't happen.

Mr. WRIGHT: It will happen because there could be extra revenue coming from this agreement and the normal allocation for Aboriginal advancement will be cut back. It has happened in the past and there is no reason why it will not happen here.

I agree with the honourable member for Nudgee that this legislation should be deferred. It has gone seven years now and there is nothing to prevent its being left for another miserable 15 weeks—that is all we are asking for—until Parliament reassembles in March. Then we could fully investigate this issue and honourable members could spend some time considering it. They have not had the time in the past two days to go through the Bill.

In addition we could set up a select committee comprising honourable members from both sides of the House to go to Aurukun. Why not? What is the Government afraid of? Why won't it do it? I know why it won't. The Government knows what we might find out. When the people realised it was an all-party committee comprising members from both sides of the House, they would tell us exactly what is going on, and would admit what the Minister has said has not in fact taken place. A few more weeks would not hurt, considering that seven years have passed. People want development, but they also want to protect the Aborigines.

The Minister has amazed me. I have always held him in the highest regard, yet what happened only a few hours ago typified his whole attitude to this issue. I was standing in the lobby with some gentlemen who were very interested in speaking to the Minister. They have not been able to do so. They called out to him and he kept walking.

Mr. Camm: When was this?

Mr. WRIGHT: Only a few hours ago. Let him get up and deny it.

Mr. CAMM: I rise——

Mr. WRIGHT: Not the Minister for Mines and Energy. I am speaking of the Minister for Aboriginal and Islanders Advancement.

Mr. Camm: That is all right.

Mr. WRIGHT: Let him deny it, because many people were there and saw it. He kept walking. He knows he did it.

Mr. CAMM: I rise to a point of order. It is customary for a person to make an appointment if he wants to speak to a Minister. He does not call out to a Minister when he is on business. What does the honourable member think Ministers are? He might respond to such a call, but Ministers are too busy to do that.

Mr. WRIGHT: I accept the point of order but let me point out that both the honourable members for Isis and I went to the Minister's room upstairs to see him about it and to try to arrange an appointment. He said he was too busy.

Mr. WHARTON: I rise to a point of order. When the honourable member for Rockhampton sought the appointment, he bowled into my offiice and said, "Can you meet these people?" Like other people, I need to have appointments made. I have work

to do. Somebody did yell out my name when I came past the door but that is not the way to make an appointment.

Mr. WRIGHT: I accept the Minister's explanation, but I do not think many people really do. I think he was afraid to see these people, and he had good reason to be afraid because he knew what was going on. He certainly had time from quarter past 2, when the Minister for Mines and Energy

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Mr. Houston: He had the whole lunch hour to see them.

Mr. WRIGHT: Of course he did. Let us look at what has happened. Two distinct stories are being put forward here. I do not think the Minister for Mines and Energy is involved in this. I come back to the Minister for Aboriginal and Islanders Advancement because apparently he is propagating one story and we have another one coming from the people of Aurukun and the Presbyterian Church. We have letters here to substantiate that a promise was made by the Premier, and this promise has not been kept. We find also that statements have been made by council members in the Press, by way of telegram, to solicitors and so on, and this validates what I am saying about their attitude. It has been dormant for three years, and yet we are rushing it through in the last couple of days of the session.

But I suggest to you, Mr. Speaker, that the overriding issue is not so much the mining venture, because I want to see it go on; it is the attitude that is being adopted to Aboriginal people. This is what it is all about, because time and time again the need to accept the importance of consulting these people has been stressed. I go back to this statement made by Mr. Justice Woodward—

> "The Aboriginal people themselves must be fully consulted about all steps proposed to be taken. They must be given every oportunity to consider and criticise proposals and to negotiate with the Government for changes in those proposals.
>
> "This will involve some delays, which will be criticised by those wanting instant action, but I am satisfied that the need for consultation is of paramount importance. In this context I should make it clear that consultation is not achieved by a meeting at which decisions already made are explained to Aborigines. Aboriginal involvement in the process of decision-making must be a reality. And the Aborigines involved must be those who will be affected by the decisions.
>
> "Aborigines should be free to follow their own traditional methods of decision-making. Concepts of elections and formal meetings, necessary among large numbers of people most of whom are comparative strangers to each other, have no place in traditional Aboriginal society and should not be imposed unnecessarily."

So let us not just listen to A.L.P. people; let us not just listen to the Aurukun people; let us go back and listen to Mr. Justice Woodward. I suggest that Liberal Party members have a look at their own policy on this matter, because I must admit I was surprised they had even given thought to it.

There is a real need for delay in this issue; there is a real need for clarification; there is a real need to check out the allegations made by the Minister for Aboriginal and Islanders Advancement that this evidence is not true as it was suggested to me. I believe there should be an amendment to the motion that this Bill be now read a second time. I believe the words "in 15 weeks time" should be added. Unfortunately, the Opposition does not have the numbers, but I would ask all honourable members to give some thought to this. What would really be lost? Surely there is time to clean up this matter. Surely time is needed for members to become au fait with it. Surely there is need for consultation—and 15 weeks would give us that time. Why hurry this through? This is the question that occurs to me all the time. Why the hurry? Why leave it to the last minute? Why only 48 hours between the introduction and the debate on the second reading? Why will the Minister not see these people? So I wonder whether there has been a cover-up, and for what reason. I believe that we ought to have a delay in this matter and I would ask all honourable members, regardless of their political affiliations, to seriously consider this matter. If they do, Queensland will gain from it and the people of Aurukun will gain from it.

Mr. LINDSAY (Everton) (4.49 p.m.): I rise to speak in support of the Aurukun Associates Agreement Bill partly because during my 16 years' service in the defence forces of this country I spent so much time out of Australia living in the countries to the near north of Australia. Because of that, perhaps I more than anyone else in this Chamber would see this whole problem from a completely different angle. I will attempt now to express the thoughts that I have in this regard.

To date in this debate we seem to have been discussing the problem of the Aborigine in the Queensland society and we seem to be talking about that society as though it is in no way related to the rest of the world. Where actually is Aurukun? We all know that it is on the western side of Cape York Peninsula but do we know that it is in fact 1,250 miles by air from Aurukun to Brisbane. It is the same distance from Aurukun to Timor, and we all know, Mr. Speaker, what is happening in Timor at the moment.

Of interest, of course, is the fact that there is a road by sea from Timor to Aurukun. From Aurukun to Brisbane by sea is much more than 1,250 miles, and there is, of course, no better road. Indonesia

has a population of 129,000,000, Japan has a population of 110,000,000, and Queensland has a population of 1,977,000.

What actually is at Aurukun now? Approximately 600 people—men, women and children—live in about 100 houses. Although not wishing in any way to denigrate the pioneers—those dedicated Christians who for many years have given their all in Aurukun—I point out that as recently as May of this year, when I had the pleasure of visiting Aurukun with the Minister for Aboriginal and Islanders Advancement, the school was a two-storey building with no real walls. It had a tin roof, and the walls were iron mesh. The classrooms were divided one from the other by a series of boxes and makeshift fabrications. The heat was oppressive, and the few fans that were operative, while providing some coolness, certainly did not provide adequate coolness if one is thinking in terms of trying to educate the children for the 21st Century.

One of the great lessons of overseas service for any Queenslander is to see, when visiting the war memorials in Lae and Port Moresby, row upon row upon row of graves of Australians who made the supreme sacrifice so that you and I, Mr. Speaker, and all Queenslanders, including the people of Aurukun, could live happily and prosper in this State. That degree of service has continued, and it was my pleasure, in Malaya, Borneo and Vietnam, to serve with two Aboriginal conscripts, Des Mayao and Alex Illin. Both of those fellows served with me in Malacca in 1966. They extended their two years' service by a further six months so that they could come back to Brisbane with me, undergo a period of training and then serve with me in Vietnam. The three of us had the pleasure of marching through the streets of Brisbane. We thought we were coming back to a society in which all men would be equal, in which an Aborigine would be no better and no worse than any other member of Queensland society. That is the premise which I believe should be adopted by everybody.

The outside world is very large and other countries have enormous populations which—and this is so particularly in the case of Indonesia—will double by the year 2000. Aluminium is very important because, just as copper increased the degree of civilisation of the Greeks and improved their living standards, it is the metal that will be of most assistance in improving the lot of society in general in the world. The object that I have in my hand now is an example of the value of aluminium.

The Bill is seen to be interesting in many ways if it is read closely. Firstly it confirms my opinion, already expressed, about the enormity of the bauxite deposit in the Weipa-Aurukun area. It is not confined to that area, but extends right down the west coast of Cape York Peninsula and goes well out to sea. It is enormously valuable. In answer to a question I asked, the Minister said—

> "While testing of reserves of bauxite in the Weipa area is incomplete, they are known to exceed 2 265 000 000 tonnes; their absolute monetary value is unknown, but 1974 bauxite prices were approximately $5 per tonne."

Therefore at last year's price we have a known-to-exceed value of $11,325,000,000. While we may sit in this Chamber and argue the pros and cons of whether we should encourage the development of that enormous area, other countries—and I refer specifically to Japan, Russia, and China—even if they do not feel the pressure for the control of aluminium now, certainly will in the year 2000. Just as in the 18th Century flax and rope gave nations with those products the power to sail the seas, so in the 21st Century the country that controls aluminium or has the say in its distribution will be in a much better position to do good or bad for the world than any other country.

The corporations concerned in the Aurukun proposal are obviously determined to make it a goer. According to the Bill, within approximately eight years—certainly by 1983—they must have started a refinery. The raw material bauxite—aluminium oxide—in the red pebbles has to be refined. Presently we have to ship it from Weipa to refineries in Gladstone and elsewhere. Aurukun is further south. It is obvious from the Bill that the various companies concerned believe that there is a coal deposit in the area. It is also obvious that they plan to obtain salt from seawater. As the honourable member for Rockhampton has indicated, there is a proposal to mine calcium products, which are so necessary for a refinery. It is obvious to me that what is proposed in the long term is an enormously valuable industrial area.

We need to realise that we are no longer in the days of the sailing ship. What is of significance in Australia is what happens to our north and near north. Port Moresby, for example, is only 500 miles away from that area. The future of Papua New Guinea is anyone's guess. Certainly we in Australia are not going to have very much to do with it. The whole area represents the front door to Australia. If we don't develop it, somebody else will.

The future of the Aborigine in our society has already been canvassed. I do not have any wonderful answers to the problem. I have toured the Torres Strait areas and the Aboriginal reserves. I regard the Aborigine, in particular, as being similar to a man on a barbed-wire fence. He is struggling to go forward and cannot get off to go backwards.

Large sums of money have been spent on the education of young Aborigines in the northern part of Australia, and large sums

of money are handed out to Aborigines. Concessions such as unmarried mothers' allowances are generating what can only be described as a baby boom on all Aboriginal missions and reserves. We are more or less deliberately increasing the number of young Aborigines in our society. At the same time we are deliberately, and rightly, attempting to provide them with the best education possible. But what for?

I suggest that in the 21st Century the Weipa-Aurukun area will be the Ruhr of the South-west Pacific. There is a fair chance that by that time coal deposits will be found in the area and that large industrial complexes in which young Aborigines will be able to play their part will spring up. We have dallied too long over this development, so it is encouraging to see that at long last a decision is to be made. We can wait no longer. I strongly support the Minister and the Bill.

Mr. CAMM: Mr. Speaker,——

Mr. CASEY: Mr. Speaker, ——

Mr. SPEAKER: The Minister in reply.

Mr. Casey: Are you gagging the Parliament as well as the Aborigines?

Mr. SPEAKER: Order! I have called the Minister.

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Energy) (5.1 p.m.), in reply: This debate has degenerated into one concerning not the Bill but the welfare of Aborigines. Speaker after speaker dealt with the welfare of Aborigines, and very little contribution concerning the application for the mining lease or other provisions in the Bill has been made.

I shall reply in detail to some of the claims made by honourable members, particularly the spokesman for the Opposition, the honourable member for Nudgee. He has referred to drunken brawls occurring as the result of mining. Drunken brawls occur all over the country, and among white people. Mining should not be given a bad name simply because people in mining towns drink and engage in brawling. This Bill concerns not drunken brawls, but a development project in an isolated part of the State.

As to the claims that there will be no training for Aborigines—I can reply effectively to them by pointing out that at Weipa Aborigines make bricks and drive heavy machinery. The company will undertake a good deal of training to equip the Aborigines at Aurukun with the ability to be competent members of the work-force.

A good deal has been said about a clause in the Premier's letter. It is also in letters sent to the Premier and to the Deputy Premier and Treasurer. The clause is written in italics and reads as follows:—

> "That any decisions likely to lead to mining or other operations on the Reserve will be made in consultation with the Aboriginal Councillors and people of Aurukun."

No mention whatever is made of the Presbyterian Church.

Discussions have been held with the Aboriginal councillors and people of Aurukun. The Minister for Aboriginal and Islanders Advancement has indicated that he was there last April and within the past few days and that the Director of Aboriginal and Islanders Advancement has been in constant consultation with the Aboriginal councillors in relation to this agreement.

I think the Minister replied effectively to many of the misrepresentations that have been circulating by way of telegrams, newspaper reports, statements and letters, which have been produced in this Chamber. It would appear from the Minister's comments that the Aborigines at Aurukun desire to have some measure of independence from the Presbyterian Church in order to conduct their business dealings. A signed letter read by the Minister indicates that the councillors there feel—not that they are criticising the church, and not that I would criticise the mission in the light of the work it has done—that they have now reached the stage where they are capable of looking after their own affairs under the care of the Director of Aboriginal and Islanders Advancement.

The honourable member for Isis made a well-balanced contribution. He spoke well of the State Government control through the Director of Aboriginal and Islanders Advancement. I feel that Mr. Pat Killoran was seriously maligned this afternoon by members of the Opposition when they referred to the capabilities of the Queensland Government, or the capability of the councillors at Aurukun to enter into these negotiations. These people are under the protection of this gentleman, Mr. Killoran, and they have been under his protection for many years. He is responsible for looking after the affairs of the Aborigines and Islanders throughout Queensland, and he is doing a remarkably good job. He has had at his command advisers and experts from many Government departments who could provide him with any information desired while undertaking negotiations with the company. Mr. Killoran has done a very good job and he does not need the likes of the member for Rockhampton to tell him what his job should be.

Mr. WRIGHT: I rise to a point of order. I did not even mention Mr. Killoran in my speech.

Mr. CAMM: No, but the honourable member mentioned that the councillors were not capable of undertaking negotiations on their own.

Mr. WRIGHT: I rise to a point of order. I did not say that. That was said, I believe, by the honourable member for Isis.

Mr. CAMM: The honourable member implied it. The honourable member for Wavell also made a very considered contribution.

Mr. POWELL: I rise to a point of order. I ask the honourable member for Rockhampton to withdraw the remark he made about me. I did not make such a comment and I find it offensive.

Mr. SPEAKER: Order! I ask the Minister to continue.

Mr. POWELL: I rise to a point of order. When the honourable member for Rockhampton rose to a point of order to deny what the Minister said, he claimed that I had made the statement which the Minister had attributed to him. I did not make that statement and the honourable member for Rockhampton is incorrect in saying that I did.

Mr. SPEAKER: Order! I ask the honourable member for Rockhampton to accept the denial.

Mr. Wright: I accept the denial.

Mr. Houston: Have another guess.

Mr. CAMM: I know that the honourable member for Bulimba would like to guess.

The honourable member for Rockhampton spoke at length about the assistance needed by the Aboriginal council in that area in the conduct of negotiations. Ever since I entered Parliament, towards the end of each session I have heard the cry from Opposition spokesmen, that we are hurrying legislation through in the last few days of the sittings. I bring to the notice of the House that the honourable member for Rockhampton, who is complaining that we are hurrying this legislation through, has not been in this Chamber for the last week. Instead of being here attending to the work for which he is elected, he has been dallying around somewhere in Central Queensland.

Mr. WRIGHT: I rise to a point of order. In the last two weeks of this Parliament I have missed one day, and that was Tuesday.

Mr. CAMM: I made a note that during his contribution to the debate the honourable member for Rockhampton indicated or implied that he did not have faith in the capacity and ability of the Aboriginal council to conduct its own affairs. That was the whole tenor of his contribution. I point out to him that they have the protection and guidance of the Director of Aboriginal and Islanders Advancement to help them.

I know that among Ministers of religion there are various men with different political affiliations, but it is very strange to me that all the documents quoted by the honourable member for Rockhampton—and obviously he received them from a church source—were not available to the elder of the church who has control of the Aurukun Mission, that is, Mr. Powell.

Mr. WRIGHT: I rise to a point of order. A meeting was held today between noon and 1 p.m., and it was attended by, I believe, three members of the National Party, two Liberals and myself. The two gentlemen the Minister is speaking about had offered to them any information that they wanted. I refer to the honourable members for Wavell and Isis. The honourable member for Albert was also there. The honourable member for Everton was another who was there. It was offered to everybody; I took it.

Mr. Houston: Cop that.

Mr. SPEAKER: Order!

Mr. CAMM: The honourable member for Everton obviously appreciates the advantages of the project. He indicated that he at least has faith in the Director of Aboriginal and Islanders Advancement.

As I said at the outset, most of the debate dealt with the welfare of Aborigines, which really comes under the control of another Minister. My role in presenting the Bill to the House is really as the Minister for Mines and Energy acting on behalf of the Honourable the Premier. The Bill encompasses the activities of many departments. During the negotiations that have taken place between the companies and the Co-ordinator-General, the officers of many departments have been busily involved. I have a responsibility for this Bill in part; so have the Minister for Lands, the Minister for Water Resources and the Minister for Aboriginal and Islanders Advancement. When a number of departments are involved, the Premier's Department generally has ultimate responsibility for the Bill.

Motion (Mr. Camm) agreed to.

COMMITTEE

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

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

Schedule—

Mr. CASEY (Mackay) (5.12 p.m.): The Minister made some points at the second-reading stage, which he gagged, but other points have not been raised relating to other aspects of the Bill. There is a very good reason for that. Once the Minister gags the debate, how can they be raised? In fact, the Minister, acting as he said on behalf of the Premier, endeavoured not only to gag the

Aboriginal people on the proposals they are trying to put forward but also to gag the Parliament itself on this measure.

The problems of the Aurukun people have been very well put forward by other members in the House today. I have no doubt that others will be put forward, too. All I can say is that somebody must have slipped up somewhere, because we have not seen representatives of the Tipperary Corporation, Billiton or Pechiney here today protesting at the last minute that they had not been properly consulted on the provisions of the Bill. So they must be well and truly satisfied, even if the Aurukun people are not.

Mr. Wright: Do you suggest it was no surprise to them that it was coming on?

Mr. CASEY: I think they must have known all about it. They must certainly have had something more than no negotiations since 1968.

I am concerned that the schedule contains so many provisions that virtually duplicate previous agreements that have been made by the Government in other major mining enterprises in Queensland and which have created continuing problems for the people in those areas and the people of the State as a whole. No proper effort has been made in the schedule of this agreement to overcome these problems. Indeed, there are included in it measures that members would like to see in other legislation of this Parliament.

I will refer briefly to a few of them. In the first place, there is provision in the schedule whereby the companies, if they so desire—the companies, I stress—might alter local authority boundaries. In order to do that, all they have to do is ask the Minister. Yesterday the Minister for Local Government said that he would not alter local authority boundaries unless there was agreement between the two local authorities concerned. Under the Bill, as long as the companies come to some agreement it can be put forward and the Minister will approve it. If the companies want by-laws created, all they have to do is to submit the by-laws to the local authority and they will be approved. If any difference arises between the companies and the local authorities the Minister has to step in and resolve it in favour of the companies, not in favour of the local authorities or the people in the area.

Another amazing occurrence was the amendment to the local government legislation earlier this year to allow for advisory committees in shires that are being administered. Cook Shire, in which this area is situated, has been administered for many years for the good reason that there has been no over-all development in the area. At long last this development is coming, and I support the Minister's introductory comments on it. Surely it is time we decided that with this development, probably a new township that will go with it, and Weipa, a completely new local authority should be created. That should be included in the Bill and the provisions concerning local authorities should not be there.

There is a very good reason for this. The real problem that the Aurukun people see is that another company town, such as Weipa, will be created, and anybody wishing to do anything in the town will have to get permission from the companies. The same situation exists here. Nowhere in Part VII of the schedule relating to the Lands Department is there provision for traders to acquire land in the town for business purposes.

Anybody who has had anything to do with places such as Moranbah, Dysart, Blackwater, Moura and even Biloela knows full well that development comes with these mining enterprises, and traders, storekeepers and many other businessmen should start setting up in the area for the retail sale of goods and the other normal commercial enterprises that any township is entitled to have. Yet this so-called free-enterprise Government is ensuring that the town will be a tied town and that land will not be made available to traders.

The schedule provides that services of the State, such as education and police, will be made available by the State Government in proper proportions, as it has done in other areas. Anyone who knows anything about the history of the development of Blackwater, Dysart and particularly Moranbah knows that these places have lagged badly all along the line in the provision of educational facilities and police stations.

Mr. Camm: What rot!

Mr. CASEY: The Minister may say "What rot!" But only the other day the Minister for Justice rejected the appeal by the honourable member for Belyando to have a court-house established in Moranbah. Dozens of townships half the size of Moranbah have a proper court-house and other State Government facilities for the people in the area. The schedule provides that facilities will be made available by the Government. But when? The Government is lagging badly in the provision of these facilities. Anybody who lives in those townships knows that.

The schedule also refers to water supplies. Again I point out that this agreement is virtually a duplicate of other agreements entered into by the State Government. As the Minister knows, one major problem in Moranbah, for instance, which is the most recent of the townships to be set up in such ventures, is that water has been rationed since its inception. When there is a shortage of water the mine has first priority and the townspeople have to put up with the water shortage. They have to put up with a shortage of many facilities. Even the local authority at Moranbah has had to put up with a shortage of water and that has been

a bad feature of one of Queensland's best small towns. It is a lovely, well-developed town, but it has been short of water right from the outset. I mention this today merely as a warning that when any township is set up in Queensland the Government must ensure that the water supply is more than adequate.

The schedule provides that 10 per cent of the companies' requirements must be set aside for this purpose, but in some cases, and at some times of the year, this is not enough. In the Aurukun area, as with Weipa, the weather is seasonal. Whilst there is a very heavy wet season, there is a long period of the year which is dry. There is only the wet and the dry, and during that long dry period the people in the area will suffer, and suffer considerably, if adequate water is not provided for them. They will suffer constant rationing such as the people at Moranbah have had to suffer right from the start, and from which they still suffer today.

In many places in the schedule we see the words "as the company shall require". As I said before, this will be a company town. One amazing thing in the Bill is that part relating to harbour works. We see that a harbour board will be set up under the Harbours Act and that the Corporation of the Treasurer will probably be the harbour authority within the area. But that is all it will be, because the agreement simply states that the Corporation of the Treasurer or the harbour board, as the case may be, "may" enter into agreement regarding the construction of harbour works and port facilities. But further on in that schedule it is provided that they "shall" enter into agreement in relation to the management. In other words, the Corporation of the Treasurer can have a say in what is built in the area but it will have no say at all in the running and control of that harbour or the harbour authority controlling that area.

I have just a couple of other points. We have a new aspect in that the schedule states that a percentage of the profits will be taken out for certain reasons. This is nothing new in other countries. I have seen such an agreement between the Government of Botswana and the De Beers mining company in South Africa. De Beers is certainly a very strong company throughout the world, a multi-national corporation. The royalties set out in that agreement are 5 per cent of the gross proceeds of sale—not of profits but of the gross proceeds of sale. That is only the royalty figure, and on top of the normal tax paid by that company there is a profit tax of 10 per cent on the annual net profits of the company, which go to the Government and the people of the area. In addition to that, the mining company is required to allocate free to the Government 15 per cent equity in shares issued for the mining venture there. As well, a Government representative has to be appointed to the board of directors. In that way it can be seen that nothing untoward happens which could, as the honourable member for Rockhampton suggests, possibly happen here where the company could control its enterprise in such a way as to ensure that it does not make any profit.

Those are the main points that I wanted to make in relation to the schedule, but I think they are very, very important points because in these areas we see tremendous problems created by indirect development. If we are looking at 3 per cent of the profits going to the people of Aurukun, what we should be looking at as well is a certain fixed percentage of what the Government is making out of some of these enterprises in various parts of the State going directly to the people of those areas, to ensure that adequate facilities and other things they need to overcome the indirect problems created by these mining enterprises are provided.

There were a number of other points I wished to mention but we are limited because of the way the debate on the second reading was gagged. However, I think I have said enough about the schedule to make members concerned about what is happening and so ask for more time to consider the Bill and discuss it further. The same mistakes are being made in this schedule as have been made in so many others, and in this instance the people of Aurukun are the ones who will suffer.

Mr. HOUSTON (Bulimba) (5.26 p.m.): Since I became a member of this Assembly, I have seen quite a few agreements brought before Parliament. Time and time again, major agreements between the State of Queensland and foreign companies have been rushed through the Parliament, and in each instance it has been necessary to bring them back for amendment, simply because not enough time has been devoted to considering the provisions contained in the schedule.

The CHAIRMAN: Order! The honourable member must direct his comments only to the schedule.

Mr. HOUSTON: I am, Mr. Hewitt. The whole of the agreement is in the schedule. I do not wish to argue with you—in fact, I know I will not—but the schedule sets out very clearly what is covered by the agreement.

I support the submissions made by the honourable member for Rockhampton. I believe that he put the case fairly and squarely. Let me go straight to the problems associated with the legislation. First, I believe that the offer to the Aboriginal people of 3 per cent of the profit is purely a token. The Government knows as well as I do that companies, particularly when they are dealing with a base metal such as this, can—and do—arrange their profits to suit world markets and to suit their parent companies.

Honourable members know what the situation is in the case of Comalco. If the Comalco refinery in New Zealand had been the company's only source of revenue, it would have gone broke many years ago. There was a tremendous loss on the operation of that smelter last year. It is obvious to everyone that companies such as Comalco, when they control not only the mining of metals—in this case it is bauxite—but also the various manufacturing processes, can arrange their profits according to the situation that exists at any particular time. I do not say they will not show any profit. They will show a small profit. However, the main profit will be shown at the third establishment. Any honourable member who has studied the profits of American companies and the results of investigations that have taken place throughout the world will know that the main profit is shown on the final process. There can be no doubt that under this agreement the company will operate along lines similar to those followed by other international companies of the same type.

If giving the Aborigines a percentage of the profit is such a good idea, why doesn't the State itself adopt it?

Mr. Frawley: Would you give 3 per cent of your salary to the A.L.P.?

Mr. HOUSTON: Of course I would! I would be quite happy to do that. In fact, I give a lot more than that.

Mr. Frawley interjected.

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

Mr. HOUSTON: The schedule lays down that the Government will receive royalties. I have no fight with that. The only thing that worries me is that the amount is not included in the schedule, and when the royalty is fixed by regulation we might find that it is a mere pittance. Of course, the Government will then say, "We have to assist the companies to become established." If taking a percentage of the profits is such a good principle, why does not the Government adopt it? I remind honourable members that the 3 per cent was first spoken of many years ago. This agreement has been in the pipeline for a number of years.

As I said in an interjection—and it is true—every time it seems likely that an election will be held, one hears talk of great development in this field. If one thinks back, one recalls that every Christmas and just before every State election the Government says that some company or other is going to undertake massive development in the Far North or in Cape York Peninsula.

The Bill will virtually tie up the whole of Queensland's known bauxite deposits in the hands of two major groups of companies, both of which are controlled mainly from outside this nation. To me, that situation is very frightening.

Dr. Crawford: Australian equity of 50 per cent is mentioned in the Bill.

Mr. HOUSTON: It is desired. It does not make it mandatory. We have seen other things happen when companies have come here. They couldn't do it. Look at the problems with the Gladstone Power Station because a company said it was going to build a smelter there. There is one thing the Bill might do, and I hope it does. This company and Comalco operating together might get a smelter under way. If that happens, at least we will get something out of it.

My main concern is that there was no need for the Bill to proceed today. One of the major points of discussion has been a letter written by the Premier to the Presbyterian mission. Why could we not have had the Bill debated on a day when the Premier was present? The Premier would be in a position to say, "Yes, I sent that letter in good faith. Yes, I meant this." Why couldn't the Bill have waited until Tuesday? After all, the Parliament is sitting on Tuesday. It is strange that the Government has decided to put the Bill through today when the Premier is not here and one vital piece of evidence is a letter written by the Premier.

It is not my desire to cause any delay, but I believe that these matters should be pointed out. The whole matter should have been held over until we allowed those responsible for the welfare of the Aboriginal people to have a further talk with the Minister concerned.

Mr. WRIGHT (Rockhampton) (5.32 p.m.): I wish to elaborate on three areas of the schedule that I did not get a chance to speak to on the second-reading stage. I refer firstly to Part VI where there is reference to the role of local authorities. I notice that there is a responsibility on the companies to assist in the procuring of a suitable site. I believe this requires further explanation by the Minister as to exactly what the obligation is. Honourable members will note at page 32 that they are required to co-operate only as far as practicable. I would like an explanation why that let-out is included.

We note from page 35 that there is to be a separate local authority. The clause states—

> "A separate Local Authority may be constituted for the town by the Governor in Council by Order in Council, at such time as the Governor in Council may deem necessary."

Local authorities throughout the State encourage industry because of the advantages they gain from industry. I am not sure which local authority this area comes under at the moment. It would seem that there would need to be a very good reason for having the Governor in Council determine that there should be a separate local authority. I realise that the companies will be allowed to nominate a representative on the

advisory committee; I believe the companies should have a say in the local area, but I think an explanation is required here.

I want further explanation, too, as to who gets the rent. It is $3 for the first five years, $6 for the next 10 years and then it is between $12 and $20. Who is going to get the rent on that land? I note from the early part of the schedule that the money is to be paid to the Minister. I can see nothing to show exactly what the Minister is to do with that money. It is not clearly defined. Is there any chance of the local authority getting it for its own developments?

Mr. Camm: The rent from mining leases?

Mr. WRIGHT: The rent money for land. I refer the Minister to page 13 of the Bill where it says—

> "The Companies shall pay a rent for all land held under the Special Bauxite Mining Lease."

Is that money also going to be included in the money disbursed for the advancement of Aboriginal facilities in that area? Or is that only the royalty referred to in part VIII? I think a further explanation is required here. I can see what could happen. Something is sold to the people by saying to them, "Don't worry. There is going to be rent on the land. There is going to be a royalty. The companies are going to have to provide facilities." That is what it says in the Bill. The council is going to be contributing to all the facilities in the township, and so it should, but how much of that money will be returned to the people? Looking at this very cursorily, I believe that the only money that will be returned to the people will be the 3 per cent.

Mr. Camm: That's right.

Mr. WRIGHT: This is a great pity, and this is the first time it has been mentioned in this Chamber.

Mr. Camm: That's right.

Mr. WRIGHT: It was not explained by the Minister for Aboriginal and Islanders Advancement, but obviously it was known to the Minister for Mines and Energy.

I am amazed somewhat at the reference in the Bill to freehold title. The companies are to be allowed to freehold this land. I remind the Committee of the policy of the Liberal and National Country parties on Aboriginal affairs, in which this is set out—

> "In recognising land rights we will ensure—
>
> "(i) that the traditional Aboriginal owners gain inalienable title to their lands;".

That is the first and foremost clause in the policy. Yet the Bill provides that the companies can apply to freehold the land.

The policy goes on to state—

> "(ii) that they also determine how their lands are to be used and preserved;
>
> (iii) that they have the same right as any other owner to determine who enters their land and whether the person is an Aborigine or non-Aborigine;"

Apparently that determination will be left to the Director of Aboriginal and Islanders Advancement, not the Aboriginal people.

Later the policy sets out—

> "(vii) that mineral prospecting and mineral development should only be allowed under strict government control and in a manner which protects sacred sites and reflects the views and needs of the traditional Aboriginal owners;"

The Bill provides that the right of surface use may not in fact be the right of those Aborigines; that right could be determined because of the rights and obligations of the companies.

Finally, clause (viii) states—

> "that royalties from mining be used for the benefit of the Aboriginal people and that a fair proportion thereof be paid in trust on behalf of the traditional Aboriginal owners of the land on which mining is conducted."

That says that the money has to go back to the people who own the land; yet the Bill provides that it will be held for everybody.

Answers still have to be given to the questions that have been asked. I ask the final one, because I know that members are wishing to get on with other legislation, and it concerns the establishment of a refinery and smelter. What guarantee do we have that in fact there will be a refinery and smelter? The Bill simply says that feasibility studies are to be carried out.

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Energy) (5.38 p.m.): The honourable member for Rockhampton will see that the companies are obligated to build a refinery; otherwise they forfeit their leases over a certain period. The feasibility study is to be carried out into the establishment of a smelter.

Mr. WRIGHT: I rise to a point of order. I refer the Minister to clause 14 of the Bill, in which this appears—

> "The Companies shall cause to be completed such investigations and studies as may be necessary into the economic feasibility of establishing a refinery having a capacity for production of alumina of not less than 600 000 tonnes per annum . . ."

It does not say there "has to be" a refinery; all it says is that an economic feasibility study will be carried out.

The CHAIRMAN: Order! I suggest that the honourable member has made his point and that the Minister will respond to it.

Mr. CAMM: The companies are obligated to build a refinery in Queensland and if they do not meet their obligations, they run

the risk of forfeiting their lease. The feasibility study will be carried out into the establishment of the smelter.

As to the township—it might not be on the bauxite lease held by the company. It could be on the lease presently held by Comalco. There could be a relinquishment of land. What other query did the honourable member raise?

Mr. Wright: A separate local authority.

Mr. CAMM: The Governor in Council may establish a separate local authority if the people who settle there ask for one. The Governor in Council has that right.

As to royalties and rent—they are always paid into Consolidated Revenue and are used in the best interests of everyone concerned.

Schedule, as read, agreed to.

Bill reported, without amendment.

THIRD READING

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

BUILDING SOCIETIES ACT AMENDMENT BILL

SECOND READING

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (5.40 p.m.): I move—

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

In my introductory speech, I outlined most of the main amendments to the existing Act. At this stage I would like to publicly thank the media for their non-hysterical presentation of the situation which has achieved a great deal towards acquainting the public with this most important legislation. I am sure that the media reports will have also helped the general public to realise the full implications of this important legislation and I believe this will gain the public's fullest support for these measures.

I do not intend to speak at length but I give notice at this stage that I intend to move amendments in the Committee stage which, I am sure, have been circulated. I commend the Bill to the House.

Mr. WRIGHT (Rockhampton) (5.41 p.m.): In the absence of the honourable member for Archerfield, I wish to raise a few points at this stage. The Minister has made a fair effort at trying to clean up the building societies. I think he stated fairly clearly why, that is, because this financial industry must have the confidence of the public. I am sure all honourable members support his motives.

Rather than my having to speak at length at the Committee stage, I ask the Minister to follow my comments on the Bill at this stage. I refer firstly to page 3 of the Bill where the following appears—

> "If a Society contravenes the provisions of subsection (2) it shall be guilty of an offence against this Act and liable to a penalty not exceeding $1,000."

The Bill contains very important provisions which mean, in effect, that when the registrar says that a society shall suspend its affairs, it shall suffer such a suspension. We are dealing with hundreds of thousands of dollars, if not millions of dollars. I accept the Minister's intention, but if it is so important, why should there be a miserable penalty of $1,000? If people involved in societies engage in defalcations, a $1,000 penalty is no deterrent. We need an explanation from the Minister as to why this penalty is so small.

The second point I raise concerns fidelity guarantee insurance, which is dealt with on page 5 of the Bill. In principle, this is ideal. We are dealing with special insurance to be taken out with the S.G.I.O. or a private insurance company. But nothing is said about quantum. We should know what type of fidelity policy is to be taken out by societies. We certainly do not want them to take out policies involving a couple of thousand dollars when millions are at stake.

On page 6 of the Bill, reference is made to annual meetings. However, the provision is very ambiguous and requires explanation. The provision is in these terms—

> "Every Registered Society shall hold at least once in every calendar year and not more than four months after the close of its financial year a general meeting to be called the 'annual general meeting', in addition to any other meeting held by it."

We are providing that a meeting must be held once a year, but in the same context we say that they can meet four months after the close of the financial year. It is quite possible that a society's financial year could end on 31 December. Would that contravene the original provision? How could a society possibly meet once a year if it did not meet until April of the next year? A period of 16 months could elapse? The provision is a little ambiguous.

Page 10 of the Bill sets out that accounts are to be kept. I agree that accounts should be kept—and that is stated very strictly—but there is no mention of penalty. In this Chamber we have always looked on penalty as a deterrent. I believe it should be determined in the legislation. I ask the Minister to deal with that.

I do not intend to delay the House further, other than to speak about advertising. I ask the Minister, when he gives thought in the future to further amendments, to consider the idea of restricting the amount of money that is allowable for advertising by the societies. They are using high-pressure tactics, spending money that should in fact not be spent on advertising but should be loaned to prospective home buyers.

I have raised some points with the Minister. I do not know whether there are any other speakers in this debate, but those points call for clarification.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (5.46 p.m.), in reply: I thank the honourable member for the questions he posed. Firstly, the fine is $1,000, which is in keeping with the Companies Act. However, what takes care of the situation is the fidelity fund.

Mr. Wright: I accept that.

Mr. LEE: A minimum amount of $100,000 is set down to cover misappropriations. For larger companies with more employees, that amount would increase. Up till now, no compulsory figure has been set for the fidelity fund.

I refer now to the matter of accounts and penalties. If the companies do not forward their accounts—and that is what has been happening in the past—the registrar will be able to move in and take over. That is a much more severe penalty than a monetary one.

Mr. Wright: You can suspend as well; is that the idea?

Mr. LEE: We can take over the full operation if necessary. I believe that we have looked after both the lender and the borrower in that way.

Mr. Wright: What about the annual meeting, which is mentioned on page six?

Mr. LEE: I am not quite sure about that specifically, but I am sure that in some way they will all be covered by the 12-month period.

Sir Gordon Chalk: We believe it is covered in clause 33B (3) (b).

Mr. LEE: I think the honourable member will find that that is covered by the expression "other than the calendar year".

Motion (Mr. Lee) 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—New s. 26C; Power to suspend conduct of affairs—

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (5.48 p.m.): I move the following amendment—

"On page 2, line 24, omit the word—

'section'

and insert in lieu thereof the word—

'subsection.' "

It is clearly a technical matter. I do not believe there will be any further discussion on that.

Amendment (Mr. Lee) agreed to.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (5.49 p.m.): I move the following further amendment—

"On page 2, omit all words comprising lines 41 to 44, both inclusive, with a view to inserting in lieu thereof the words—

'in writing of the Minister, to borrow money from a bank, a finance company, an insurer authorized to carry on business in Queensland under the Insurance Acts 1973 of the Commonwealth or under the Insurance Act 1960-1975 or from a director or other officer of the Society, or to repay any money borrowed from that bank, finance company or insurer or other approved source.' "

Amendment agreed to.

Clause 5, as amended, agreed to.

Clauses 6 to 9, both inclusive, as read, agreed to.

Clause 10—Repeal of ss. 34, 34A and new ss. 34-34AJ—

The CHAIRMAN: Order! With the permission of the Committee, I shall ask the Minister to move the four amendments to this clause that have been circulated.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (5.51 p.m.), by leave: I move the following amendments—

"On page 15, line 19, omit the expression—

'21'

with a view to inserting in lieu thereof the expression—

'30'."

"On page 17, line 40, insert after the words 'meeting by' the word—

'special'."

"On page 17, line 42, insert after the words 'of a' the word—

'special'."

"On page 18, line 1, insert after the words 'at which the' the word—

'special'."

Amendments agreed to.

Clause 10, as amended, agreed to.

Clauses 11 to 14, both inclusive, as read, agreed to.

Bill reported, with amendments.

THIRD READING

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

SPECIAL ADJOURNMENT

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

"That the House, at its rising, do adjourn until Tuesday next."

Motion agreed to.

The House adjourned at 5.53 p.m.