Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 8 APRIL 1976

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

PAPERS

The following paper was laid on the table, and ordered to be printed:—

Report of the State Government Insurance Office (Queensland) for the year 1974-75.

The following papers were laid on the table:—

Order in Council under the Racing and Betting Act 1954–1975.

Regulations under the Local Government Act 1936–1975.

QUESTIONS UPON NOTICE

1. DRUG USE AMONG THE YOUNG

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

(1) With reference to the report that one in ten Miami State High School students has tried marijuana and to a statement by Dr. Bob Green that the State Government was breeding drug dependence instead of curing it, is Dr. Green's statement factual?

(2) Apart from institutions treating alcoholism under the auspices of his department, what in-patient facilities exist for the treatment of drug addiction?

(3) What liaison is there between his department and institutions such as Teen Challenge and does his department actively encourage the work of this type of agency?

(4) What facilities are available for the rehabilitation of young drug offenders or addicts in (a) the city area, (b) the provincial cities and (c) country centres?

(5) What are the locations of the facilities and the staff details at each centre?

(6) Has any centre, either Government or voluntary, closed in the last three years and, if so, on what date did the centre close and at what address?

Answers:—

(1) Dr. Green's statement as reported in the Press appears to refer to narcotic-dependent persons and not to high school students who have at some time smoked marihuana. It is the view of very well informed officers of my department that Dr. Green's reported statement is not factual.

(2) Drug-dependent persons requiring in-patient treatment are treated in general psychiatric units either at psychiatric hospitals within the Division of Psychiatric Services or in the psychiatric departments of general hospitals. Acute toxic effects are also dealt with in general medical wards.

(3) The Queensland Government has provided a grant of $10,000 for the activities of Teen Challenge that relate to drug dependence. Reputable, interested and well-informed voluntary agencies which are active in this field, such as the Salvation Army, Gold Coast Drug Council and the Cairns Drug Advisory Centre, have very good liaison with the Department of Health which gives them active encouragement and has assisted these organisations in obtaining financial support from the Commonwealth Government.

(4) As pointed out in (2) drug-dependent persons are treated in general psychiatric facilities. The only unit devoted exclusively to the treatment of drug dependence as such is a section of the Psychiatric Clinic, Mary Street, which deals only with narcotic-dependent persons.

(5) In view of the answers to (2) and (4) it would be meaningless to detail the facilities and staff.

(6) To the best of my knowledge the answer to this question is no, but voluntary organisations are not obliged to inform my department of their activities. A ward at Wolston Park Hospital was for a time largely, but not exclusively, devoted to young drug-dependent patients, but the numbers did not justify continuation of the relative separation from other patients.

2. PROBLEMS AT BRISBANE MARKETS

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

(1) Is he aware of the problems that are arising at the Brisbane Markets as a result of the actions of the Market Trust in allowing merchants and agents to enter the markets at 5.45 a.m. and retailers at 7.30 a.m.?

(2) Is he aware that some of the larger retailers, through the purchase of a small share in an agency or having an agency purchase goods for them, are able to corner goods that are in short supply and stop the fluctuation of prices in accordance with the law of supply and demand?

(3) As this system denies the average small retailer the opportunity of purchasing short-supply items and provides a lower return to farmers supplying items in short supply and as the price benefit is not passed on to the consumer but is retained for the profit of the large firms, will he check to see that this form of favouritism or misuse of the system is not allowed to continue?

Answers:—

(1) I am not aware of any problems arising out of different times of entry to the Brisbane Market.

It is difficult to see how the market could operate if wholesalers did not have early entry to ensure that they know in advance what quantities of fruit and vegetables they have for sale and that they are ready for business when selling is due to commence.

(2) I am not aware that large retailers are able to corner goods at the markets. However, some retailers, large and small, arrange by phone with their agents much of their buying before the 7.30 a.m. opening. I understand that this is a long-standing practice which has been in operation since the markets opened in 1964.

(3) The Brisbane Market Trust is responsible for the conduct of orderly marketing at the Brisbane Market. I am sure the members of the trust would not condone any malpractices.

3. WEEDICIDE DAMAGE TO COTTON CROPS

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

(1) Are the reports true that spray drift from weedicides has caused an estimated $600,000 damage to cotton crops on the southern Darling Downs for the third time in five years and the second season in succession?

(2) Has the Agricultural Chemical Distribution Control Board been able to discover the type of chemical responsible, where it drifted from and whether it was applied from the air or on the ground?

(3) What action is planned to stop future losses by Darling Downs cotton growers?

(4) Has his attention also been drawn to the statement by Cr. R. M. Somerville of Lismore, a delegate to the Far North

Coast County Council and a member of a noxious weed council on the New South Wales Far North Coast, that where heavy applications of modern weedicides have been applied deformities have appeared in calves?

(5) Has his department carried out any investigation into the effects of weedicides on stock?

Answers:—

(1) It is true that several cotton plantings on the Darling Downs have been damaged in the last five years. I cannot comment on the extent of the financial loss because my department does not make such assessments.

(2) Residues of weedicides have been found in cotton plants from the southern Darling Downs with visual symptoms of damage. This in itself, however, is not proof that the weedicide was the only cause of damage resulting in financial loss. Despite widespread investigations on behalf of the Agricultural Chemicals Distribution Control Board, the source of the weedicide residues has not been discovered.

(3) I have asked officers of my department to consider the existing restrictions on the use of weedicides on the Darling Downs. Appropriate action will be taken if improvements are suggested.

(4) I have not seen this statement, nor have I been able to obtain any information on it.

(5) No, but in considering registration for sale in Queensland my department takes into account the possible toxic effect of agricultural chemicals on animals.

4. DRINK-DRIVING AND THE BREATHALYSER

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

(1) Is he aware that according to the New South Wales Bureau of Crime, Statistics and Research, breathalyser convictions fell 6.9 per cent in 1974, the first fall since the breathalyser was introduced into New South Wales in 1969?

(2) To 30 June 1975, what are the figures annually since introduction of the breathalyser into Queensland?

(3) What number of Queensland's convictions for drink-driving offences is made up by what is called a hard-core of drinking drivers who have had one previous conviction or more than one previous conviction?

Answers:—

(1) Yes.

(2 and 3) Statistics of this kind are not kept in Queensland and a great deal of research would be required to obtain them. I do not propose directing that this research be undertaken. Breathalyser statistics are included in over-all statistics relating to drink-driving offences.

5. PUBLICATION OF REDCLIFFE CITY COUNCIL POLL DECLARATION

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

(1) Must the declaration of the Redcliffe City Council poll be advertised in the local newspaper?

(2) As "The Courier-Mail" and the "Telegraph" are widely read in the city of Redcliffe, why cannot the declaration of the Redcliffe poll be published in one of those papers instead of having to wait until 14 April when the local weekly newspaper goes to press?

Answer:—

(1 and 2) The Local Government Act requires the publication of the notice by the returning officer in a newspaper published in the area of the local authority. Only if no newspaper were so published could a newspaper generally circulating in the area (and not published in the area) be used. I understand there is some reason for the delay in the declaration of the poll in the Redcliffe area. If such is the case I will see that the poll is declared as quickly as possible.

6. BETTING OFFENCES BY A MR. T. J. BURNS

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

Following his crack-down on S.P. betting in this State, can he inform the House if a Mr. T. J. Burns, who was convicted and fined before Mr. J. A. Baker, S.M., on 21 July 1960 on a charge of using a common betting house, could advise his department on the best methods of counteracting this criminal offence that appears to be on the increase in this State and, in particular, where he obtained the instruments of betting that were forfeited in the case?

Answer:—

It is not customary to seek advice from offenders on matters affecting enforcement of laws in respect of which such offenders have been prosecuted. I cannot see any reason why this policy should be altered to meet the present suggestion.

Should any person have information which could assist in law enforcement measures and freely offer such information, I would be happy to receive it.

As previously mentioned in this House, there is an obligation on each and every member of the public to assist members of the Police Force by supplying information in their possession in relation to the unlawful activities of persons.

QUESTIONS WITHOUT NOTICE

PRESS RELEASE BY LEADER OF OPPOSITION ON COUNTRY HOSPITALS

Mr. TURNER: I ask the Minister for Health: Is he aware of a recent Press release broadcast over a western Queensland radio station in which the Leader of the Opposition called on him to spend less time headline hunting and to start examining the problems of country hospitals? Is he also aware that Mr. Burns stated that just because people live off the main highway they should not be forced to endure second-class hospitals and medical amenities, and claimed that country hospitals seem to be ignored by the Health Minister and his department?

Dr. EDWARDS: The Press release to which the honourable member refers was brought to my attention some time ago. In reply to the statement that I was headline hunting and knew nothing about the problems of western country hospitals, I indicate to the Leader of the Opposition that during the term of my ministry I have visited 89 country hospitals and have spoken to hospital boards throughout the State. The only areas I have not visited—and I hope to visit them in the next parliamentary recess—are Thursday Island, Weipa and the north-west area of Mt. Isa.

I make it quite clear that the Leader of the Opposition, as I indicated on a previous occasion, has been called "Half-cocked Tom". The Press release to which the honourable member for Warrego refers is another indication of the Leader of the Opposition's lack of information. The people of the West—and, indeed, all Queenslanders—should be well aware of the inconsistent and inaccurate statements that the Leader of the Opposition unfortunately makes on many occasions.

I assure the people of the West that we are interested in their problems, and each Minister in the Cabinet as well as each backbench member continues to keep himself abreast of the problems in country electorates. I assure them that I will continue to undertake trips throughout our State.

DEVELOPMENT OF BRISBANE AIRPORT

Mr. DOUMANY: I ask the Premier: Will he lend his strongest support to those metropolitan Federal members of Parliament who are fighting for the development of the Brisbane Airport, the present state of which is a blot on Queensland and its capital city? Were the costs of the enormous development of Tullamarine and the extensive upgrading of Mascot also subjected to the academic whims of the Bureau of Transport Economics, or is Queensland being singled out once again as the poor sister State north of the Murray?

Mr. BJELKE-PETERSEN: I am pleased that the honourable member has raised this matter. It does appear that Queensland is being subjected to the influence of the organisation to which he referred. In the other two States, of course, it was a matter of going ahead and doing it.

I believe—and I am sure that all other Queenslanders believe—that it is time our State received the same treatment. As a State we have strongly supported the present Government, and I am sure that it in turn will recognise that and give the State the support we deserve, particularly in relation to a very important facility such as the airport terminal, which demonstrates to the outside world the type of city and State we are. I can assure him that we will very strongly support the attempts of the Brisbane Federal members to have the decision reversed and to see what can be done to improve the Brisbane Airport.

VOTES CAST FOR NATIONAL PARTY AND AUSTRALIAN LABOR PARTY IN 1974 STATE ELECTION

Mr. AIKENS: I ask the Premier, in the hope that it will clear up some misapprehensions: In view of the amazingly assorted and distorted statements that the National Party polled in the vicinity of 13 per cent of the votes cast at the 1974 election, can he inform the House: how many seats were contested by the National Party in the 1974 election; in how many of these was it successful; what was the total of formal votes cast in the electorates contested; what was the total vote for the National Party candidates; what percentage of votes cast did it receive; and what percentage of votes was received by the A.L.P. in the seats that it contested?

Mr. BJELKE-PETERSEN: The answer to that question shows up a very good comparison. This morning the honourable member paid me the courtesy of ringing to say he would ask this question. As honourable members should know, in the 1974 State election the National Party contested 48 of the 82 seats and won 39 of them. In the 48 seats that it contested, the National Party polled a total of 291,059 votes out of a total formal vote for those seats of 597,189. That gave the National Party an average of 48.73 per cent of the formal vote in the electorates that it contested. Drawing a comparison with the percentage received by the A.L.P.—in all of the seats that it contested it won 36.28 per cent of the votes. That blows to pieces the silly nonsense spoken by Mr. Tucker in Townsville.

Mr. Houston: Why didn't you contest the other seats?

Mr. BJELKE-PETERSEN: As the honourable member knows, we work as part of a coalition Government. Those figures blow to pieces all of the silly statements that Mr. Tucker has made. We all know that he got into power with 35 per cent of the votes because they were split in three directions.

TASMAN BUILDING SOCIETY AUDIT REPORT

Mr. BERTONI: I ask the Deputy Premier and Treasurer: Is he aware of the contents of the special audit report on the Tasman Building Society Permanent and Bowkett? Does that report state that the suspension should be lifted and that the society is viable?

Sir GORDON CHALK: The honourable member revealed to me this morning a letter written by the Tasman Building Society which has been distributed in the last 24 hours, to which is attached one page of the report prepared by the special auditors. I told the honourable member that if he addressed a question to me I would reply to it immediately.

The first thing I want to say is that I shall use the opportunity presented by the second reading of the Building Societies Act Amendment Bill to reply to some of the things that were said on television last night by Mr. Sinclair. I shall also reveal a few things about that gentleman and his association with other building societies so that the public will be able to judge the reliability of statements that he makes.

The answer to the first part of the honourable member's question is, "Yes."

In reply to the second part of the question—the audit report states that, although the society earned an accumulative profit to 30 June 1974, its operations in the financial year ended 30 June 1975 resulted in a loss and according to the best information available to the auditors the operations for the year ended 30 June 1976 will also result in a loss.

The auditors stated that the society's liquidity at the date of suspension was materially short of its statutory liquidity requirements and that it did not appear adequate to meet the demands which may have been placed upon it by depositors with total withdrawable funds of $17,485,077.

The report goes on to state that the directors of the society were negotiating with their bankers to make arrangements for adequate standby facilities.

Additionally, the report endorsed the action taken in suspending the society and I refer to the comment made by my colleague the Minister for Works and Housing (Honourable Norm Lee) last night, when he stated from the auditor's report that in the opinion of the special auditors the action taken by the Government was both prudent and proper in the circumstances and in the interest of the society and its members generally.

The report states that any lifting of the suspension is conditional on the society arranging standby facilities of a total sum considered necessary by the Minister to meet any level of withdrawals.

In another section of the report, the auditors suggest that the sum required could be as high as the withdrawable funds referred to by me earlier, namely $17,000,000—a figure much greater than the $3,000,000 standby suggested by the board of the society.

I am advised that the advisory committee to the Minister for Works and Housing under the Building Societies Act have reported that, in discussions with the board of Tasman, satisfactory evidence of appropriate standby facilities was not demonstrated at that time.

The board indicated to the advisory committee that it did not wish to have the suspension lifted until appropriate standby facilities were arranged.

AVAILABILITY OF MAPS

Mr. LANE: I ask the Minister for Survey, Valuation, Urban and Regional Affairs: In relation to maps prepared by his department of Queensland and of Brisbane and its environs which are available at the department's map sales section in George Street, Brisbane, would he examine the possibility of making these useful maps available to the public through more diverse channels, including stationery and bookshops conducted by private enterprise in suburban shopping centres? I also ask: Are these maps available to State and private schools for educational purposes, and on what basis?

Mr. LICKISS: The maps produced by the mapping office in my department are produced for the information of the general public and for specific purposes. The policy of the Government has been to make these maps available only at the map sales office in the old Lands Department building. There is a lot of merit in what the honourable member has said about making these maps more freely available, and as a matter of fact I am looking at this subject with a view to making a report to Cabinet in the not too distant future. As far as schools are concerned, maps are available from the map sales office at the same fee that is charged to the public, but there are occasions when maps are made available through the Education Department. The general policy of the department on mapping is presently under review with a view to reorganisation, and I hope to be able to make submissions before very long which will result in some alterations to the present system.

CAIRNS CENTENARY CELEBRATIONS

Mr. LANE: I ask the Premier: In relation to the Cairns Centenary Celebrations, which have been well planned and are being conducted with vigour throughout the whole of this year, if he receives an invitation from the organising commiteee would he consider paying an official visit to Cairns to take part in these celebrations?

Mr. BJELKE-PETERSEN: I visit Cairns quite often and I look forward to being

there at some time during these celebrations. I am sure that other honourable members will be very glad to join in these celebrations.

PROPOSED ELECTORAL REDISTRIBUTION

Mr. K. J. HOOPER: I ask the Premier: As a senior Government Minister, the Minister for Local Government and Main Roads, has let the cat out of the bag by indicating there will be five new seats in Queensland after 1977 if the National Party is unfortunately returned to the Government benches, will he indicate now where the new boundaries will be and save the expense of the futile and useless appointment of redistribution commissions to rig the boundaries in line with the National Party's undemocratic gerrymander plans?

Mr. BJELKE-PETERSEN: Again, of course, the attitude of the honourable member is ridiculous. I do not know anything about the cat that he talks about. I have not seen it, and I am not likely to see it.

AUSTRALIAN AGRICULTURAL COUNCIL MEETING IN BUNDABERG

Mr. POWELL: As the State is having an extremely difficult job in obtaining finance for the progress of the Burnett-Kolan Irrigation Scheme, especially for the Isis section, I ask the Minister for Primary Industries: Does he consider that if a meeting of the Australian Agricultural Council were held in Bundaberg it would assist the State in its efforts to obtain finance from the Commonwealth for this scheme, which is so vital to the financial viability of the primary industries in the Bundaberg district?

Mr. SULLIVAN: As Queensland is the host State for the meeting of the Australian Agricultural Council in August this year, the council has agreed to my recommendation that the meeting be held in Bundaberg. The matter raised by the honourable member for Isis is, of course, the responsibility of my colleague the Minister for Water Resources, Mr. Hewitt, who is forever pressing for more finance, as is the Minister for Aboriginal and Islanders Advancement and Fisheries. However, I certainly will take the opportunity of letting members of the Australian Agricultural Council, who are the Ministers for Primary Industry in the States and the Federal Minister for Primary Industry, Mr. Sinclair, see the need for more finance to enable us to get on with the job of completing the irrigation scheme. They will be able to have a good look at the area, and perhaps that will supplement the efforts of Mr. Hewitt and Mr. Wharton.

FRUIT AND VEGETABLE INDUSTRIES

Mr. SIMPSON: I ask the Minister for Primary Industries:

(1) Does he acknowledge the importance of the Queensland fruit and vegetable industries to the prosperity of Queensland?

(2) Is he aware that the passion-fruit, citrus and vegetable industries are faced with low-priced imports and that quantity restrictions are not the answer?

(3) Does he support the Queensland fruit and vegetable industries' approach to the Federal Government to effectively restrict the importation of fresh or processed fruit and vegetables by the imposition of tariffs raising the imports to the same price as Australian producers' cost of production and reasonable profit margin?

Mr. SULLIVAN: A number of honourable members would be very interested in this question because they have fruit and vegetables grown in quantities in their electorates. I thank the honourable member for making me aware that he was going to ask the question because the answer does need some detail. The short answer to (1) is yes.

The answer to (2) is: Yes, I am aware of the threat to the local fruit and vegetable industries from imports. However, there are no quantitative restrictions currently in force. Imports of orange juice have increased from 12 300 000 litres in 1973-74 to 25 800 000 litres in 1974-75. In the last quarter of 1975 imports totalled some 10 200 000 litres. Frozen potato imports have increased from 17 tonnes in 1972-73 to 8 308 tonnes in 1973-74 and 16 051 tonnes in 1974-75. Similar trends in increased imports have also occurred for other processed vegetables. Imports of this magnitude are causing serious disruption and threaten the long-term viability of these industries.

The large increase in orange juice imports has arisen because of the breakdown of the Australian Citrus Juice Panel's arrangements whereby processers and converters undertook to limit imports to a level necessary to meet shortfalls in local production.

The use of an increasing proportion of cheaper imported juices allows processers to price cut to increase their market share. The recent substantial decline in pineapple juice sales may be attributed to the increased importation of citrus juices.

From what I have said so far, it is pretty apparent that since 1972-73 the situation has worsened, and this is as a result of the total disregard shown by the Whitlam Government for the future of the fruit and vegetable industries. It adopted a policy of taking away tariff protection.

Mr. Burns: Has it been put back since?

Mr. SULLIVAN: Let me finish the answer.

The Treasurer has expressed concern to me about the importation of potatoes and the effect that it is having on potato growers in the Lockyer district. At a time when potatoes were being dumped in Canada and other parts of North America, they were being bought at a cost of about $2 a tonne and imported in competition against our local products. The same comments apply to other fruit and vegetables. As I say, the situation has arisen from the total disregard shown by the Whitlam Government for the man on the land.

The answer to (3) is, Yes.

Officers of my department have submitted evidence to the Industries Assistance Commission with respect to the importation of processed potatoes. This submission highlighted the fact that the current tariff provides little protection for local processers.

Furthermore, there is a need for such a level of tariff protection that there is an incentive for processers to contract with local growers for their requirements. Availability of lower-priced imports alters the relative bargaining strength between growers and processers to the extent of forcing down the price offered by processers.

I have recently written to the Federal Minister for Primary Industry indicating the need for a reference to the Temporary Assistance Authority for the temporary prohibition of orange juice imports. I will support action to rationalise imports affecting the fruit and vegetable industries.

DISCUSSIONS BETWEEN TORRES STRAIT ISLANDERS AND COMMONWEALTH ON BORDER ISSUE

Mr. SIMPSON: I ask the Premier: When he next talks with the Prime Minister will he draw his attention to the fact that, just as the Aborigines at Aurukun desired to have meaningful talks on mining there, the Torres Strait Islanders are anxious to have meaningful discussions about their remaining as Queenslanders and living in Queensland?

Mr. BJELKE-PETERSEN: I expect that tomorrow I will have the opportunity to raise these issues with the Prime Minister. I shall certainly bring to his attention the fact that on the one hand there has been consultation whereas on the other there has been none. The Torres Strait Islanders are entitled to the same consideration as that given to the Aborigines at Aurukun. I will make the position very clear.

REMOVAL OF COAL EXPORT LEVY

Mr. BYRNE: I ask the Deputy Premier and Treasurer: Has he pursued any avenues with the Federal Government in an endeavour to have the iniquitous coal export levy removed? If so, what has been the result of such endeavours? Will he continue to impress upon the Federal Government the inequitable nature of such a levy and the necessary future planning difficulties that mining organisations must suffer because of such imposition? Will he continue to oppose the concept of such a super tax being levied on this or any other industry?

Sir GORDON CHALK: The Minister for Mines, the Premier and I have made representations in appropriate ministerial areas in an endeavour to convince the present Federal Government that the iniquitous tax that was applied by the previous Labor Government on the export of coal from Australia—and from this State in particular—should be removed. It is true that up to the present time we have not made the progress that we had hoped to make.

It is essential that the export tax be reviewed. Both the Minister for Mines and I are fully aware of what is happening to our coal trade with Japan. I know that last week a delegation from New South Wales went to Japan in the hope of getting an increase in coal prices. I am certain that the answer given by the Japanese was to the effect that it was not a matter of an increase in price but rather one of some reduction, and that it was suggested that the reduction should be effected by the lifting of some of the export tax.

From this State's point of view, we believe that, if there is to be an export tax on coal, the revenue should come to the State. If the present export tax of $6 per tonne collected by the Commonwealth were directed to this State, some of the things being spoken about—such as the lifting of death duties—would certainly be possible. I can assure the honourable member that we will continue to press for the lifting of what can only be described as an iniquitous tax.

AVAILABILITY OF A-VICTORIA INFLUENZA VACCINE

Mr. JONES: I ask the Minister for Health: In view of the detection in Cairns of the flu virus A-Victoria, is he aware that there is no serum in Cairns? Will he have it made available there as an urgent measure? As influenza vaccine was previously sold to local authorities by the Commonwealth Serum Laboratories for free immunisation, is there a shortfall and, if so, will he seek immediate supplies for free immunisation in Cairns and similar areas where A-Victoria cases are detected?

Dr. EDWARDS: Yesterday evening the honourable members for Cairns and Mulgrave brought to my attention a telegram that they had received from the Shire Clerk of the Mulgrave Shire Council. I undertook to have investigations made into this matter. I am informed that the situation is that Commonwealth Serum Laboratories are distributing agents for the influenza vaccine presently being used throughout Australia.

It is not the responsibility of the State Government to distribute this vaccine; nor do we have anything to do with the distribution or sale of the serum. I am aware also of a possible outbreak, with one identified case of this particular influenza and another two or three that are being investigated with serology tests.

This morning I was in touch with Commonwealth Serum Laboratories in the South. I am advised that there is a backlog in the availability of this serum at present. It is being distributed through the pathology laboratory in Cairns and other Commonwealth laboratories as adequate supplies become available. It is believed that there could be a three-week delay before adequate supplies will be available for immunisation to that city.

Free immunisation is a matter for each local authority. I believe that the Mulgrave Shire Council must be looking into this particular problem to see if it will be made available through the council. This morning my officers informed Commonwealth Serum Laboratories of the urgency of the situation in Cairns. I assure the honourable member that every effort will be made to make them aware that there is a problem in Cairns.

I emphasise that we believe there could be an outbreak of this particular influenza strain throughout Australia this winter. At this stage people need not be concerned that there are not adequate supplies of the vaccine. We have been informed that the ideal time for vaccination or immunisation will be from the middle to the end of April. The information we have been given is that adequate supplies will be available at that time.

DANGERS OF PLASTIC CONTAINERS

Mr. KAUS: I ask the Minister for Health: Has his attention been drawn to a report of the possible dangers of using plastic containers in that the substance they are made of contaminates vegetable oils and is suspected of causing liver cancer? Has his department received any reports on this matter and does he consider that public health is at risk?

Dr. EDWARDS: This matter was brought to my attention some months ago and I referred it to the National Health and Medical Research Council. I was informed that there are only limited supplies of this vinyl chloride in Queensland and it is not largely used for the containment of foods in this State. The Health Department constantly monitors the amount of vinyl chloride in foods. I am informed that the whole matter of polyvinyls is being observed by the National Health and Medical Research Council and on Monday Cabinet accepted a recommendation by the Minister for Primary Industries and by me that an interdepartmental committee of experts be set up to look into chemical contaminants throughout the whole State. I feel certain that this committee will gain the support of the National Health and Medical Research Council.

I assure the honourable member and the people of Queensland that this matter and others associated with chemical contaminants, especially in foods, will be kept under constant review not only by the National Health and Medical Research Council but also by this expert committee to be set up comprising officers of the Primary Industries Department and the Health Department and chaired by a senior officer of the Primary Industries Department.

CHICKEN MEAT INDUSTRY COMMITTEE BILL

INITIATION

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

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill relating to the stabilization of the chicken meat industry, to establish a chicken meat industry committee and for connected purposes."

Motion agreed to.

CITY OF BRISBANE TOWN PLAN MODIFICATION BILL

INITIATION

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

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to provide for the modification of the proposed new Town Plan for the City of Brisbane and various other related matters."

Motion agreed to.

TOWNSVILLE CITY COUNCIL (SALE OF LAND) ACT AMENDMENT BILL

INITIATION

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

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the Townsville City Council (Sale of Land) Act 1973 in a certain particular."

Motion agreed to.

NOISE ABATEMENT BILL

INITIATION

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

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to provide for the abatement of excessive noise."

Motion agreed to.

METROPOLITAN TRANSIT AUTHORITY BILL

THIRD READING

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

SUBCONTRACTORS' CHARGES 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) (12.3 p.m.): I move—

"That a Bill be introduced to amend the Subcontractors' Charges Act 1974 in certain particulars."

The Subcontractors' Charges Act 1974 which was assented to on 2 May 1974 came into operation on and from 1 July 1974. The principal object of the Act was to make better provision for securing the payment of money payable to subcontractors. The operation of the Act has been kept under review and although it is considered the Act has in fact had a beneficial effect in speeding payment in genuine cases, it is nevertheless considered some amendment is necessary to enable the Act to operate more effectively.

At the moment all proceedings under the Act are brought in the Magistrates Courts, which otherwise have jurisdiction to hear actions not exceeding $1,200. Some claims under the Subcontractors' Charges Act have been for several hundred thousand dollars. Experience indicates that claims are not heard more expeditiously or with reduced costs in the Magistrates Courts as against courts of superior jurisdiction. It is therefore proposed to amend the Act so that claims will be heard in any court of competent civil jurisdiction.

One of the major problems since the Act came into operation has been that in some cases exorbitant claims have been submitted by subcontractors. To overcome this problem it is proposed that a subcontractor prove to an independent person that he has a prima facie claim and have his claim certified before giving notice of claim of charge. The persons who will be capable of certifying to the claims will be:

(A) An architect registered in accordance with the Architects Act;

(B) A professional engineer registered in accordance with the Professional Engineers Act;

(C) The holder of a current certificate of competency as an engineer issued under the Local Authority Engineers and Overseers of Works Regulations made pursuant to the Local Government Act;

(D) A builder registered under the Builders Registration Act;

(E) A quantity surveyor who is a member of the Australian Institute of Quantity Surveyors;

(F) A person having expert knowledge of the work to which the claim relates who is accepted in a particular case as a qualified person by the contractor and subcontractor.

Provision will be made for a statutory exemption from liability in respect of any person who certifies to a claim unless he is guilty of fraud, wilful misconduct or wilful neglect.

Notices of claims of charges are frequently sent to people other than the correct "employer", mainly because subcontractors have difficulty ascertaining the name of the employer. It is proposed that contractors furnish, on the demand in writing of the subcontractor, the name and address of his employer.

Section 10 of the Act makes provision for a subcontractor to give notice of having made a claim "to every other person who to his knowledge would but for the claim be entitled to receive any money payable to that contractor". It has been submitted that this provision has caused some confusion as to who is to be notified and, if used, causes others to panic and make claims themselves. It is proposed therefore to delete it from the Act.

Various time limits are provided for in the Act and it is considered that these limits could be extended.

Consideration has also been given to compromises or arrangements approved under the Companies Act. Subcontractors who enter an arrangement to postpone their debt to permit the contractor to trade his way out of difficulty could be in a difficult position because their charges restrict the cash flow which governs the success of the arrangement. It is proposed to provide that notwithstanding the Act—

(A) any compromise or arrangement approved under section 181 of the Companies Act; or

(B) any composition under Part X of the Commonwealth Bankruptcy Act

be binding on all subcontractors.

The definitions in the Act have been further examined, and, with a view to clarifying some interpretations which have been given since the Act has been in operation, it is proposed to amend the definition of "work" so that persons who merely deliver goods to the site are clearly excluded from the provisions of the Act. The proposed Bill will also clarify that "completion of work" means completion of work by the subcontractor who gives notice of claim of charge.

There are some other minor amendments to the Act, and it is believed that these and the other amendments I have referred to will improve the legislation.

I commend the motion to the Committee.

Mr. WRIGHT (Rockhampton) (12.7 p.m.): On 9 April 1974 the Minister introduced the Subcontractors' Charges Bill, and honourable members who were in the Chamber at that time will recall that it caused considerable interest and debate.

There was growing concern in the community because since 1963, when the Government repealed the Contractors' and Workmen's Liens Act, subcontractors were at the mercy of contractors when they were unable to meet their financial commitments. The Minister clearly stated at the time—and it is recorded in "Hansard"—that the object of the new legislation was to secure payment of moneys due to subcontractors by placing the onus on the principal to retain certain moneys payable to the contractor until the claim was heard by the Magistrates Court, and time was given to the court to determine to whom and how such moneys should be paid.

As one goes back through the records in "Hansard" one notes that both Opposition and Government members welcomed the legislation because numerous representations had been made to them by individual subcontractors and by the association of subcontractors. Some criticism was levelled at the legislation at that time by contractors and also by the Master Builders' Association. They stated that the over-all effect of the legislation could disadvantage contractors if the law was abused, and concern was expressed that it may not be as well drafted as it could be. Despite that, the legislation went through, although an amendment was moved by the Opposition and defeated. It went through because it was imperative that protection be given to subcontractors, many of whom went to the wall because of action, or lack of action, by contractors. I suppose it is to be expected that no legislation in any area will satisfy everybody, and this is certainly so in the area of justice. It always comes back to a question of interpretation, and when a lot of money is involved the best possible legal representation will be obtained. Those persons will put up very strong cases and test the clarification and the interpretation of legislation.

This seems to be the case here, because instances have been cited to me in which certain provisions of the Act have been abused.

It is understandable that the Queensland Master Builders' Association has never been completely convinced that the Act was necessary, but I do not agree with its comment there. It was necessary. I still believe the Minister for Justice (Mr. Knox) did the right thing when he introduced the legislation. In the main it has given the desired protection to subcontractors, but it is fairly clear now that some of the warnings given at the outset have been shown to have had some basis.

The Queensland Master Builders' Association has now taken a very hard line on the issue. In a letter it sent me back in 1975 it asked that the Act be completely reviewed, and went on further to say that it should be repealed. It made the comment that at least it had to be amended in such a way that it would not cause the ruination of the building industry. I spoke to a number of persons involved in the industry at that time. They said, "Look, there are serious problems, but surely that is an overstatement. It is not going to devastate the building industry, but it is apparent that there needs to be a review of the legislation." I received further submissions from other individual contractors who were in serious difficulty because of the charges of claims lodged by certain subbies.

It was my intention to raise the matter in the Chamber but the late honourable member for Port Curtis (Mr. Martin Hanson) took it upon himself to raise the over-all issue in a Matters of Public Interest debate on 3 September 1975. In the usual forthright manner that Martin became well known for, he presented to this Assembly a detailed account of the problems that had been besetting both the contractor and the subcontractor because of what he described as abuses of the Act and the lack of clarity of its provisions. He cited a specific case involving a person with $80,000, and made the request that the Act be reviewed. Since then seven months have passed without anything being done. I suppose that is to be expected because it is not just a matter of convincing Opposition members; the important task is to convince the Minister and then the Government. We know that the pressure is on the Minister all the time because of the huge area of legislation that he has to cover. We do not expect him to be able to do these things overnight.

It is worth noting that Mr. Hanson said at that time, because he made a number of very important points. First of all he said that the Act was looked upon in some legal circles as not being worth the paper it was written on. He said the Act was dangerous and disadvantageous to contractors and subcontractors alike. He said that the Act reduced the chance of subcontractors claiming any money, and that the Act was very

effective in putting some companies out of business by legally allowing the principal to withhold payment. He also said that the Act was obscure in its construction. Those claims have been backed up by persons I have contacted in the legal profession. As was to be expected, they certainly have been backed up by the Queensland Master Builders' Association.

It has been further claimed that the Act has been used wrongly by persons applying charges. It is said that the Act prevented companies such as the Morris group trading out of their difficulties. Considerable criticism was levelled at the way the Subcontractors' Charges Act was used to prevent Kratzmann Holdings Pty. Ltd. from operating out of its difficulty. Claims were also made by the Queensland Master Builders' Association that the Act is working against the interests of builders. It was said that it was not achieving its original object of protecting subcontractors. That is what I did not agree with. Usually submissions are not made without actual cases being cited. That was so with the Queensland Master Builders' Association. The first example it gave was that of a concrete firm which gave notice of a charge for $257.60. Through its architects the client wrote to the builder and advised that an amount of $970 was due to the builder, and stated—

> ". . . but under the terms of the Act I cannot release any of this money to you whilst the claim is pending, but will be pleased to release any outstanding money on completion of the Court Hearing."

Here the client was holding some $600-odd which was obviously due to the builder, which had the effect of forcing the builder to pay interest on borrowed money while the client could have been in the position to invest the builder's money at a good rate of interest and profit at his expense.

A further example is cited of a supplier who was not covered by the Act and on 13 February 1973 supplied to a builder door frames to the value of $250. On 25 January 1975, notice was given to the builder under the provisions of the Subcontractors' Charges Act claiming $250. On 18 November 1974, however, the same supplier submitted to the builder a proof of debt showing the amount due to be $120.18 and confirming that he had been paid the amount of $129.82.

On this case, two obvious wrongs are compounded in the Act. Firstly, there is the question that it was for the supply of materials and therefore outside the protection of the Act and, secondly, the amount claimed was greater than that previously acknowledged as being due.

The final case is an interesting one, too. It involves a large electrical contract on a hotel and charges of $10,504 and $433 which were placed against the builder. Under the contract the builder was obliged to pay the subcontractor within seven days of receipt of a progress payment from the architects. The architects certified to the builder that only $5,000 had been approved in relation to the electrical subcontractor. The architects had sighted proof that this had in fact been paid to him and that the subcontractor had failed to produce evidence to support claims for extras requested legitimately by the architects through the electrical consultant.

That is the important case, because it is an example of a charge being laid even though there was a lack of performance known obviously to the subcontractor himself. The charge had the effect, of course, of freezing the money in the hands of the client even though there was no justification for it.

There are other examples, such as the one involving Kratzmann Holdings Ltd. Considerable criticism was levelled at the way in which that company was injured by Mr. F. W. Lippiatt, a Brisbane corporate lawyer.

I quote from a letter written to me about this as follows:—

> "After a meeting of company creditors after winding-up of the company had commenced, the chairman of the meeting, Mr. F. W. Lippiatt, a Brisbane corporate lawyer, had a number of criticisms of the Act specific to Kratzmann. He claimed that the collapse of Kratzmann could be attributed to a claim under the Act made against the company by Associated Insulations Pty. Ltd, for the sum of $359,000. This, claimed Mr. Lippiatt, cut off a substantial portion of the company's cash flow (including $250,000 owed by S.E.A.Q.) but even at this stage the company could have paid its debts and still distributed $527,000 among its shareholders. However, after winding-up, there was a rush of claims by subcontractors under the Act, freezing more company funds and preventing the continuation of many projects."

I suggest that those are not isolated cases and that many others could be cited. We have a tough job today to overcome some of these anomalies.

Further criticism has been stated in an article by John A. Morrisey entitled "The Subcontractors' Charges Act 1974", wherein he made a concerted attack on the legislation. He states that there has been continuing abuse of the Act and that this has certainly disadvantaged the building industry. He claims that the legislation is unclear, uncertain and open to conflicting legal interpretation. He also claims that certain provisions were unnecessarily harsh on contractors and that the Act forces contractors to accept liability by default because of the delays involved in giving notice of claims and having those claims heard by magistrates.

The amendments proposed by the Minister will overcome a number of the problems. I was not able to hear all of his comments

as there was a fair amount of discussion going on in the Chamber at the time. It would not seem that the Minister has totally reviewed the Act or that he has overcome some of the unclear sections that have been mentioned.

Section 5 requires investigation. I will be interested to see how much cognisance the Minister has taken of the problems pertaining to this. It entitles subcontractors to a charge on moneys payable to their superior contractor under the principal contract. It applies not only to moneys to which the subcontractor himself is entitled, but also to all moneys due to the superior contractor. There is a real problem here, and it is one that has to be overcome because it results in very large sums of money being tied up and rendered totally inaccessible. When the amounts that are tied up are compared with the amounts actually owed, it can be seen how wrong it is. The section certainly has a serious effect on the contractor.

There is a problem under section 7, too, whereby the contractor can pay wages, but all other assignments made by the contractor become void as against a subcontractor's charge. I accept that there are good reasons for this, but other people are affected if the subcontractor lodges such a huge claim that it ties up many hundreds of thousands of dollars, because the contractor in turn cannot pay other people to whom he owes money.

Mr. Burns: He can lodge a small claim and still tie up a large amount of money.

Mr. WRIGHT: I was not aware of that, but I do know that he can lodge for the total amount owed to the contractor by the principal rather than just the amount owed to the subcontractor by the contractor.

There is a need for overcoming the problem of delays in the courts. I heard the Minister say that these claims would now be heard in a court of any jurisdiction; so, if it is for an amount in excess of $2,500, I imagine that it could be heard in the District Court. I welcome that. I think it is a very good move.

There is also the need to bring within the Act other persons who are not closely associated with the building industry. I think of people such as suppliers. These areas have to be looked at. I do not want to delay the Committee any longer at this stage because it is important, with only a few days before the House rises, that we have time for a good look at the Bill. When I have considered the legislation in detail, I will be making further comments on it.

Mr. JENSEN (Bundaberg) (12.23 p.m.): I wish to support the honourable member for Rockhampton in this matter. Firstly, as he said, this Act was necessary. It has done a good job. However, as has been said, it caused some difficulties. When a big company such as Morris or Kratzmann goes broke, or is put into the hands of liquidators, and then it is said that it can trade itself out of its debts, there must have been something wrong with the management if it could not do so. Surely the people who are put in charge of trading the company out of its difficulties are not such specialists that they are just standing idly by, waiting for that purpose, so that they can take over. These companies are supposed to have had excellent management. It is surprising that such big companies went broke when they still had contracts available to them and money coming in.

It has to be remembered that, when the Act was introduced, the business of many subcontractors was severely affected by contractors going broke or going into liquidation. Many of them were $2 companies. I have stated before in this Chamber the case of Peak Constructions in Bundaberg, which had excellent Government contracts. It built the opportunity school and the new building for the Main Roads Department. Its contracts totalled some $400,000. Yet that $2 company went broke and left contractors in Bundaberg being owed large sums of money. Stewart and Sons were owed thousands of dollars for steel work. The cement people were owed money. They went broke and nothing could be done. When that company was wound up, it had nothing. The Minister would know that when it went into liquidation it had practically nothing. Yet that was a company given good contracts in the Bundaberg district and outlying areas. It had good contracts in the area of the Minister for Aboriginal and Islanders Advancement and Fisheries. The collapse of that company affected contractors severely. My own son-in-law was a subcontractor to it. He could have lost $8,000 had he not woken up early and contacted me. He would not supply until he was paid cash on the knocker.

These things did go on. This legislation helped the subcontractors but they still have to pay their debts to the business firms. If they buy timber, cement or anything else they have to pay the business firms. If they cannot get their money from the contractor they cannot pay their debts and it is most important that this legislation remain on the Statute Book.

The honourable member for Rockhampton said that the Master Builders' Association came to see him; likewise, they came to see me and, I understand, other honourable members, complaining bitterly about this legislation and asking that it be scrapped. I would not have anything to do with that. The Bill will give some protection to master builders where subcontractors have gone too far. But I will not protect master builders against subcontractors; they have rights too. However, as I said, Government contracts were handed out to Brisbane-based firms when good firms in Bundaberg could have handled them.

The same happened with housing. The Queensland Housing Commission gave contracts to firms in Brisbane to erect houses

in Bundaberg. I would bet now that they will be asking for more money to save them from going broke. The last time it was a Gympie contractor who was building houses in Bundaberg. He could not finish them. A Bundaberg contractor had to be called in. Probably that put the price up by 30 per cent. Again a Brisbane contractor is coming to Bundaberg. Unless he can obtain Bundaberg labour he will have to bring it from Brisbane and he will never be able to construct those houses at the contract price.

I am not here to support master builders who want to hit subcontractors, because, as I said, they have to pay for their supplies and, if they cannot get money from the contractor, the stores will suffer. I support the honourable member for Rockhampton and the Minister in this respect. He has introduced a Bill that will do some good. I am pleased that he did not accede to the wishes of the Master Builders' Association and scrap the legislation.

Mr. LANE (Merthyr) (12.28 p.m.): I think that the Minister's explanation was quite clear. Although he outlined the Bill in rather concise terms, I thought he went into considerable detail about the proposals. Despite that, the Opposition seems to be unable to comprehend the full meaning and purpose of the Subcontractors' Charges Act or the Bill. The honourable member for Bundaberg continually refers to protection for the big builder against the subcontractor. Then he speaks about protection for the big subcontractor against the little builder. All of this sort of nonsense shows that the Opposition does not really understand what this legislation is all about.

The present Subcontractors' Charges Act came into being as a recognition by the Government and by the Government parties of the new role that is being played by subcontractors in the building industry. Over the past few years the building industry has evolved a system under which subcontractors now carry out the major part of building construction. They play the role that in years gone by was played by the builder in his own right through his employees and the day-labour force that he had on his pay-roll. Nowadays, this work is carried out by subcontractors. Quite frequently, the builder sits in an air-conditioned suite in the centre of the city and does not get any dust on his $200 suit, handle any of the tools of the trade or carry out any of the physical labour he did in the past.

As the building trade here evolved, as it did throughout the world, the role of the subcontractor became more important and essential. The Government has, quite properly, recognised this evolution, and it recognised it when it brought down the original Bill and sought to provide protection for subcontractors in the building industry. As it was new and pioneering legislation, it had a few growing-pains and a few details have had to be sorted out in the light of practical experience. That is exactly what the Bill does; it sorts out a few of the problems that have arisen as a result of the application of the legislation over the last couple of years. The Bill does no more than that and I am sure that if Opposition members were honest they would concede that, because of the amount of research and consultation that preceded the framing of the original Bill, the amendments required even at this time are fairly minor.

We all remember the number of seminars and meetings arranged with interested groups and the Minister and his parliamentary committee on what was required in the original legislation. Now it needs comparatively minor amendments and they should be accepted by all members, including those of the Opposition. I am sure that if they really understood what the Bill was all about, they would support it.

During all the discussions that have taken place on this Bill I have been concerned about the role of the small subcontractor—the fellow who does plumbing, painting or electrical work worth about $200 or $300 in the construction of a dwelling-house. I have always wanted to ensure his protection. I must confess that I have always seen this legislation as being more helpful to him than to anyone else in the building industry. If the legislative machinery became too cumbersome, it would inhibit his rights and price him out of the protection that he has been afforded. The Minister has recognised this fact in the amendments that are now being made.

Certification by a qualified person has to be made before notice of a claim can be given, and those authorised to give certificates are not necessarily the highly paid arbitrators, adjudicators and professional men who are available around the city today. The giving of power to a small subcontractor to make a judgment ensures that a man's work can be judged by his peers. It will be possible for small subcontractors and small builders to have a dispute satisfied by the introduction of a third and independent person, and certification will be given by one who is virtually on the same level in business as those who are in dispute.

I know that some members will see this as relating to high-rise construction jobs such as the T.A.B. building that K. D. Morris had under construction before his company crashed. Many wild and extravagant statements have been made publicly by people who were associated with that quite disastrous crash. There was an attempt by irresponsible people in the community to blame this Act for what happened on that occasion. I and anyone else who has studied the Act and what happened on that occasion know that there was no relationship between the two things. People will grasp at any straw to excuse their incompetence and bad management and, of course, there is a great temptation to blame the Government on these occasions.

So that there can be no suggestion of this in the future, there is a minor amendment in this Bill which will allow the subcontractor to suspend a charge that he might have obtained against a builder to allow the company to trade itself out of difficulties if necessary. I think that puts beyond dispute any claims that could be made in that area. I think most of us recognise the principle that it is not up to subcontractors to carry the principal contractor in financial terms. It is not up to subcontractors, by having their payments withheld, even temporarily, to provide the finance for some builder to continue conducting his business. They should not have to give him the benefit of their money to ensure his liquidity. I have had discussions with a number of builders and subcontractors, and the builders say, "But if I had to pay all my bills immediately, I would go broke." If a builder has to rely on using his subcontractors' money—that is, money due to subcontractors—he should not be in the business, and I think that is one quite firm intention of this Bill and I support it.

Mr. Akers: There would be no building done in Queensland.

Mr. LANE: The honourable member for Pine Rivers suggests that it is proper for a builder to use his subcontractors' money to maintain his own liquidity. I do not agree. He can talk about what is the practice at the moment, but it is not a desirable practice and I hope that this Bill will encourage its phasing out.

It has been suggested that this Bill should also cover suppliers of specialist items such as custom-built ironwork, custom-built electrical wiring or switchboards, and things of this nature that are used on building sites, but the Minister has made it quite clear that charges can only be obtained against work which is done on the site.

Mr. Moore: They never spoke for themselves, anyway.

Mr. LANE: That is true. I think it is quite proper. We must draw the line somewhere, and this has also been done in these amendments, so that no supplier off the job, whether he be a supplier of bricks, concrete or some other materials, can use this Bill as a debt-collecting medium for his business. It is a Bill which is directed towards protecting the position of subcontractors, a group of people who, up till recent years, had been largely ignored by the Government in legislation, but who now, thanks to this legislation, have some reasonable protection in what is a growing and diverse area of business.

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (12.39 p.m.), in reply: I do not intend to take a great deal of time in replying to the introductory stage debate on a number of the Bills I intend to introduce today, as most of them involve technical matters which require considered answers; at the same time I do intend to mention those matters which are of immediate concern to the Committee.

I thank honourable members for their interest in and support of the Bill. I need hardly say that this has been one of the most difficult pieces of legislation that I have had anything to do with. In the last three or four years, a great deal of my own time and the time of my officers and others has been taken up in trying to find satisfactory solutions to what at one stage became very vexed problems in the community, particularly in the commercial world in which contractors and subcontractors ply their trades.

I might say that similar difficulties have arisen in every other Australian State, and there has has also been considerable interest in this legislation in North America, England and Europe because similar problems have arisen there. In fact, the situation reached boiling point in Western Australia not very long ago. Some provinces in Canada have shown tremendous interest in the Queensland legislation. They have actually sent people over to find out more about it because the relationship between contractors and subcontractors is a matter of some concern in Canada.

Although difficulties have arisen because of the way in which the problem has been tackled, I am pleased to say that there has been an enormous amount of co-operation and understanding by people involved in this field. They now clearly know that the legislation will not be repealed, and I think that is important. They have accepted that there will be continuing legislation in this area, that the Parliament does not intend to repeal it, and that it must be improved. The Bill now before the Committee is the first attempt—and I promised that there would be a review—to make improvements as a result of experience.

It is now two years, all but a day, since the first Bill was introduced, and there has been a continuous review of the legislation. Numerous submissions have been made, and in the last six months quite a number of conferences have been held with all the interested parties to hear from them how the legislation could be improved. While not all the submissions made have been accepted, as the honourable member for Rockhampton has observed—and there are various reasons why they have not been accepted—the amendments that are before the Committee at the moment would have wide support amongst contractors and subcontractors in the community. I think that the Committee should know that, because in the last 12 months or so an impression has been abroad that there would be violent opposition to the continuation of the legislation.

I say to honourable members that those who were not keen about the legislation two

years ago, in particular, have shown remarkable and commendable co-operation with me in providing suggestions for its improvement. Indeed, I received a combined submission from the subcontractors and contractors containing a great number of suggestions on which there was agreement between them. Much progress has been made, and my involvement in this area in the last 12 months has been far more satisfactory than it was two years ago. I thought I should put that on record to let honourable members know that progress has been made.

As to the future—the amendments that the legislation provides will, I believe, solve some of the problems that have not been so obvious on the surface. No doubt, because of changing circumstances in the community, there will be need for a further review of the legislation in a couple of years. Let us not say that we have found the perfect piece of legislation. However, I do know that other Australian States and other parts of the world will be introducing legislation of a type similar to the Queensland legislation, and it may well be that we have provided a model—possibly not a perfect model—on which they can build their legislation. In due course it will be interesting to see what amendments they make to meet their circumstances which might be of interest to us.

There is one other point I think I should make quite clear. A couple of instances have been mentioned of building industry units that have gone into liquidation. Indeed, there were some very heated and coloured statements made about the Subcontractors' Charges Act at the time that occurred. It should be clearly said that the Subcontractors' Charges Act did not cause the difficulties which those firms faced.

Mr. Wright: It added to them.

Mr. KNOX: It did not necessarily add to them. In fact in one case it has been quite clearly shown by the liquidators that the Act had not in any way contributed to the difficulties, nor did it put difficulties in the way of solving the company's problems. In that particular case the subcontractors who did have charges agreed unanimously to withdraw them in order that reconsideration could be given to the company's affairs. In that case, even with that proposal, it was not possible to allow the company to continue trading in the manner in which it had done previously. I want to make that clear. In fact statements were made subsequent to the meetings which cleared it up, although those statements did not get nearly as much publicity as the original statements made some months earlier.

In another case mentioned in the Committee the difficulties became apparent and it was obvious that the company concerned could not possibly proceed, because whatever arrangements were made there was a disputed debt, and the people were going to go to another place, anyway, even if there were no Subcontractors' Charges Act, to dispute the debt, which was a substantial one. In any event it would have ended the same way.

What we have done in one of the amendments is pay respect to other legislation, particularly the Companies Act, where difficulties have arisen, and the Bankruptcy Act, where difficulties have not arisen but where we anticipate them. Those two Acts are specifically referred to in the Bill, so it will be possible for people to reconsider their position, knowing the position the company concerned is in and also knowing that they would want to co-operate with liquidators in order to solve those problems if it is possible for them to be solved.

We trust that this amending Bill will assist. While I say that the Subcontractors' Charges Act did not cause the difficulties referred to in the Committee, principally by the honourable member for Rockhampton, it did not provide for the openings which some people felt could have been made and which might have relieved the situation. I say now in retrospect that even if they had been provided in those particular instances that would not have stopped what eventually happened in those two cases. We were unfortunate in having a recession in the building industry not long after the introduction of the Act. Reference to the debate of two years ago will show that I said that it was never intended that this legislation was to get blood out of stone. It was primarily intended to look after situations that might occur from time to time, and in fact would give the opportunity for subcontractors to be considered along with other people in the event of a contractor not being able to meet all his obligations. If a contractor is not able to meet all his obligations, no matter how big or how long the Subcontractors' Charges Act is, or how many powers are provided in it, there is no way in which a subcontractor will be able to obtain cash he is entitled to from that source. He is in the same position as anybody else who is owed money, except, of course, those who are owed wages which come under the protection of the Industrial Conciliation and Arbitration Act and the Wages Act. Presumably they would be first in and able to be met, but this is not always so. I wanted to make that general statement.

The only other point I should like to refer to is that the honourable member for Rockhampton has mentioned section 5 in relation to the nature of the charge. I would ask him to consult section 10 of the Act before the second-reading stage. Section 5 cannot be read in isolation without reference to section 10.

Mr. Wright: And section 11, too.

Mr. KNOX: The consequences follow after that. The charge is a very limited charge under the Act. It is not as broad as some people assume.

Mr. Wright: It has been interpreted as allowing a person to make a total claim rather than just moneys owed to the subcontractor.

Mr. KNOX: These particular interpretations would not live for very long.

Mr. Wright: When they do, they hold up for some months, or at least for a certain period, and that makes that other money inaccessible to the contractor.

Mr. KNOX: I should like to know the circumstances in which that has occurred.

I merely make the observation that by virtue of the existence of this Act many hundreds of subcontractors have been able to get satisfaction whereas prior to the introduction of the Act they would never have received it. I have had many conversations with subcontractors who have greatly appreciated the existence of the Act. They have had their matters settled satisfactorily. In fact, a certain gentleman of some substance in this community appeared in the Magistrates Court on his own, without legal advice, and, having done his homework on this Act, was able to get satisfaction for a debt. He contacted me saying how grateful he was that the Act existed.

Perhaps we have created some new difficulties. Certainly contractors have to become aware of the Act. They have to know not only that it exists but also what is in it. They can make errors, which could provide difficulties for them later. I can assure the honourable member that very few contractors would be unaware of the general provisions of the Act. I should hope that more subcontractors become familiar with its contents so that we do not see in the future the repetition of the exaggerated claims that have been made in the past. I trust that these amendments will help all the parties concerned.

Motion (Mr. Knox) agreed to.

Resolution reported.

First Reading

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

STATUS OF CHILDREN 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) (12.55 p.m.): I move—

"That a Bill be introduced to remove the legal disabilities of children born out of wedlock."

The Law Reform Commission has recommended for adoption in Queensland a Status of Children Bill following its examination, at my request, of the report of the Tasmanian Law Reform Committee on the law of succession in relation to illegitimate persons.

The report of the Tasmanian committee discussed at length the New Zealand Status of Children Act 1969, which was enacted to remove from the law of New Zealand the legal disabilities of children born out of wedlock. The Tasmanian Parliament subsequently enacted the Status of Children Act 1974 in substantially the same terms as the New Zealand Act.

A little over a month later the Victorian Parliament enacted the Status of Children Act 1974 for that State, again in substantially the same terms as the New Zealand Act. In late 1975 South Australia enacted the Family Relationships Act 1975, and New South Wales also proposes to legislate on the subject.

The Queensland commission prepared a commentary upon a draft Bill, also substantially in the form of the New Zealand Act, and the commission's report was laid upon the table of the House on 11 March this year.

So that the implications attaching to illegitimacy may be better understood, it is necessary that we examine briefly the law relating to it. At common law a child is legitimate if its parents are married to each other at the time of its conception, at the time of its birth or at any time between its conception and birth. Otherwise the child is illegitimate.

An illegitimate child suffers from an important practical disability when it cannot be established who its father is. It may be impossible to obtain a maintenance order against the father because the paternity of the child cannot be established. This disability flows from the factual situation.

The legal disabilities of illegitimate children arise mainly in cases of inheritance and analagous matters. The law did not recognise, or did not fully recognise, the natural blood relationship between an illegitimate person and his parents and other relationships depending on that parental relationship.

There is a rule of construction that where terms of relationship such as "children" or "issue" are used in wills and other dispositions they are taken to refer only to legitimate relationships unless a contrary intention appears. This reflects the attitude of the common law towards illegitimate children, and it seems probable that the rule could defeat the intention of a testator in a modern community where it is not widely known that the law might only give a restricted meaning to such words used in a will or disposition. In accordance with the general rule at common law, only persons claiming through a legitimate relationship could participate.

Legislation to enlarge the common law definition of legitimacy and to reduce the legal distinction between legitimate and illegitimate persons has, however, to some extent modified the legal disabilities of illegitimate persons. Acts of Parliament provide that a child born out of wedlock is legitimated by the subsequent marriage of its parents or upon its adoption. Despite this there are still illegitimate children who are not adopted or whose parents do not subsequently marry and to whom the legal disabilities of illegitimacy still attach. These disabilities have been further reduced by legislation which is so worded as not to draw too marked a distinction between legitimate and illegitimate children—but this does not go far enough.

The Status of Children Bill is one of great social significance and has a simple philosophy—the law should not discriminate against any child or impose disabilities upon it merely by reason of the accident of its birth. The Bill removes all discriminations and disabilities by providing that the relationship between a child and its parents is to be determined irrespective of whether the parents are or have been married to each other.

The Bill states simply that every person born before or after its commencement, whether in or out of Queensland, whether or not his father or mother has ever been domiciled in Queensland and whether legitimate or illegitimate, shall be of equal status.

In addition to this, however, it is necessary to legislate for a number of other matters relating to the subject. The Bill provides that instruments executed and intestacies which take place before the commencement of the Bill shall be dealt with as though the Bill had not been passed and that executors, administrators and trustees are to be under no obligation to inquire as to the existence of any person who could claim an interest in any estate or property by reason of the Bill. Provision is made that a child born to a woman during her marriage or within 10 months after the marriage has been dissolved by death or otherwise shall, in the absence of evidence to the contrary, be presumed to be the child of its mother and her husband or former husband as the case may be. The Bill sets out that if the father and mother were married to each other at the time of the child's conception or afterwards, or if paternity is admitted or established, paternity may be recognised for the purposes specified.

The various forms of evidence that can be taken as proof of paternity are set out and provision is made for instruments of acknowledgment of paternity to be filed with the Registrar-General.

The Supreme Court is given jurisdiction to make a declaration of paternity upon the application of a child or parent of the child or other person having a proper interest. Where the paternity of a child is in question, the court will be able to make an order upon such terms as may be just requiring any person to give such evidence as is material to the question including a blood sample for the purpose of blood tests.

Consequential amendments replacing the expression "illegitimate" are necessary to a number of Acts and are made in the schedule.

Some changes with which the Law Reform Commission concurs have been made to the Bill originally submitted by that commission.

I propose to let the Bill lie on the table of the House for examination by all interested parties and will reintroduce it in the next session.

I can go no further than repeat that the Bill is of great social significance and is designed to remove the legal disabilities of children born out of wedlock.

I commend the Bill to the Committee.

[*Sitting suspended from 1.2 to 2.15 p.m.*]

Mr. WRIGHT (Rockhampton) (2.15 p.m.): As was explained by the Minister the aim of the legislation is to remove the disabilities of children born out of wedlock. I took time to read the excellent report of the Law Reform Commission. It is worth while for all honourable members to read it because it goes through the history of the problems and the legal disabilities that those children whom we class as illegitimate have faced.

It was New Zealand that first moved on this problem by introducing the Status of Children Act in 1969. This Act was investigated thoroughly by Tasmania. Subsequently Victoria moved on the matter. The South Australian Legislature introduced the Family Relationships Act. The Minister said that the New South Wales Government has announced its intention to do something along the same lines.

There are two basic proposals before the Assembly and they cover these aspects: the removal of the legal disabilities of children born out of wedlock and amendments to the law of succession in relation to illegitimate persons. As with so many of our Queensland laws, the legal position of both illegitimate and legitimate children has been inherited from England. This point is made very clearly in the report of the Law Reform Commission.

There has always been a distinction between the rights of a child of a legally recognised marriage and those of a child born out of wedlock. It is a distinction that for so long has been supported by society in varying degrees but it is one that is now changing and it has changed because there is a change of attitude. A vast majority of people in the community say it is wrong that the illegitimate child, through no fault of its own, should lose certain of its legal

rights in matters of intestacy and general matters of succession law. General agreement is that the issue of the non-legal relationship of a child should be the same as that of the child whose parents are legally wed.

To date there has been a sort of patchwork-quilt approach in law. Rights have been restored to the child by the marriage of parents after the time of conception. This has been recognised bv the Commonwealth Marriage Act. The problems of the illegitimate adopted child have been overcome in Queensland by the Adoption of Children Act introduced here only a year or so ago. We know now that the child who is adopted automatically loses the stigma of illegitimacy the moment adoption takes place because he becomes the legitimate child of the adopters. Amendments were made to the Maintenance Act 1965–1974 and it is now possible to obtain some type of support or maintenance for an illegitimate child. These matters have been supported time and again by honourable members because we realise it is wrong that the child should suffer. The Succession Act 1867–1974 has similar provisions for maintenance and support.

There has always been some difficulty in Queensland law where persons die intestate. The Succession Act 1867–1974 has a general rule that only persons claiming a legitimate relationship may participate in an intestacy. It seems from what the Minister has said that this will be overcome. There is a real need to remove these disabilities because the illegitimate child is innocent. It was summed up extremelv well bv the Russell Committee in its report issued in 1966, as follows:—

"At the root of any suggestion for the improvement of the lot of bastards in relation to the law of succession to property, is, of course, the fact that in one sense——"

Mr. Moore: What are you quoting from?

The CHAIRMAN: Order! I suggest that the honourable member proceed.

Mr. WRIGHT: I suggest that Government members should at least listen. Half of the time they are asleep. This is an important debate and this fact has been made very clear by the Minister's intention to leave this Bill until the next session.

The CHAIRMAN: Order! The honourable member has mentioned the source of his material and does not have to say it again.

Mr. WRIGHT: I was commenting on the remark of the honourable member for Windsor.

The Russell report reads—

"At the root of any suggestion for the improvement of the lot of bastards in relation to the law of succession to property is, of course, the fact that in one sense that they start level with legitimate children, in that no child is created of its own volition.

"Whatever may be said of the parents, the bastard is innocent of any wrongdoing. To allot him an inferior, or indeed unrecognised, status in succession is to punish him for a wrong of which he was not guilty."

These views would, I believe, be held by most thinking people. It is wrong that a child should be held guilty, as it were, for something over which he had no control.

I notice in the Law Reform Commission report and other information I have gathered that arguments are advanced against the proposal put forward in this and other States. It is suggested that removal of the stigma of illegitimacy would tend to lessen respect for legitimacy. I personally do not think that this is a valid argument and I am pleased to see that it has at least not been accepted by this Assembly.

It is also suggested that it diminishes to some extent the material value of the rights conferred by marriage. That is so, too, but I doubt whether it will have much effect on people's decisions to marry or to continue living in the relationships that are becoming more common today.

Mr. Moore: Live in sin.

Mr. WRIGHT: Yes, live in sin, as the honourable member for Windsor says. These are not justifiable restrictions. If we want to improve the success of marriage, I do not believe that this is the way to start.

Another argument raised, which was also put forward by the Tasmanian Law Reform Commission, is that giving rights to illegitimate children creates practical difficulties in establishing paternity. The Minister spoke at length on this matter and it seems that there are not going to be any troubles here. It is important to note, too, that the illegitimacy problem involves many children. I propose to quote some figures taken from the Queensland report. For the year ending 31 December 1972 the total number of live births was 39,251. In the same period the number of illegitimate births was 5,138 and adoption orders numbered 1,580. It will thus be seen that approximately 3,600 children would still have to bear the stigma of illegitimacy because they were not adopted—or had not been at that time—and had not obtained the benefits of the Adoption of Children Act of the Parliament.

For the following two years the figures were:—

Year	Total Live Births	Illegitimate Births	Adoption Orders
1973 ..	38,067	5,186	1,488
1974 ..	37,852	4,955	1,307

It will therefore be seen that this is a problem that is not lessening to any great extent. It has to be recognised that these statistics are probably false to the extent that legitimacy is conferred by subsequent marriage of the parents. No statistics are available to show the number of children who lost the stigma of illegitimacy by this means.

The recommendations of the Queensland Law Reform Commission are very detailed and for that reason I am pleased that the Minister has agreed to allow the Bill to lie on the table till the session later this year. It is important that all the disabilities of illegitimacy be removed and I hope that that will be achieved by this legislation. Such disabilities include property rights and matters arising out of intestacy. We need to remove the distinction that exists in wills between legitimate and illegitimate children.

There is, however, one point that concerns me. The Minister stated that this will not involve instruments or wills that have been executed up till the time of the commencement of the Act. I realise that this is a very difficult area in which to make legislation retrospective, but surely there is some simple answer to the problem. Possibly the answer would be to make the new Act prevail in cases in which the parents are still alive at the time of commencement of the Act. If we cannot find an answer to this problem, future problems will not be overcome, because if a will has been made and a person is still illegitimate prior to the commencement of the Act, he cannot benefit from its new provisions. I ask the Minister to consider this point. I believe that, when reviewing legislation, we should try to meet every problem that arises.

It is quite apparent that the Minister has gone a long way towards overcoming this problem and, I would hope, all problems, but at this stage this is one point that is still open to some criticism. I would appreciate some comments from the Minister now, or even at a later stage when he and his officers have had a chance to further consider the point. I appreciate that consideration has already been given to it and that the legislation is generally in line with that of other States, but the problem still remains and we in this Chamber have some obligation to try to solve it.

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (2.26 p.m.), in reply: I thank the honourable member for Rockhampton for his interest and support of the general principles of the Bill and also his support of my suggestion that the Bill lie on the table until the next session. As honourable members would recognise, this is a very difficult and delicate area. When one uses the words that are used in the report and in the draft legislation which is now the Bill, very often people misunderstand what is intended, and I think the honourable member for Rockhampton canvassed some of those possible misunderstandings.

He spoke of wills made in the past and referred to the fact that instruments executed and intestacies which took place before the commencement of the operation of the Act shall be dealt with as though the Act had not been passed. This is rather relevant, because people do make their wills in the light of existing legislation, and if they knew that the legislation was to change at some future time then it would be extremely difficult for them to be able to make their wills convey the meaning which they intended.

I have no doubt that some people who might be expected to be included, are in fact excluded from wills, but it is proper for people to expect that their last will and testament will be followed—assuming it was made lawfully. I do not think it would be possible, nor would it be fair, to expect wills lawfully made at a particular time to be made unlawful or to have qualifications inserted in them simply because the Legislature changed its mind at some future time—assuming that the person making the will lived in a community such as the one in which we live. There might be communities where the last wishes of the deceased are ignored, but in this community wills are respected if they are lawfully made. That does not mean, of course, that in the past people have not included illegitimate children in their wills. In fact, they have done so very frequently, and for very good reason. These illegitimate children do not necessarily have to be specified as such, of course, but they are recognised in wills.

One problem arises when a person makes a lawful will and forgets, or does not know, that somebody who was accepted as his child would be excluded, and this happens very frequently. In fact, some very distressing instances are known of a person over 60 years of age who has grown up believing himself to be the child of the people he has lived with in his childhood. Such persons have gone on and married, raised their own families and become grandparents—I know personally of one such grandfather—only to discover when they are well over 60 years of age, and after the death of the person they believed to be a parent, that they are illegitimate. I assure honourable members that such circumstances arise more often than they would believe, and

they cause enormous distress. Although the Bill does not correct past situations, it will correct them in the future.

Mr. Wright: Often the testator does not intend to leave out the illegitimate child; often he thinks that an illegitimate child has the same rights. However, in law illegitimate children have not the same succession rights.

Mr. KNOX: Often those making the will understand that, but they do not disclose it to the person who helps them with the preparation of the will or witnesses it. By not disclosing it, of course, they deny to any person who might have an expectancy that expectancy. It is a difficult area.

I cannot see any method of solving the problem raised by the honourable member for Rockhampton other than the current method, that is, by the Supreme Court making decisions about people who might well be covered, or should be covered, by a will.

Mr. Wright: There is a limit of $2,000, isn't there?

Mr. KNOX: All sorts of precedents have to be observed relative to decisions made by the Supreme Court in cases of this type. We have had a number of them in this State, and the decisions have not always been happy ones and they have not always been happy matters to pursue. It is to overcome some of these problems that the present amendments are being submitted.

Motion (Mr. Knox) agreed to.

Resolution reported.

FIRST READING

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

SPORTING BODIES' PROPERTY HOLDING 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) (2.34 p.m.): I move—

> "That a Bill be introduced to amend the Sporting Bodies' Property Holding Act 1975 in a certain particular."

The purpose of the Sporting Bodies' Property Holding Act is to provide for the manner of holding real and personal property by trustees on behalf of the Royal Queensland Bowls Association and its affiliates, and other sporting bodies to which the Act is extended.

As the Act is worded, it implies that the only body associated with lawn bowls in this State is the Royal Queensland Bowls Association. The Queensland Ladies' Bowling Association, which is not affiliated with the Royal Queensland Bowls Association, has applied to have the provisions of the Act extended to it; but because of the manner in which the Act is drafted, this is not possible. The Bill before the Committee merely gives effect to the original intention of the Act by removing the anomaly which bars the ladies' association from availing itself of the benefits of the Act.

I commend the motion to the Committee.

Mr. WRIGHT (Rockhampton) (2.35 p.m.): It is rather a coincidence that the original Act was introduced exactly one year ago today, on 8 April 1975. The object at that time was to set up a system of registration for the trustees of real and personal property belonging to sporting bodies. At that time the Bill was accepted by honourable members on this side, as long as it was to cover all the various bodies that would require such registration.

As the Minister has just stated, the legislation was introduced mainly for the purpose of giving special cover to the Royal Queensland Bowls Association. I checked "Hansard" and found that at page 680, Vol. 267, he commented that the Bill was to cover other associations. It is quite obvious from what the Minister has said now that the area mentioned by him was one that was not covered. It is a very simple measure, and we have no opposition at all to it. We completely agree with what the Minister is doing here.

Motion (Mr. Knox) agreed to.

Resolution reported.

FIRST READING

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

ART UNIONS AND AMUSEMENTS 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) (2.38 p.m.): I move—

> "That a Bill be introduced to provide for and regulate the conduct of art unions and the provision and conduct of commercial amusements, entertainment machines and billiard tables and for related purposes."

The conduct of art unions in Queensland has been regulated in some fashion ever since the colony was first founded. It was not until 1930, however, that legislation was first enacted with the sole purpose of placing the control of art unions on a sounder basis. This control has, over the years, not always been popular with the persons and

organisations conducting art unions. Complaints have been received that many of the requirements of the Department of Justice relating to the application for permits for the conduct of art unions are unnecessary and time-wasting.

Let us then look at the purpose of that legislation. Its main object is to ensure that the reputable organisations that depend on the proceeds of art unions and their countless supporters are protected from exploitation. Prior to the legislation in 1930 it was not uncommon for an art union to be conducted where thousands of pounds were raised for charity, but owing to enormous expenses incurred only a very small portion of the proceeds actually went to the object for which it was collected.

The need for control of the conduct of art unions must therefore remain. However, if it can be retained with a minimum of paper work for the organisations concerned and the department and still achieve its purpose, so much the better.

The existing Art Union Regulation Act will be repealed by the Bill, which, in addition to rearranging its provisions into a more coherent pattern, makes some basic modifications to the present law in an endeavour to overcome the paper warfare.

The principal change effected by the Bill is to increase the maximum permissible gross proceeds for a minor art union from $200 to $500 and to permit approved associations registered under the Bill to conduct minor art unions under their certificate of registration without having to obtain a separate permit for each one. An approved association will still have to obtain a permit to conduct a major art union, which is one where the gross proceeds exceed $500.

Another benefit conferred by the Bill will be the increase in the maximum permissible price of a ticket in a minor art union from 20c to $1. This will mean that fewer tickets will need to be sold in the art union and follows the increase in permitted maximum gross proceeds. In addition, commission may be paid out of the 10 per cent maximum permitted expenses, where previously it was not allowed to be paid.

Since being permitted in Queensland in 1973 housie—or to give it its more common name, bingo—(which is now adopted by the Bill) has become one of the major fund-raising sources for organisations both large and small. As with every new enterprise there have been teething problems, which have been drawn to the attention of the administration and of many honourable members. A number of extensions to the present conditions applicable to bingo are provided in the Bill.

In relation to major bingo (over $500), the gross proceeds allowable for a session are increased from $2,000 to $4,000 and the restriction on the gross proceeds of each game is abolished. More than one jackpot per session will be permitted but the aggregate of the jackpots for the session is not to exceed $1,000, the present maximum. Jackpots are to accumulate from sessions already conducted, but a new organisation can provide a $200 jackpot from another source for its initial game. Jackpot prizes will be permitted to be taken from the 75 per cent of maximum gross proceeds which can be allotted for prizes. Presently, jackpots come out of the organisations' percentage of profit.

The maximum price of a card is increased from 20c to 30c. The method of calling back and checking winning cards is being altered and accounting procedures are being eased.

Most of these concessions will also be permitted in relation to minor bingo in lesser amounts, although the price of cards is not being increased.

Another major concession to associations conducting major art unions permits a total appropriation in respect of prizes and expenses of 65 per cent of the gross proceeds. However, the maximum permitted percentage for prizes can go up to 45 per cent and for expenses up to 35 per cent. Thus, an organisation with low expenses will be able to offer prizes of a greater value.

New principles of the legislation will transfer from the Minister to the Under Secretary the Minister's powers in respect of applications and give the Minister the right of review, provide for payment of fees in respect of commercial amusements, entertainment machines and billiard tables conducted without permits and provide that art unions conducted for the promotion of trade will not require permits, provided they are conducted in accordance with the Act.

Other amendments deal with the power of authorised officers, seizure of the contents of amusements and payment of fees for commercial amusements.

I feel sure that after reading the Bill all honourable members will agree that a great deal of saving in time and expense will follow the proposals relating to art unions conducted by approved associations and that in relation to bingo especially the amendments will be well received by everybody.

I commend the Bill to the Committee.

Mr. WRIGHT (Rockhampton) (2.44 p.m.): I feel certain that all honourable members would be pleased to know that the Minister is introducing major amendments to the Art Union Regulations, including ones that refer specifically to bingo. In the past I have made a number of statements concerning certain problems in this area, and I am pleased to hear that some of those problems are being overcome by this measure. Certain points that I have raised, however, are being bypassed.

It is important that we give the small organisations—charitable groups and others—every opportunity to raise the money that they want. Some of the restrictions we have had in this State have been too severe. Under the present legislation 75 per cent of the takings may be given away as prizes, but any jackpots have to come out of the 25 per cent return for the organisation. The Minister has now changed this. Some changes are also being made to allow tickets in small art unions to be increased from 20c to $1. The maximum return can now be $500.

I hope that there will not arise under this legislation a problem similar to one experienced under the Act. At present, with tickets sold at 20c, the total amount allowed to be raised is $200. However, tickets cannot be sold at 40c. In other words, an organisation has to keep to the set number of tickets to raise that amount. I have been approached by some organisations that run lucky numbers stalls in the streets. They would rather sell tickets at 40c than 20c and provide a much larger prize, simply working on a $200 return instead of a $100 return. However, when I contacted the department I was told it was not allowed. I hope that will be altered, whether tickets be sold for 20c, 50c or $1. Either fewer tickets would be sold, or better prizes would be given. That is what it comes down to.

One of the main points made by the Minister is that this is going to cut down on paperwork. I hope this will be so, because we have had nothing but complaints about the number of forms that have to be filled in to obtain permits. The Minister says that an approved association will not be forced to obtain permits for individual minor art unions. However, when the Minister speaks about "approved associations", that raises a stumbling block.

In recent months a number of organisations throughout the State—I think in every town—have been caught, if I may use that term, and some have been fined for not keeping within the terms of the Act. The section I refer to is division IVA, section 18A, under which games of housie may be lawful without a permit. It says—

"it shall be lawful for any person to promote and conduct a game of housie for raising money for one or more of the purposes set out in subsection (2) and in accordance with . . . the conditions prescribed in subsection (3)".

The main point, however, is that it must first be an approved association. The general thought in the community was that an association was approved if it complied with new section 13; in other words, where the moneys raised were for—

"(a) charitable, religious, or educational purposes;

"(b) patriotic, cultural or sporting purposes;

"(c) any other purposes, being neither a purpose of private gain nor a purpose of any commercial undertaking for the time being specified by Order in Council."

We have had organisations saying, "We are a charitable organisation. We are the school's parents and citizens' committee. Therefore, we must be approved under the Act." What they did not know was that they had to actually apply for approval; that an application had to be made. Once they were granted that approval—and only then—were they able to conduct the various minor art unions—and major art unions, in the case of bingo—without a permit.

I have had nothing but trouble from local organisations who have said, "We thought we were approved. Now we find we are going to have to pay an extra $800. We only made $700 over the period." One of my local organisations was fined over $4,000. I have been told of another organisation—one in Brisbane—that was fined over $5,000. That is totally wrong. They thought they were keeping within the terms of the Act. The conditions were laid down, and they looked at them very carefully. For instance, they did not have more than one housie session during any week; the housie sessions did not exceed more than four hours, as I think it was in the original Act; they did not have more than 40 games; the total proceeds of one game did not exceed $50; the proceeds of a session did not exceed $300; they gave no reimbursement or remuneration to promoters; their expenses did not exceed 10 per cent of the proceeds; the cards were of the 20c price; and they did not exceed the jackpot of $200. Whilst an increase to $500 was allowed, they kept within this; but because they did not actually apply for approval, they have been caught. Some of them broke one or two minor aspects of the section I am referring to but it was unfair to them.

I got a pamphlet sent out by the Justice Department that explains this matter to the various clubs. Again it referred to "approved associations". The words were not in capital letters. There was not even a capital A for "approved" or for "associations". "Approved" was used as a normal adjective. It was a certain type of association in that it was an approved one. We have all sorts of problems and I hope that the new legislation will overcome them.

The problem of jackpots has always been difficult. The law says that there shall be only one, yet almost every newspaper in the State advertises three or five jackpots. Whilst a maximum of $1,000 is provided for organisations with permits, some of them advertise jackpots of $2,000 and nothing is being said. It is no wonder that some of these organisations got fed up and said, 'Why are they picking on us?" It is pleasing that the jackpot restrictions are being changed.

I hope that we might also apply some sense when it comes to give-aways. Apparently even a lucky door number cannot be given

away; there is no such thing. Surely if an organisation wants to administer its game in such a way as to provide an incentive for more people to come, it can provide these small give-aways. What is happening is that some small organisations cannot compete with the larger groups that have major jackpots so they say, "We haven't a huge jackpot like the one down the road but we have a few give-aways. You do not have to pay for this one and you might win a reasonable prize." At the moment it is illegal, and I think that is wrong.

Mr. Moore: The bigger groups would have bigger give-aways.

Mr. WRIGHT: That might be so but we have this problem. When the Minister introduced this legislation in 1974 he stressed the importance of protecting small organisations; but we have not achieved this.

Mr. Burns: Those who run illegal games cannot afford to run them legally.

Mr. WRIGHT: That is a real problem. I think it will happen in most cases. We do not want to start pointing fingers because I am sure we could name quite a few in our electorates who have been running games illegally.

Another point relates to the tax payable on the gross proceeds. Groups pay for a permit; approved associations are exempt. Then they have to pay a 3 per cent tax on the total proceeds—not their final profit. So whilst a bingo organisation that is working on the $1,000 jackpot gives away 75 per cent of the take, it does not pay 3 per cent on the 25 per cent that is left; it pays it on the 100 per cent. What we are saying is that an organisation is allowed to give away 75 per cent but that we will take something like 12 per cent of what it makes because 3 per cent of 100 per cent is approximately 12 per cent of 25 per cent that is left. It is important that the Government has revenue but it is unfair that some of these organisations have to pay so much.

Another matter that is old hat but one I have always agreed with is that political parties should be allowed to be involved. I still do not believe that we should be denied the right to raise funds in this manner. The honourable member for Toowong has made his views known and I respect his right to have them known, but I do not have to agree with them. It would be better for the political organisations to be allowed to run these games. The National Party gets around it by running bingo games but having the advertisement in the newpsaper read, "Run by the National Party for the Heart Foundation" or some other charity. We do not know how much they are getting.

Mr. Burns interjected.

Mr. WRIGHT: I would not say that because I would hope that the Justice Department keeps a pretty close check on them. The Liberal Party is not doing it, nor is the Labor Party. But the National Party is making a lot of money in this way and getting away with it. The party that is senior by virtue of its numbers in this Parliament is getting around this provision and making money by adopting a charitable role. If it is good enough for them to obtain money by way of administrative costs, surely it is good enough for all political parties. I firmly believe that all parties should be able to raise money legally by means of permits of this type.

The Labor Party would be quite happy to work within the restrictions imposed. We would welcome the money that could be raised in this way and we have party workers who would be prepared to do it. If honourable members opposite do not have members prepared to work for them, that is probably the reason for their opposition to my suggestion. However, speaking quite apart from party politics, I can see no real reason why political parties should be excluded. Political parties perform a service for the community. We, as members of political parties, make the laws and we play a very important part in the community. Yet we are excluded from this activity. I hope the Minister will consider what I am saying because it is a matter that is taxing the minds of Opposition members and I know that at least some Government members agree with me.

I return to a consideration of approved associations. It is all very well to have laws but they must be known to the various organisations. The question of approved associations has cost many bodies a lot of money. I hope the Minister will overcome this problem. It will be overcome if associations are no longer required to have permits to conduct minor art unions, but not if it is still necessary to apply for approval. Surely a recognised charity, such as a school parents and citizens' association, should be given approval automatically.

The Opposition will closely study the amendments now being brought down because obviously they bring about some major changes. At this point we say that we welcome the legislation. But again I ask the Minister to consider what I have said about political parties because I am sure that he needs money just as much as we do.

Mr. MILLER (Ithaca) (2.58 p.m.): I agree with quite a lot of what has just been said by the honourable member for Rockhampton. I am very pleased indeed that the Minister has seen fit to increase the amount that can be collected in one night. I wonder if we can go one step further and try to place all organisations on the one footing. I think it is a pity that at present a football club that has a liquor licence is controlled by the Licensing Commission whilst all other organisations come under the Justice Department. Many of these other organisations

have been taking unfair advantage of football clubs and other clubs who have to toe the line at the direction of the Licensing Commission. I am wondering if the clubs to which I am referring, such as football clubs, should not be removed completely from the jurisdiction of the Licensing Commission and placed under the control of the Justice Department.

Mr. Wright: You are talking about restrictions on guests?

Mr. MILLER: Not only restrictions on guests. If clubs do not play the game they can be closed down for a week. But what can the Justice Department do to a church? Not a thing. I have in my possession an advertisement for two $1,000 jackpots for last week.

An Opposition Member: I could give you a dozen.

Mr. MILLER: Exactly. No licensed club would be game enough to attempt that, let alone advertise it. I should like to see the Minister give consideration to removing these clubs from the jurisdiction of the Licensing Commission.

I am wondering also if he will consider abolishing the ceiling figure on the gross proceeds of each housie session and restrict them to a number of hours rather than an amount of money. I say this because one sailing club in a coastal town I know of has a very large number of people playing bingo and, frankly, I do not think they can obey the law even if they want to. If they did obey the law they would be closing down one and a half hours after starting the session. Surely if we are going to have 600 people playing instead of 150 or 200, the amount of money that we allow them as gross proceeds will be reached a lot sooner. If a football club or a sailing club, or any other club for that matter, has a big following I can see no reason whatsoever why it should not be allowed to exceed the amount we are considering today. If a club is popular and the people want to go and play there, then I think they should be able to do so, but we should set a limit on the number of hours that they do play. I suggest that four hours is a reasonable time.

Mr. Wright: There is a restriction.

Mr. Casey: The regulations cover that.

Mr. MILLER: Sure, but if we have a four-hour limit rather than a fixed amount it will not be abused. I think we can control the abuse of the system by limiting the number of hours rather than placing a ceiling on the amount of proceeds.

Mr. Wright: How do you control the jackpots then?

Mr. MILLER: I think we should set the jackpots at $1,500 rather than $1,000. We are increasing the number of jackpots that are allowed. A club can have three jackpots if it wants to, but to get people to a game there have to be variations, and any club will tell any honourable member that jackpots are popular. It is a variation that people like to have, and so today I suggest to the Minister that, instead of having a limit of $1,000 on jackpots, we consider setting $1,500 as the limit so there can be variations in the type of jackpots given.

The sailing club on the North Coast to which I referred—I will not mention the sailing club—had a jackpot of $750 in 50 calls on game five. On game 15 they had a $1,000 jackpot on 50 calls and the first game had a $50 consolation. The second game had a $100 consolation. On game 21 they had a jackpot of $250 on 54 calls and on game 25 a $500 jackpot on 51 calls. They had a monster jackpot of $1,000 on 51 calls with a $100 consolation. That is a lot more than the $1,000 we are considering here today. Yet I wonder if we should be restricting them.

Why do people go and play bingo? Firstly, because they like the game, and secondly, because they like to gamble. If we are going to allow these sporting clubs to raise funds in this way—and it is about the only way they have of raising funds—then I suggest we be a little more lenient than we are at the moment. I would like the Minister to consider my suggestion, even if we only raise the limit to $1,500 so there can be a variation of jackpots. I would also like him to consider consolation prizes, as was mentioned by the honourable member for Rockhampton. I want to suggest that to cover the point raised by the honourable member for Windsor that we could overcome having bigger games with bigger prizes by limiting the value of the consolation prizes to 5 per cent of the value of the prize-money in any individual game. That 5 per cent of the prize-money would allow clubs to give away, say, a box of chocolates every now and again as a consolation prize.

As I understand it, they cannot do that at the moment. I know of one club that was giving away Lions Christmas cakes—a very worthy cause indeed—but it has been told that that is illegal. So I ask the Minister to consider allowing goods to be given away as consolation prizes provided that they do not exceed 5 per cent of the value of the prize-money. I cannot see any harm in a $2.50 box of chocolates being given away to someone for one reason or another.

I also ask the Minister to consider legalising the sale of bingo books. I cannot see in the proposed amendments any alteration of the Act stating that bingo cards must be sold individually before each game, and I should like the Minister to consider allowing the sale of books rather than individual cards. Quite a number of people have proved to the Justice Department that bingo cannot be run effectively if individual cards are sold. There is too much delay between games.

When people play bingo, they want to continue playing; they do not want to stop for a quarter of an hour while the prizes are distributed and cards are sold. Therefore, I ask the Minister to consider legalising the sale of books rather than insisting on single cards.

I suggest that the Minister might also consider allowing the use of special cards to make the game more interesting. The card that I have in my hand is referred to as a last-number ticket. There are three numbers on it, and if those three numbers come up the person holding the ticket wins the jackpot. If they do not come up, an ordinary game of bingo is held to ensure that the money is not lost. Variations such as that could be approved. At present it is illegal to use cards of that type at a game of bingo. If the game can be made more interesting, and if sporting bodies can be put on the same footing as church organisations and other organisations, I think that will go a long way towards clearing up the problems that sporting bodies now face.

Mr. CASEY (Mackay) (3.8 p.m.): It is amusing how avarice and greed always creep into debates in this Chamber, and I was surprised when I heard some of the comments made by the honourable member for Ithaca. In my opinion, he outlined some of the reasons why it is so necessary to have controls and restrictions on bingo and some other games of chance.

First, let me say that I strongly support the point made by the honourable member for Rockhampton in relation to a number of organisations or associations. The way in which the provisions of the Act are written is somewhat confusing, and only recently I took a good deal of convincing that church organisations, school committees and the like really had to apply to become properly registered and so qualify. Many organisations and clubs have been similarly confused, and I should like to see the relevant provisions straightened out.

However, I should hate to see restrictions on the size of games of bingo removed completely, as advocated by the honourable member for Ithaca. His suggestion appears to me to be somewhat akin to the old Conservative policy of "Get big or get out", because it will create a great deal of suffering and hardship for those conducting small games of bingo. Perhaps the honourable member might have in mind some of the big games that are being conducted in the Brisbane metropolitan area; but in other areas of the State many organisations depend on smaller games. If a major game moves into the area it has an effect. I have seen that in my own area. A lot of the smaller games run by church organisations, school committees and pensioners' organisations have started to fold up because a football club moved in.

We must have restrictions to stop football clubs and other big operators from moving in the way they sometimes do. I am as keen a supporter of football as anyone else in the Chamber but I point out that most major football clubs already have access to major means of raising funds, particularly those with licensed clubs. The clubs seek a licence because it gives them an opportunity to raise money. On their licensed premises they have an assured clientele for the sale of liquor and other activities conducted on the premises. In addition, they run goose clubs, chook raffles and other snap raffles, which may not raise as much money in one hit as a major bingo night, but which do provide a steady means of income for them. From experience over the years I have found that immediately a good, new method of fund-raising is discovered by a small organisation —usually it is a small organisation that unearths a new method and develops it— in move the big football clubs, and the small organisation suffers. If we can place restrictions on bingo games so that they do not get too big we will give the smaller organisations an opportunity to keep going with their activities. Sometimes the smaller organisations are able to attract more workers.

That leads me to talk about the bingo books. The most successful bingo games are those which have the best workers. The most successful game is not necessarily the game held in the biggest room or with the biggest prize money. If people find that their cards are quickly replaced because a good gang of efficient workers are on the job, they will remain at the game. If books were sold at the door, perhaps only two or three people would be needed to run the game all night. That might be good for the semi-professional promoters we are starting to see.

I ask that immediately the legislation is passed the Minister take steps to have printed small booklets or pamphlets properly setting out the conditions under which bingo, etc. can be conducted. I can recall the former Minister for Justice and Attorney-General (the late Sir Peter Delamothe) having three small booklets published. From memory, one dealt with small art unions, one with big art unions and another with registered organisations. They may have been the titles of the booklets. When the Act was amended, the booklets became outdated and they were scrubbed. They were very handy for everybody. Most of the people who run church raffles, sporting raffles, school committee raffles, small art unions and bingo games are just ordinary people in the community. Because the Act and the regulations are written in strict legal terms they find it a little difficult to understand and follow the phraseology. A small explanatory booklet setting out the way in which bingo can be run, the way in which art unions can be conducted, the way lucky envelopes can be used, and so on, would be of tremendous

assistance to them. The Art Union Section of the Justice Department would also have its administrative work-load relieved considerably. A tremendous backlog has developed in that section as a result of the need for the staff to backtrack over work they have done in the past. This has been brought about by the fact that many organisations that believed they were approved organisations had no idea of the number of forms that they had to submit or of the accounting methods that they had to employ. As the department obtains a good deal of revenue by way of application and permit fees, I see no reason why it should not spend some of the money collected on the publication of booklets such as I have suggested.

There is a tendency these days for clubs to follow clubs in fund-raising ventures. Last year a sporting club in Mackay started lucky envelopes with series containing 1,000 envelopes instead of the permitted 500. This caused a great deal of confusion. The club had obtained a permit to conduct lucky envelopes but, unknown to the Justice Department, issued sets of 1,000 envelopes. The application form did not state that the maximum permitted was 500. This proved to be such a good fund-raising venture that other clubs followed suit. It was not long before several clubs were running lucky envelopes containing sets of 1,000 envelopes. Half the organisations in Mackay were conducting these illegal small art unions. This situation arose because of a breakdown in communication. A lot of confusion and heartbreak were caused at the time, but fortunately the Minister was quite sympathetic—I thank him for his attitude—and allowed the clubs to continue with those series of lucky envelopes until they had recouped at least their printing costs. After that they reverted to the 500-envelope series.

Subsequently the department issued a screed setting out for the benefit of all applicants for permits a number of the Art Union regulations. It would be worth while if the Minister were to set aside a couple of thousand dollars from his next Vote and have booklets published and circulated to every office of the Justice Department or court-house. Persons who wish to apply for permits to conduct art unions could be given a copy of the booklets and so ascertain the correct method of conducting raffles.

Mr. WARNER (Toowoomba South) (3.19 p.m.): I support the Bill. These amendments show that the Minister certainly has an appreciation of what is necessary in this day and age. There is constant change in the conduct of art unions as there is in almost every other activity. Bingo certainly has not escaped the present inflationary trend. The amendment to increase the gross proceeds of minor bingo from $200 to $500 seems to be adequate, but I have no doubt that in the near future the amount will need to be increased further.

The amendment to increase the gross proceeds from bingo from $2,000 to $4,000 is commendable and will meet the immediate needs of the organisations involved. However, although it will mean that existing games will now operate within the law—and for some time in Toowoomba they have been operating outside the law—it does not give much leeway for the bigger games. In Toowoomba, players have had to be turned away in their hundreds. At present an attendance of 650 at a game there would not be uncommon. In future it will possibly exceed that. Already bingo attracts attendances of 400 to 500 people to medium-sized games and, as I said before, having regard to the present $2,000 ceiling, they have certainly been operating outside the law for some time.

In Toowoomba the average purchase by players is between $5 and $7 worth of tickets per session. The tickets are bought inside the building—and I certainly would be opposed to their being sold down the street or somewhere else. That average investment is a fact—and will go on being a fact. Therefore, although a ceiling of $4,000 will be adequate for a game of 400 or 500 people, it is a limiting factor. I suggest that the Minister consider increasing the limit to $5,000. That will overcome the problem of people being refused admission to games. I can speak only about Toowoomba, but the same circumstances probably apply elsewhere. Toowoomba has one of the biggest games in Queensland. No operator likes to turn away people. It is certainly no good for the game.

Another relevant factor is that, as inflation continues, players will spend more. As a result, if the ceiling is not further increased, fewer people will be able to attend and more will have to be turned away. On what I can gather from those who play the game and those who run it, $5,000 would be more appropriate and would allow games to be run successfully for a few years to come.

The support given by a limited number of people to the game must be encouraged. Certainly, we must not turn them away. It is giving an increasing amount of pleasure to a wide spectrum of the population in Toowoomba. Alcohol is not involved, so there will not be the problem of the players leaving full of grog and getting into trouble with the police.

The benefit of the thousands upon thousands of dollars that have already been raised and put towards the erection of school buildings and interest and redemption charges is more than evident in the schools of Toowoomba. Organisations that raise revenue by this means should be allowed to continue doing so.

The other proposed changes in this Bill are straightforward and desirable. I commend the abolition of existing procedures for the issuing of individual permits for single minor art unions. That is long overdue. All in all, I commend the Bill.

Mr. YEWDALE (Rockhampton North) (3.24 p.m.): I would like to add a few comments to the debate. It is obvious that the legislation is welcome. It is obvious also that bingo games throughout the State are increasing in number, and many, many organisations are raising what they consider to be the funds necessary for them to function properly.

Probably it is in the provincial cities that the problems are more manifest. In those places there are numbers of people and probably better methods of organising the bingo games. I am not suggesting that they are not properly arranged in the smaller centres, but I suppose in a rural area it would be only the local people who would run the games—and attend them—for a church or sporting group.

I listened intently to the comments of other members. I can speak with some experience about the problems in Rockhampton that my colleague referred to. Obviously I am confronted with the same problems in my electorate. The honourable member for Ithaca referred to the $1,500 jackpot. It reminded me of the theory in other areas to get big or get out. It seems that a number of smaller organisations cannot compete with the very large organisations that currently offer a $1,000 jackpot and, in line with the thinking of the honourable member for Ithaca, would be looking to a $1,500 jackpot and even higher. Those organisations attract the majority of the people and are detrimental to the small organisations.

The question of booklets raised by the honourable member for Mackay probably has some merit. Because a booklet is produced and put into the hands of an organisation, it does not mean that it is understood or properly interpreted. The material produced by the Justice Department is distributed to each and every organisation that wants it, but they still come back and pose questions, and when they do function they tend to deviate from the law because they do not understand it. I do not think they are setting out deliberately to breach the law; I think it is done through a lack of understanding. Without exception, the majority of organisations run their bingo games fairly and honestly, even though they might be running them outside the law.

I was a little surprised to hear that the department saw fit to move through the State and take action against certain clubs for breaches of the law. I understand that the department had its attention drawn to the advertisements in certain newspapers. I am not sure how far the department's action went, but I know that it did take action in Rockhampton and probably in other cities against sporting clubs for breaching the law.

I cannot understand why the department is not consistent in this matter. I could take the Minister into the Parliamentary Library and show him half a dozen newspapers containing advertisements on behalf of organisations similar to those of the organisations dealt with by the department. Apparently the department is not moving in at the moment on the organisations that are still advertising mini-jackpots, special jackpots and what-have-you. I know that there is a difference between organisations and approved associations, but the department's operations seem to be a hit-and-run affair. It moves into an area and gets some results, but it is not taking action on a broad basis. The people who have been dealt with are very irate and concerned about having to pay out large sums of money to the department when, a short time later, they have seen similar advertisements which breach the current law.

I do not know how the department will solve this problem. The distribution of the booklet would be helpful to some extent but, particularly in the major provincial areas where licences and permits are issued at the court-house, it would not be unreasonable for one officer to be designated to handle licences and permits. It would not be beyond the bounds of possibility that he could make himself a little more conversant with the department's requirements. It would be better for organisations because they could have direct contact with such a person and discuss the requirements with him. I realise it would be difficult for the department to go out and talk to organisations outside working hours in order to make them conversant with what is required. People do not like doing anything for nothing these days and these officers would not work overtime for the love of it. It seems to me that the booklet will not solve the problem, although it will help.

I welcome the legislation because the move is appropriate, but I cannot understand why the department is so inconsistent. If the Minister intends to take action through the department in this regard, he should ensure that it is a blanket cover rather than a pick-and-choose affair, as I claim it has been in the past. At the moment we are back to the status quo. I am sure that other speakers, too, will agree that clubs are promoting bingo in an illegal way and the department is doing nothing about it.

Mr. KAUS (Mansfield) (3.31 p.m.): I rise to support the Bill. I do not have much trouble with this activity in my area and I know that most of the clubs there are happy that these amendments are being brought down. As the honourable members for Mackay and Ithaca said, the large clubs have liquor licences and the size of the game is determined by the size of the venue. Only the other day when coming here I passed one such club in the Chatsworth electorate. Although it was only 9.30 a.m. there were cars parked everywhere and I should think that there were about 1,000 people in the hall. As I have said, it is the size of the hall that controls the size of the game. I do not have many problems in this area.

As I mentioned before, the main football clubs and other clubs have liquor licences. They are also supported by bingo and, in addition, they receive wonderful help from the Government through the Minister for Sport. They obtain assistance for their clubs and their youngsters by means of subsidies.

I am on my feet to ask the Minister to grant exemption from the payment of permit fees for minor art unions to the Primary Schools Sports Association. I make this request because the teachers who look after the children in their sporting activities after school hours have to go to their local hotels and run their minor art unions. They devote quite a lot of time to obtaining funds in this way and they receive no assistance from the Education Department or the Minister for Sport. They are left out on their own and they and their organisation look after the future State players of all sports in Queensland. I am sure the Treasurer will give them consideration in the next Budget. At the moment I ask the Minister for Justice to give consideration to this matter and to see whether this organisation could be granted exemption. I support the Bill.

Mr. JENSEN (Bundaberg) (3.34 p.m.): I support the Bill as I think it will make it much easier for clubs to raise money. Mention has been made today of the big clubs getting bigger. I think it was the honourable member for Mackay who said that some of them are getting too big. I know that bingo is growing. In this respect it is like the Golden Casket, in which prizes have increased from $15,000 to $30,000 and even more.

On looking at my local paper for last Monday I see advertisements right down the page for bingo games. There are five-cent games run by the ladies, such as the one in the Federal Hall on Wednesdays, to the big game run by the life-savers where there is a $1,000 bonus and jackpot in 50 calls, two games. There are mini-bonus jackpots of $200 in 55 calls. If not won, the jackpot goes to $205 in 56 calls or $210 in 57 calls. All of this appears in the newspaper.

Then there are the ones run by the church, such as the Bright Horizons five-cents game run by the ladies for charity. Then there are the games with prizes of $2,000, $1,000 each night. We have the big bingo games every Monday night conducted by the ambulance. I think the honourable member for Toowoomba South mentioned games in Toowoomba with a jackpot of $600. The jackpot in the Civic Centre in Bundaberg on a Monday night is $1,000. There are two jackpots running at about 57 calls. There are never fewer than 600 people at the game and last Monday night, as on every Monday night, there were two $1,000 jackpots. The game is run for a good cause, to provide an aerial ambulance for the district. I believe that the organisers might have got into a bit of trouble over some of their advertisements and because they were selling books of tickets at the door. One can buy 10c or 20c games. Last Monday night there was a $1,000 jackpot in 52 calls and a $1,000 jackpot in 54 calls. The advertisement reads—

> "Surely the big $1,000 jackpots will be won tonight . . . now 52 and 54 calls."

But wait till next week if it is not won when it is 55, 56 and 57 calls and 1,000 people arrive! The advertisement then goes on—

> "We paid 10c cards: $60; 20c cards $140."

It continues—

> "And we will again guarantee a minimum payment of 10c cards: $60; 20c cards: $140."

But these are the big games and they do knock some of the smaller games around. I do not doubt this because people spend $5 and $10 a night trying to win a $1,000 prize and they do not then go along to the 5c games run by Bright Horizons and other welfare clubs. People do not attend the small games and so the smaller clubs miss out.

The honourable member for Rockhampton North disagreed with what was said by the honourable member for Mackay, but I agree with him that a booklet would do a lot of good. I believe a small booklet should be issued containing the rules and showing the penalties in heavy black type so that we do not get complaints. If we tell people what the rules and penalties are we will not get complaints when people are penalised. It is no good people coming whingeing to us and asking us to go to the Minister or to the department to get them out of trouble if they know the rules. If people advertise in defiance of the rules laid down in regulations, then they should be penalised. It is no good having one set of rules for one association and another set of rules for another association. But if, as the honourable member for Mackay suggested, a booklet is issued containing the rules and the penalties in heavy black type, there should not be any doubt about this at all. I cannot see why we should not impose severe penalties if it means that bingo will be run according to the rules.

Dr. LOCKWOOD (Toowoomba North) (3.38 p.m.): In rising to speak to the Bill, I would like to compliment the Minister on the amendments that are proposed. I think they will admirably suit the operators of big bingo games in this State. As we all know, there are more than a dozen of them. There has been a need for a long time to increase the limit on the total receipts for the night because these bigger games do attract more people than they can accommodate and still remain within the legal requirements of the Act.

The largest game in Toowoomba is run by St. Patrick's Cathedral parish and the parish has about 3,300 supporters. It turned

out that on the figures that applied, if more than 350 people turned up the organisers would be obliged to turn them away. Bingo is a great social catalyst these days. Its strength lies in the fact that it is at once an art union and also at the same time it is a social gathering with a large element of entertainment in it. Whereas one can meet one's friends at a bingo game I do not think one can yet reserve one's seat. The St. Patrick's Cathedral parish could expect to have more than the number who could legally play, particularly on public holidays, and I think that this amendment will be welcomed not only by the administrators but also by their supporters and well-wishers, who, I might add, are not all parishioners.

Why should they be allowed to run big games? They have a very large debt, and they have entered into that debt in order to finance school buildings. I think that their overdraft at present is of the order of $600,000. The money has been spent on school buildings at St. Mary's Christian Brothers Primary and Secondary School, St. Joseph's Christian Brothers Primary and Secondary School, St. Saviour's Primary and Secondary School, the Mater Dei Primary School and two pre-schools in the parish area.

Other large games are run by the Darling Downs Institute and the Downlands College Irish Club.

It is apparent from the figures I have given that education is a very expensive business and that the provision of school buildings is extremely costly. If money has to be borrowed to provide them, it must be repaid in some way or other. Although the State goes a long way towards assisting with the cost of construction, the balance still must be repaid. In the instances that I have given, that has been done with the aid of games of bingo.

In my opinion, bingo will not retain its popularity for ever, and I think that saturation point might very soon be reached. That is why I believe the conduct of games of bingo must be confined to deserving charitable organisations, and I believe that sporting clubs should be asked to keep out of this field. Certainly the bingo-going public has already adopted that attitude, because although some of the big games continue to attract crowds regularly, other people have failed in their endeavours to establish big games of bingo.

I congratulate the Minister for introducing the proposed amendments. They were certainly sought by a great many operators of big bingo games, and I hope that they will allow those operators to go forward with confidence.

Mr. **BERTONI** (Mt. Isa) (3.42 p.m.): I applaud the Minister for adopting a commonsense approach to the desperate need of sporting and charitable organisations in this State to raise funds. I am sure that at one time or another every honourable member has been involved in the arduous task of raising funds for charitable and sporting groups. All of us, therefore, will appreciate the financial difficulties faced by such groups in these days of very high inflation.

The amendments proposed by the Minister are largely in keeping with the requirements of the clubs and organisations operating under the Act. I have had several discussions with such organisations in the Mt. Isa area, and I can honestly say that they are very pleased with the action being taken by the Minister. Many of them have heavy financial commitments, and I know of one organisation in the city of Mt. Isa that has a commitment of about $500,000, plus interest. Games of bingo conducted by that club have brought it out of the red, and it is continuing to prosper. The proposed amendments no doubt will make its operations more profitable, and they are certainly very welcome.

There are two points in the proposed Bill on which I would like to touch. The first is the figure of 10 per cent in one of the proposed amendments. It is extremely difficult to foreshadow what impact the proposed change will have, but it might even attract professional fund-raisers to this field. Although I am not opposed to professional fund-raisers, I believe that their operations should be strictly controlled so that they do not get out of hand. Of course, most charitable organisations use the services of professional fund-raisers.

Secondly, I believe that serious consideration should be given to the problems of people who qualify for fringe benefits under the legislation. Let me give the Committee an example. The Mt. Isa Tourist Promotion Development Group is composed of local businessmen, trade-unionists and ordinary citizens of the North-west. Their main concern is to develop that area as a tourist attraction. I am not familiar with what happens in other areas, but in North-west Queensland the financing of that project, which I believe to be for the common good of all people as well as industry in that part of the State, is proving a major problem for that largely volunteer group. I say "largely volunteer" because I am aware that in the minds of many people such a venture would be considered an economic one and not worthy of consideration under this legislation. A case can surely be put that such an organisation, which has community benefits as well as commercial benefits, should be given consideration in applications for permits to conduct art unions to help it establish itself viably.

I hope that later on the Minister can consider the proposal that tourist organisations be able to qualify to apply for art unions. I am not speaking so much about small tourist organisations in every centre but rather organisations in tourist regions. Such a centre in Mt. Isa would take in Hughenden and areas to the north and to

the south; one situated in Cairns would take in the Tablelands; one situated in Townsville would take in the surrounding district, and so on. After all, tourism is of great benefit to the State. It is certainly a money earner for small areas. I am sure it would be beneficial to every tourist organisation.

I certainly commend the Minister for introducing the Bill. It will be applauded by many people.

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (3.47 p.m), in reply: I thank honourable members for their interest. They have raised quite a number of administrative matters which I will ask officers of the department to examine closely, particularly some of the suggestions regarding the administration of the Act. It is extremely difficult legislation to administer. Very often, either by design or accident, people do not understand the arrangements under which they should operate.

Literature is available. Although it is not produced in an attractive form at this stage, ultimately it will be produced in such a form to guide the various organisations that run art unions and bingo. A considerable amount of that literature goes out. Officers are available to have discussions with the head bodies of various State-wide organisations in order to ensure that everybody knows and understands his obligations. It disturbs me occasionally that a number of organisations prominent in the running of art unions and bingo do not take advantage of the opportunity to have such discussions to make sure that they set off on the right foot.

Mr. Jensen: They squeal when they get caught.

Mr. KNOX: In some instances the organisations have not been prepared to have discussions. They know what the answers are and they do not want to attract attention to themselves when they might be considering something out of order. Sooner or later they are caught up with because of complaints lodged by somebody involved with them—perhaps because of a falling-out in the committee.

Mr. Yewdale: Competitors.

Mr. KNOX: Yes, competitors lodge complaints. More often it is because of a falling-out in the committee. The day after the meeting at which the falling-out occurs the department gets a report about some shortcoming of the organisation. It is a pity that that sort of thing does happen, because it causes a lot of work for departmental officers and distress for well-meaning officials of clubs who are not really doing anything anti-social but are not complying with some technicality in the rules.

Mr. Wright: There would be far more problems if it was not for the expertise of your officers.

Mr. KNOX: As I pointed out in my introductory speech, this legislation is designed to protect these people against competition from unauthorised people, who would be putting the money collected into their own pockets. After all, organisations that conduct art unions live in a type of grace-and-favour situation. They are not controlled by the Companies Act or by certain other Acts, which could be very severe. They are given approval by permit to conduct art unions, and permits are issued for the sole purpose of keeping others out. If legislation did not cover the conduct of art unions, some well-meaning organisations would not stand a chance against the professionals who might care to move in. That happened in the United States, where the numbers racket dominated the scene for quite some time and led to a very high incidence of unsavoury crime.

Whilst some minor breaches have occurred and certain technicalities have arisen, there have been very few examples of professional criminals moving in. This is due to the vigilance not only of the officers of my department but also of the organisations themselves. As soon as they see anything of that nature, they report it either to the police or to the Art Union Section direct.

Mr. Casey: Criminals would be mugs to move in there with the open slather they have in land deals.

Mr. KNOX: Whatever open slather they have had has not allowed them to enjoy some of their gains.

Mr. Wright: Have you considered giving automatic approval to certain types of organisations instead of requiring them to apply for approval?

Mr. KNOX: Under the amendments we are giving recognition to approved organisations so that they know they are so approved. But it must be remembered that permits must still be obtained, for example, in bingo when the gross proceeds are above $500. We want to know where the games are being conducted and we want to know that the books and accounts are properly audited. After all, what is involved is tens of thousands of dollars—not peanuts. It is fair to say that this is public money, so we and the organisations concerned have a duty to see that their fund-raising ventures are properly administered. It is not unfair to expect them to have their permits.

Quite a number of administrative matters have been raised. I shall examine these, and if there is anything to report on them I shall inform honourable members at the second-reading stage.

Motion (Mr. Knox) agreed to.

Resolution reported.

FIRST READING

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

JURY ACT AND OTHER ACTS AMENDMENT BILL

INITIATION IN COMMITTEE

(Mr. Gunn, Somerset, in the chair)

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (3.55 p.m.): I move—

"That a Bill be introduced to amend the Jury Act 1929–1972, the District Courts Act 1967–1976 and The Criminal Code each in certain particulars."

It has taken almost 1,000 years for the jury system to reach its present state of development. Yet, because of advances in the field of computerisation, as recently as 1972 it was found necessary to amend the Jury Act to permit the compilation of jury lists and the selection of prospective jurors by computer. The adoption of computer facilities has proved most satisfactory and, as anticipated, jury lists can now be compiled in a matter of hours instead of months, as previously was the case. A review of the Jury Act has indicated that these facilities can now be put to further use.

The Jury Act provides that in every year the making of a jury list be completed before the first day of June and brought into use on that day and used for the ensuing year. This list is compiled by the Principal Electoral Officer and comprises the names of all electors who are apparently qualified to serve, and not exempt from serving as jurors for a particular jury district. This means that the name of a person which appeared on a jury list in force for one year from 1 June 1974 would have been obtained from the electoral roll which closed on 31 December 1973. So in May 1975, seventeen months later, a notice relating to jury service could be despatched to that person. In the case of the roll which closed on 30 September 1974, the subsequent jury list would be in operation until 31 May 1976, a period of 20 months.

Regular computer updating of electoral information has opened the door to the availability of more frequent jury lists. The Bill provides therefore that jury lists be prepared every four months. As these lists can be prepared in a very short time, the currency of each list will be reduced to six months. This is a vast improvement on the present system and will remove many grounds for complaint where notices are sent to deceased persons or persons who are no longer in the jury district. It is expected that fewer notices will be sent under the new system, thereby effecting considerable savings. The concept of annual jury lists will be removed, as has been the case with annual electoral rolls.

Another aspect of the present system which has given rise to unfavourable comment is the necessity to call only one panel of jurors where juries are required for a number of courts. This necessitates the jurors attending each court in succession until the requisite number of juries has been selected. This is most unsatisfactory to the judges, the parties, the professions and especially the jurors. Sometimes courts could be delayed for hours waiting to empanel a jury. The Bill provides for a separate panel of jurors to be called for each court. This could result in more jurors having to be called in the first instance but, as the sittings proceed, the original inconvenience would be more than offset by the savings in time and money which would accrue to all parties concerned in trials.

At the instance of the Council of Queensland Women, it is proposed to increase from 60 to 65 the age at which women cease to be liable for jury service, as is the case with men. Women will of course still be able to opt out of jury service if they so desire. The provision will not be able to be made effective for some time, however, as all the records of the Electoral Office will have to be examined to ascertain what women will become eligible.

The publication by the sheriff of jury panels five days before their return date or date of attendance will be provided for, instead of two days as at present. This will allow for Saturdays, Sundays and public holidays occurring immediately prior to the return date or date of attendance.

Provision is also being made for a person who has been selected as a prospective juror not to be again selected during the currency of that jury list and for a person selected as a juror not to be again called during the ensuing 12 months after that sitting.

The Bill also increases penalties and removes minimum penalties and contains a number of drafting amendments of a machinery nature.

A provision in the Criminal Code dealing with jurors is also proposed to be amended by the Bill. It is to be provided that in a case where a juror becomes ill a trial shall continue unless the trial judge in his discretion decides to discharge the jury. At present a trial may only continue at the request of the defendant and with the consent of the Crown.

The Chief Justice and the Chairman of District Courts have indicated their concurrence with the proposals.

Some of the proposed amendments are designed especially with the well-being of jurors in mind so that any dislocation of their private, working and domestic lives will be minimised. It is confidently anticipated that this will be so.

I commend the Bill to the Committee.

Mr. WRIGHT (Rockhampton) (4.1 p.m.): The Minister introduced this measure very quickly but it is apparent that the Opposition will support the proposals. He said that

the jury system goes back 1,000 years. It certainly goes back to Magna Carta, which provides, in chapter 29—

"No freeman shall be taken or imprisoned or disseised of his liberties but by lawful judgment of his peers and by the law of the land."

The Minister is endeavouring to streamline further the method of empanelling jurors and compiling jury lists. This is worth while noting, and is acceptable.

If we are to go back to the idea of juries and being tried by our peers, we might require a further review of the Jury Act. I have mentioned before, and I bring it to the notice of the Committee again, that too many exemptions are allowed under section 8 of the Act. They are—

"Members of the Executive Council;

"Members of Parliament;

"Judges; members of the Land Court;

"Ministers of religion; officers of the Salvation Army who are lawfully authorised to celebrate marriages . . .

"Barristers-at-law, solicitors, and conveyancers, all being in actual practice, and their clerks;

"Officers of His Majesty's navy or army or of the defence force of Australia on full pay;

"Medical practitioners, dentists, pharmaceutical chemists, nurses, nursing aides and physiotherapists, all being duly registered or enrolled and in actual practice;

"University professors and lecturers and the Registrar of the University, inspectors of schools and schoolmasters actually employed as such;

"Managers and other officers of banks;

"Salaried officers of hospitals and asylums;

"Masters and crews of vessels actually trading, and pilots duly licensed;

"Mining managers and engine-drivers, all being actually employed as such;

"Persons holding any office or employment in or under any department of the public service of Queensland or the Commonwealth, officers of Parliament, household officers and servants of the Governor;

"Members and clerks of Local Authorities;

"Commercial travellers actually employed as such, and journalists bona fide actually employed in court reporting;

"Persons who are blind, deaf, or dumb, or are of unsound mind or are otherwise incapacitated by disease or infirmity;

"Female persons who have informed the sheriff, as prescribed by this Act, that they desire to be exempt from serving on any jury and whose exemption thus obtained continues in force as prescribed by this Act;

"Aircraft pilots regularly employed as such on Australian aircraft used in a public aerial transport service;

"Such other persons as are exempted from service on juries by the Governor in Council by Order in Council published in the Gazette."

After working through that list, who is left? We are talking about the system that the Minister said has been with us for 1,000 years. If we take away this huge group of people, the number of people from whom the jury lists are compiled is almost minute in the community.

Mr. Yewdale interjected.

Mr. WRIGHT: That is a good point. We draw our juries from those who can least afford to serve on a jury.

There have been arguments in this Chamber time and time again about whether this is a public service or a community service. During the past couple of years the Minister has seen fit to increase the fees for attendance. The present fee for attendance at the court without actual selection on a jury panel is still only $4 a day. If a person is selected as a juror, he or she receives $15 a day. If a juror serves for a full week he receives $75. The minimum wage at present is $91.30. As the honourable member for Rockhampton North has said, many people are adversely affected by jury service.

If we are to adhere to the system of trial by our peers, surely more people should be eligible for jury service. The only way to increase eligibility is to remove some of the present exemptions. One accepts that members of Parliament, Executive Council members, and people who are blind, deaf, dumb or of unsound mind should not be required to serve. One can also accept that barristers, solicitors and conveyancers who are in practice should not have to serve. But should a medical practitioner be exempted, or a dentist or chemist?

Mr. Bertoni: Yes.

Mr. WRIGHT: I take the point so well made by the honourable member for Mt. Isa. Of course, he has a very personal reason for his interjection.

Take out the thousands of people employed in the Public Service—

Dr. Lockwood: There's nobody left.

Mr. WRIGHT: That is quite right. There are in fact few left. If jury service is a community duty, surely it should be the responsibility of as many people as possible. The exemptions are at present too wide. Even officers of Her Majesty's Navy are excluded. These people are the peers of others of similar rank and if a person is to be tried by his peers surely such persons should be involved. If one goes back in history one finds that, when juries were empanelled in the early days, jurors were selected from people of similar socio-economic status to the person on trial.

Mr. Moore: Doctors would have to be excluded because they might be locked up for seven days.

Mr. WRIGHT: I can see reasons for some exemptions, too, but I am sure that there are many cases, particularly in the District Court, that do not call for many of the present exemptions. We could talk all day about some of these matters and probably we would finally come to an agreement. But why exempt managers and officers of banks? That is unreasonable. Surely their community responsibility is the same as that of others? Why exempt mine managers and engine drivers? Surely that, too, is unreasonable. Commercial travellers are also exempt. Surely a commercial traveller has the same responsibility as a counter-jumper in a store; his task is in the area of salesmanship but he does not have exemption. I believe that many of the prescribed exemptions are unnecessary. The empanelling of a jury is supposed to be by a type of random-selection process. But it cannot be a random selection when a huge section of the community has been excluded. The random selection is made from those who are left.

The Act as it stands does not cover some of the problems that are arising today. I stand by the idea of jury service for all people, but I still wonder if many people who serve on juries are competent to act in that capacity. Many sophisticated white-collar crimes come before courts today. I am not suggesting that some people should be excluded from jury service because they lack academic ability and have not studied in certain fields. Perhaps we should, however, consider some form of education for those who will serve on juries. It has been suggested to me by a member of the legal fraternity that a handbook should be prepared to give jurors a clear understanding of their duties.

Mr. Moore: They wouldn't be able to understand that, either.

Mr. WRIGHT: I do not think that is fair. I think they would understand it.

Mr. Moore: Ask your mate. He made that point a minute ago. I'm just throwing it back in your teeth.

Mr. WRIGHT: I think there is value in letting people know exactly what is required of them. Most people are afraid when they are called for jury service as they do not know what it is all about. They have heard that they will not get much money and that they may be required for the whole day. The Minister has made the point about the empanelling that continues for some time to obtain juries for several cases. This would be overcome by having separate panels for separate cases but I do not think it would overcome the long delays that now occur. Up to 30 and 40 people wait many hours and if they are not empanelled they receive only $4. The Minister could look at that again.

It has also been suggested to me that we look very closely at the idea of giving copies of transcripts to members of the jury. If we cannot do that, at least we could let them take notes. I was not aware until this was pointed out to me that members of juries could not in fact take notes. I have always been exempted, previously as a school-teacher and now a member of Parliament. But it has been put to me that it is almost impossible in a long drawn-out trial for a juror to remember everything. What harm is there in taking notes of various proceedings and the points made?

Mr. Jensen: Why were school-teachers exempted?

Mr. WRIGHT: I do not think they should be. Admittedly they have responsibilities to a number of people at one time——

An Honourable Member interjected

Mr. WRIGHT: But if they are sick or going into some vocational training or in-service training we can always relieve them. I am not suggesting that we should suddenly throw school-teachers into every court.

Mr. Powell: Don't you think it would disrupt the schools?

Mr. WRIGHT: It might, but when we consider the system of today's schooling where we are getting away from the single teacher to a class system, then it is not so. We often have two school-teachers in the classroom anyway, and teachers are encouraged to be involved in the over-all school programme rather than be associated with one class; this is certainly the case in high schools. I accept the difficulties, but that is probably only one main area of difficulty. It certainly does not apply to the others who are exempted.

Another point has been made to me. I do not fully know the value of it, but it is worth putting up so that the Minister and his officers can consider it. It has been suggested that in less serious cases which are going to be tried by magistrates—this comes back to offences such as assaults and stealing—that some consideration should be given to applying this concept of trial by one's peers into the Magistrates Court by having a tribunal of, say, two laymen sitting with the magistrate. The suggestion was put up because it is possible that, as a magistrate is continually dealing with the administration of justice, he might tend to lose the perspective of the ordinary person in society. After all, this is the thought about juries, is it not—that we have these people who have their grass roots contact with society. They tend to understand how a matter affects the ordinary person and they have to consider it only from a layman's point of view. I do not know the full merits of that, but I told this person I would

raise it if the opportunity arose, and this is certainly the opportunity. It is something the Minister or his officers might have some views on.

Over all we welcome the proposed amendments.

We realise there is no need to have these annual lists now because with computerisation we can have them far more regularly. I also accept what the Minister said about the women's point of view and the raising of the age limit from 60 to 65.

But we still have not got down to the crux of the problem about the exemptions and I think the Minister should look at this very, very carefully. If he does not believe the provision should be changed, let him tell the Assembly why it should not be. While I accept that many reasons can be given for some of the exemptions, I do not believe a good case can be presented for most of them.

Otherwise, we support the amendments proposed.

Mr. GYGAR (Stafford) (4.14 p.m.): I am pleased this Bill has been presented and to note from the Minister's comments on it that here again technological advances will be availed of for the benefit of the people of Queensland. Now that we have the computer working to produce the electoral rolls for the State, it would be straight-out negligence if we did not take advantage of it to bring out jury lists more frequently. As honourable members know, the electoral roll is updated every two to four weeks for each electorate with new input data arriving and the roll being reasonably cleansed, although we know we will never have a completely accurate electoral roll. With the greater mobility of today's population it is imperative that we take advantage of this facility. At the moment vast problems are posed by the great number of jury notices that are just not reaching the people they are intended for. We must accept that people do move around more these days. As the Minister said, at the moment it can be up to 20 months from the time of the cleansing of the roll until the time that roll is used to send an individual jury notice. I do not know what the experience of other honourable members is, but 20 months would mean a 10 to 15 per cent turn-over of the people in my electorate. Therefore, at least that proportion of jury notices will be returned as "Left address" or "Not known at this address".

It also causes considerable distress, as the Minister has noted, to relatives of people who have died. It is not pleasant for a widow to receive, 18 months after her husband's death, a notice calling him up for jury service. That sort of thing can now be prevented. Instead of a 20 month gap, there will be a maximum of six months. There will still be errors, but their number will be reduced considerably. The Minister is to be congratulated for so rapidly embracing the proffered advances in computer science and the advantages that these offer to the people of Queensland.

I should like also to comment on the matter of jury panels and, again, the advantages that the Bill will confer. It is good to see that there is now to be a separate jury panel for each court. I do not think there is any doubt in the mind of anyone who has been to the courts and tried to work within the system that the current method of choosing jury panels and empanelling juries is inadequate. There is absolute chaos at the moment in, for example, the District Court when herds of people—sometimes over 100—are shepherded from court to court so that juries may be chosen. It is a waste of valuable time in two ways. Firstly, the unnecessary large number of jurors who are on the panel in the first court use up the time of that court. Even though it gets first crack at the jurors, it has to wade through unnecessarily vast numbers of people. Secondly, it also is a waste of time for courts that are further down the list, where judges on very high salaries—deservedly high—sit around drinking coffee and twiddling their thumbs, waiting, sometimes till late in the afternoon, to get a jury empanelled. Considerable waste of public funds also occurs because prosecutors and public defenders, sometimes on extraordinarily high fees, have to wait for people to turn up so that they can empanel the jury and get on with the business of dispensing justice. A court that is not dispensing justice is a court that is wasting the taxpayers' money. The proposal in the Bill is one way of overcoming the problem.

For the benefit of honourable members who are not aware of what happens in the courts, perhaps I should explain. In the District Courts when a panel is called, the normal number called is 48 jurors plus 12 for each additional judge. That could mean that if five judges are sitting in criminal jurisdiction, as is normal in the District Courts, 96 jurors are called to be available for empanelling. These 96 have to go to the first court, where the jury is then selected. That can be a lengthy process, because each time a juror comes up he can be challenged by the defence counsel or by the prosecutor. In most cases the defence is allowed to issue a peremptory challenge or a challenge that effectively says, "I don't want him." The defence has eight chances to stand people aside, and the Crown can also stand aside an equal number. That process having been gone through in the first court, all the remaining jurors march on to the second court, where the process is repeated, then onto the third court, and again and again. It is quite obvious that by the fifth court there is a vast and unnecessary delay.

The excellent scheme that the Minister is introducing will mean that each court will be able to begin at 10 o'clock sharp with a separate jury panel. The immense savings, not only in money but in ability, that this will

bring about will be well worth while. No longer will judges be sitting idle; no longer will talented barristers, clerks and other people be wasting the taxpayers' money and their own time. They will all be able to get down to the job straight away.

In addition, I look forward to this move decreasing in some measure the long waiting lists that the courts sometimes have. It must, because it will increase the utility of the courts.

As the Minister has noted, it will mean more people. It will mean more people because if there is to be a separate panel for each court, all the possibilities in each of the courts must be covered. Presently about 96 jurors are called for five courts. Under the new system we will need a considerably larger number. For a start, in each court there have to be the 12 people who are eventually empanelled. Eight more will be needed for the peremptory challenges the defence might issue. Another eight will be needed for the stand-bys the prosecution might choose to exercise. I am referring only to cases with one defendant. So far that makes 28. I should imagine that an extra eight to 10 will be required to allow for those who claim exemption because of illness or some other reason. Therefore we can look at a figure of about 40. So instead of 96 jurors on the first day we will need to have 150 or more, but in real terms the savings will be great. More people may be inconvenienced, but their inconvenience will be for a much shorter time and the interests of justice will be far better served. I think it is an excellent provision, and perhaps one that many members of the legal profession may consider a little overdue. At least now we will have it, and the Minister is to be congratulated.

The third aspect I should like to comment upon is one that was picked up by the honourable member for Rockhampton when he spoke about public servants not being eligible for jury service. I, too, have had a look at the list of people who are not required to present themselves for jury service. In my opinion it closely approaches scandalous proportions. When we take everyone into account, including public servants, we find that more than half the adult population is not eligible for jury service, or can get out of it quite easily.

Jury service has been referred to by the honourable member for Rockhampton as a public service. I consider it to be more than that. It is a public duty. Why should public servants be exempted from having to fulfil that duty? Historically, we know the reason. It was thought that these men and women, being employees of the Crown, would be subject to influence by the Crown. I think it really is beyond the realms of possibility or probability in this day and age to expect a clerical officer in the Public Service to be called up by his departmental head and told, "Listen, Bloggs is coming up for trial. If you don't convict him you're in trouble." It is just incredible; it is not in keeping with modern society; it is not in keeping with the integrity that at least I hope we have in the Public Service.

Mr. Wright: He could always be challenged.

Mr. GYGAR: If necessary. If there was any reason to doubt a person's integrity the defence could stand him by eight times peremptorily, with unlimited opportunities to challenge for cause. I can see no danger. Perhaps there is an element of risk that should not be taken in the upper echelons of the Public Service. Perhaps the first and second division officers would identify themselves more closely with the Government and the political aspects of it.

Mr. Wright: Are you saying they are not impartial?

Mr. GYGAR: I am not casting aspersions on their impartiality. In good sense the honourable member must surely realise that those men are closer to the exercise of power and therefore are more attuned to the waves and breezes that come with politics, ministerial decisions and the high levels of the administration of justice. I am not saying that they could not be impartial. All I am saying is that there is a slight element of risk that we should take into account and exempt them. How on earth clerical officers in the Public Service who, in all truth, do not consider themselves to be employees of the Crown at all (even though they technically are) could possibly be influenced in favour of the Crown by virtue of their employment, is beyond me. I think it is an historical anachronism and one that at this time or very soon we should abolish. If we have too many Governments like the Whitlam Government, pretty soon nobody will be on jury panels, because we will all be public servants.

Other objections can be raised to the present jury system but I personally cannot see many methods of overcoming them. For example, we hear that in western areas where a Circuit Court operates we are fast approaching the situation of having professional jurors. Every time the Circuit Court hits town the same old faces bob up. Perhaps the inclusion of the lower grades of public servants and shire employees as well as persons in other categories would overcome this problem to a certain extent by widening the field.

It is almost unbelievable that a person in a western town should be called upon to serve on a jury more than once every four or five years. Certainly our western areas are sparsely settled, but they are not that bad. By widening the categories of persons who are eligible for jury service we would be serving the people who now bear a disproportionate load of this public duty

and also ensuring that justice is better served by an even spread of jurors over the entire population.

Nothing outlined by the Minister calls for criticism. The measure is an excellent one, recognising and using technology as it does. It also recognises the current faults in our system and seeks to correct them. I commend the Minister on the introduction of this measure and I ask him to consider the whole question of who should and should not be available for jury service.

Dr. LOCKWOOD (Toowoomba North) (4.26 p.m.): In my role of Government Medical Officer, I have spent, I suppose, 30 or 40 days loitering round court-houses waiting to give evidence in cases heard before juries. Many points arise for consideration in relation to eligibility for jury service. Public servants as a class should not be excluded. Generally speaking they are a well-informed group with inquiring minds and with good lines of communication. They are not easily fooled. The inclusion of public servants on jury panels could rapidly improve the lot of jurors.

The police, of course, must be excluded if for no other reason than that they probably know all about the prosecution side of the case. The staff of the court also would have to be exempted, as should barristers, solicitors and their employees. I am sure that, if a barrister or a solicitor were empanelled on a jury, he would soon become schizoid in having to arrive at a verdict. He might find himself partly for a witness and partly against the witness or partly for the defendant and partly against the defendant and be swayed by a legal nicety.

With those exceptions, as well as mothers with young families and sick persons, all adults should be eligible for jury service. A jury should represent a cross-section of the community instead of comprising persons who are picked out as being a little more intelligent than others or a little more critical. Many juries before whom I have given evidence have given me the impression of being selected not because it was thought they were capable of arriving at a reasoned decision, but because it was believed that they would not object to the type of conduct involved in the charge being heard.

Mr. Wright: That would be a pretty hard decision to make, considering the amount of information you get about a juror.

Dr. LOCKWOOD: There's no need to worry about that. Barristers and solicitors are experts. This is the reason for the delay in empanelling juries. Quite often they are not empanelled until 11 o'clock in the morning or even as late as 3 o'clock in the afternoon.

No-one should hold any fear of serving on a jury. Judges are quite considerate, and jurors have frequent comfort breaks, as it were. Juries that are kept together, for example, on week-ends, are taken on bus trips. Quite often jurors call a halt to court proceedings. They work an extremely short working day. No sooner are they in court in the morning than it is time for lunch. They resume for a short session in the afternoon and are on their way home at 4 o'clock. Jury service is an excellent holiday for anyone who ordinarily engages in hard physical work or for someone who is struggling with problems in his business.

Jurors are required, of course, to pay close attention to the evidence that is given and also to the judge's comments.

Mr. Moore: They are locked up.

Dr. LOCKWOOD: They are not locked up at all.

Professional jurors, as used in the U.S.A., tend to become half-baked legal men. That, of course, would be extremely dangerous. There are, however, some advantages in the professional juror system. In one case in the United States a professional juror suddenly twigged and thought, as do some magistrates, "Haven't I seen you somewhere before?" He found that the man involved in a huge civil action for damages had in fact pulled the same "accident" twice before. He had the same fractured leg and wriggled it around in the plaster with the result that he had a leg that was bent when it healed. He was suing not the owner of the bus that went over him, but the medical practitioners. Therefore professional jurors could in fact be a mixed blessing.

I repeat that in this State the whole of the adult population, apart from the few exceptions I have listed, should be eligible for jury service.

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (4.31 p.m.), in reply: I thank honourable members for their interest in the Bill. A matter that I think I should dwell on, seeing it has been canvassed by all speakers, is that of exemptions. It is true that the list of exemptions is impressive. It would embrace many thousands of people. It would be a brave member indeed who would suggest that any particular group that has been exempt for some time should not be exempt. Nevertheless, I think there is room for consideration of the list because, as has been pointed out by one member, the people in the community most competent to serve on juries are among those who are exempt.

That does not mean, of course, that the others are not competent. Indeed, the fact is that in seeking to have trial by one's peers it becomes a rather academic question whether in seeking the peers of a well-known criminal one should not go to the gaol to select the jury. Undoubtedly, a recidivist would be able to claim that the people who know and understand him best are those with whom he had been associated for a long time.

In America, as has been pointed out by honourable members, the authorities have gone to the extent of preselecting jury panels based on community patterns. In other words, they try to get a panel representing a cross-section of the community in an area. They do that having in mind the social and commercial interests of the people, even going to the extent of selecting a proportionate number by race. That is a refinement that we should avoid.

The situation in our community is that, when we seek to have juries for the purpose of selecting 12 people who are the peers of those who are accused, we are not thinking specifically of the person accused but rather of the community as a whole. I think it would be a sorry day if we were to go to the extent of using all the modern devices such as computers in trying to obtain the perfect jury or the perfect jury panel. When we get to that stage, Big Brother is really starting to take over.

Indeed, there is still considerable argument amongst lawyers and academics about whether there should be a jury system at all. In many countries of the world juries do not exist, yet their courts seem to work quite well and quite efficiently. Those interested in that system of justice commend the system. They are used to it and have confidence in it. That is not being considered anywhere in this country, although it is quite often debated by people interested in the field of justice. I think that this Parliament would want to continue the jury system.

With that in mind, and also having in mind that there is an impressive list of exemptions, a number of my colleagues on the Government benches have suggested to me privately that we should ask the Law Reform Commission to examine the list to see whether some changes could be made to it. With the support, too, of the observations of honourable members today, I propose to ask the Law Reform Commission to examine the list and prepare a report, which will be available to honourable members in due course, as to which particular categories could cease to be exempted.

I imagine that those in every category in section 8 and also those in Orders in Council will protest that they should not be taken from that list of exemptions. If we are to continue with the jury system there surely should be room to consider the inclusion among those who are eligible others who indeed would be most able as jurymen or jurywomen. This applies particularly to those who work for big organisations where their absence would not be missed. It is true that there is a feeling that Crown employees could be prejudiced in favour of the Crown. That matter, too, would be considered by the Law Reform Commission.

Mr. Wright: What about a tribunal of magistrates; could you give us some thoughts on that?

Mr. KNOX: Not today; that is something for some other time. In fact, I think it is outside the ambit of the legislation.

Motion (Mr. Knox) agreed to.

Resolution reported.

FIRST READING

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

MINISTERIAL STATEMENT

SUSPENDED BUILDING SOCIETIES

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (4.39 p.m.): I wish to advise the House at this time that I have taken action to honour the commitment given by the State Treasurer (the Honourable Sir Gordon Chalk) and me to this House yesterday in regard to those investors who may be experiencing hardship with funds frozen in their accounts in societies at present under suspension.

As outlined, depositors who choose to do so will be able to draw 25 per cent of their investment, or a maximum of $500, on Wednesday, 14 April. The House will also recall that full availability of funds is scheduled for 12 May. In order to achieve both these aims, certain procedural steps have to be taken because the societies are still under suspension. These steps include the engagement of appropriately qualified professional people to conduct the affairs of the society to permit withdrawal of limited funds as outlined. These procedural steps are of a purely temporary nature until normal society operations are commenced on 12 May.

I am pleased to inform the House that five such persons, who are leading Brisbane chartered accountants, have agreed to accept the terms of such appointment. The appointment of these professional people will also aid in the combining of activities of suspended societies, so that full lifting of the suspension can take place by 12 May, with full standby facilities.

FIRE BRIGADES ACT AND ANOTHER ACT AMENDMENT BILL

INITIATION IN COMMITTEE

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

Hon. F. A. CAMPBELL (Aspley—Minister for Industrial Development, Labour Relations and Consumer Affairs) (4.42 p.m.): I move—

"That a Bill be introduced to amend the Fire Brigades Act 1964–1973 and the Fire Safety Act 1974 each in certain particulars."

Government policy consistently is directed towards removal of anomalies and correction

of injustices where possible. It will continue to be so. Amendments to the Fire Brigades Act in this amending Bill do both these things.

The legislation changes the basis on which contributions towards fire services are made by insurance companies and relieves people living outside fire brigade districts from paying through their insurance policies for fire brigade protection denied them by distance. The change in formula for assessing insurance company contribution is that the sum insured will be the basis, not premiums.

As I said, it is existing practice to include in fire insurance premiums a charge on policy-holders outside fire brigade districts, who, in most cases, have no chance of obtaining a fire brigade service. The fire brigade levy has been applied as a flat rate on premiums, with the result that the higher the premiums for areas outside Brisbane, the higher the levy. Representations by country organisations for removal of the levy are well based, despite the fact that insurance companies make a $50,000 contribution to bush fire brigades.

While limiting contributions to risks in fire brigade districts, it is proposed that charges be made where a fire brigade renders a service outside the district. Charges will be similar to those applicable to uninsured premises. These charges will represent a claim on the insurance policy. At present a fire brigade chief officer may exercise discretion in attending fires outside a brigade district and shall do so if directed by his board. Districts are normally confined to reticulated water supply areas.

A charge for attendance of a brigade at fires outside a brigade district is necessary in view of the amended basis under which only sums insured within fire brigade districts are considered in calculating insurance company contributions to boards. A similar procedure applied before the 1956 amendment to the fire brigades legislation, which brought all fire insurance premiums within the State into the basis of contribution. It is proposed that the charges will apply from 1 July 1978, the date on which contributions by insurance companies on the amended basis will become payable.

An anomaly this legislation corrects is that an insurance company fire brigade contribution is now applicable to extensions to fire insurance policies, such as storm and tempest. As a result of heavy losses from cyclones, a reassessment made by insurance companies of premiums applicable to storm and tempest showed that the fire brigade levy became greater through circumstances not related to fire. A change is therefore proposed so that assessment of contributions will be based on sums insured, instead of on premiums. This will have the effect of levelling out contributions in all fire brigade districts for policies of equal amounts.

By redefinition of the term "fire insurance" it is also proposed that industrial, trader, contractor and engineering risks policies will be included as part of the basis for assessing fire brigade contributions. This is because several large organisations have changed from fire insurance cover to all-risks cover, which is not required at present to be included in the amount on which insurance company contributions are paid. No alteration is proposed with respect to householders' comprehensive insurance being included in the basis, but it is intended to delete the 50c for television receivers in view of the insignificant amount involved.

The Bill also deletes the requirement that 5 per cent of comprehensive motor vehicle insurance be included in the basis because this type of insurance is normally expressed as "market value" and not a specific sum. The amended procedure will apply to returns by insurance companies for the calendar year 1977 and come into force from 1 January 1978. Amendments to statistical arrangements cannot be made earlier. I mention that, in respect of present contributions, companies submit details of premiums received during the preceding calendar year as the basis of calculation.

The Bill also excludes mortgage insurance (as this is a form of double insurance) and insurance applicable to underground mining equipment because the fire brigade can render no assistance below the surface.

I should like to turn now to the undesirable practice which has developed of sweetheart agreements in one section of the fire brigade service which have virtually committed other sections of the service to the same type of salary and wage increases. This has resulted in very large increases being determined outside the Industrial Commission and often being made by one section without regard to the effect on, or discussions with, other sections of the service. Because of this, and the heavily increasing cost of fire brigade operation, an amendment is proposed to deem the State Fire Services Council the employer where an industrial cause arises which, in the council's opinion will affect more than one fire brigade board. This is in line with a similar amendment to the ambulance services legislation in the last parliamentary session and will enable the State Fire Services Council to be a party to proceedings before the Industrial Commission.

FIRE SAFETY ACT

With respect to existing buildings, provision is made in the Fire Safety Act that the use of the types of premises specified in the schedule to the Act may be declared by Order in Council to be a designated use under the Act—that is the Act will not apply to such premises until an Order in Council is issued.

Clause 5 of the Schedule may cover retail shops if there is a sales area—

(A) On a floor below ground level, or

(B) At a floor level above the ground floor.

The recommendation of the State Fire Services Council has been accepted that the Act should be amended in relation to the safety of the public in retail shops, particularly large department stores, supermarkets and regional shopping centres, but excluding single-storey smaller shops. Existing single-storey premises cannot be covered by designation of the category presently included in the Act. The Factories and Shops Act concerns only the number of employees but not the number of persons who may reasonably be expected to be on the premises at any time.

In view of the council's concern, it is proposed that the schedule be amended to enable large retail premises to come within the ambit of the Act so as to ensure adequate ways of escape and fire safety precautions exist in premises of the type mentioned. With a view to exempting smaller shops, the Act will not apply where retail sales areas are under 1 000 m^2 in ground-floor establishments. However, where the only means of escape from shops is through a covered arcade, mall or the like, smaller shops will come within the ambit of the Act.

The area of 1 000 m^2 has been fixed, bearing in mind internationally accepted standards of times involved and distances to be travelled by fit persons in fire and smoke conditions.

Machinery amendments are proposed—

(A) To ensure that a new classification of employees (fire safety officers) will have the right of appeal in respect of appointments and punishments given to most other employees.

(B) To provide that fire brigade boards and the State Fire Services Council may pay into their operating funds moneys received for fees under the Fire Safety Act and to make payments in respect of that Act. (I mention that the State Fire Services Council is the fire authority outside of fire brigade districts and in respect of Crown premises.)

(C) To change the names of the Queensland Civil Defence Organisation and the Fire and Accident Underwriters Association to their new titles of State Counter-Disaster Organisation and Insurance Council of Australia.

(D) To enable fire brigade boards to have a trust fund for moneys not forming part of the general Fire Brigade Fund.

(E) To provide a penalty of $100 for failure of a fire brigade board to submit an annual report or annual returns to the State Fire Services Council within the prescribed time; also a continuing penalty for failure to observe a court order in respect thereof.

(F) To give the same protection to the council, a fire brigade board or their officers in respect of actions done in good faith under the Fire Safety Act as is given in respect of functions under the Fire Brigades Act.

(G) To provide a daily penalty of $20 for continued failure to comply with a fire brigade board notice to remove items which are a fire hazard. A present penalty of $100 applies for the initial offence.

(H) To enable travelling expenses for witnesses to be prescribed by regulation instead of amendment to the Act.

I commend the motion to the Committee.

Mr. YEWDALE (Rockhampton North) (4.53 p.m.): At the outset, I indicate to the Committee that the Opposition welcomes the Minister's proposal to relieve people living outside fire brigade districts of the need to pay through the premiums on their insurance policies for fire brigade protection, which, because of distance, cannot be provided. I do not think that any honourable member would put forward an argument against that amendment.

The Minister then moved on to deal with provisions of the Bill relating to fire precautions and fire safety, and I shall outline briefly to the Committee the Opposition's thoughts on what is happening in the field of fire prevention, in particular in the Brisbane metropolitan area, where there is the greatest concentration of population in the State.

I remind the Minister that in October 1975 he opened Fire Prevention Week and announced that the number of fires in Queensland causing property damage had increased very sharply in 1974-75 to 3,518—in fact, that the number of fires in which monetary loss had occurred had increased by 589. Fire brigades in Queensland over all answered 20,553 calls, which was 5,800 more than the previous year. These figures are a clear indication of the increase of the incidence of fire and the natural flow-on of calls to the fire-fighting services. The Australian Fire Protection Association statistics show that in Australia an average of 170 people are killed each year through fire. It is also pointed out that a potentially dangerous fire starts somewhere in Australia every seven minutes. Those are stark facts. Ninety-seven per cent of fires were caused by people, not as accidents but as the result of neglect or carelessness. Last year in Queensland fire cost an estimated $175,000,000. Brisbane has a mere 19 fire stations to cover the entire metropolitan area.

In early 1975 the Treasurer (Sir Gordon Chalk) said at the opening of the Institute of Fire Engineers Queensland Branch Annual Conference that Queensland fire services would cost more than $20,000,000 for this year. He said that in 1975 they cost $17,500,000. The cost had trebled over the last five years. It is obvious that fire-fighting services in Queensland are a very costly operation. Mr. Lynch, the Queensland

president of the institute said that fire services in Queensland were the most expensive in the world to staff, with 83 per cent of the costs being in wages, leaving only 17 per cent for equipment, building and research.

Various organisations and groups in the community from time to time express grave concern about the fire-fighting facilities provided at fire-fighting stations and by the various organisations to protect their staff and customers in various commercial establishments. In 1975 a young person was killed in a fire in a watch-house in a police station. I use that as a further example of what is apparently applicable throughout the State. At that time a representative of the Police Union suggested that throughout Queensland many of the wooden watch-houses in police stations were fire hazards.

In my short period in this Chamber many honourable members have discussed inflammable nightwear and children's clothing. Following a conference of Ministers for Consumer Affairs in Brisbane in October 1975, the "Telegraph" reported that the Queensland Minister had decided to ban high-fire-hazard nightwear and to introduce appropriate legislation. I would suggest that that statement by the Minister was made in all good faith, and that he had good intentions, but I do not think that in April 1976 we have that necessary legislation and necessary protection. I agree that there has been a move in that area with the ticketing of inflammable nightwear and the placing of certain requirements on people distributing such garments. But we are a long way from overcoming the problem. Legislation in New South Wales and Victoria has not been copied in Queensland. We do not have adequate legislation to protect the many children who will be burnt while the department responsible for such legislation in Queensland procrastinates.

Metropolitan areas are the biggest transport areas in the Commonwealth. When I speak about fire protection at airports I can only refer to the Brisbane Airport.

When the first jumbo jet to arrive at Brisbane Airport landed there on 30 January this year, the airport fire officer, Mr. Cameron, warned that the understaffed and under-equipped airport fire brigade could not cope with a fire involving a jumbo jet. He claimed that the fire-fighting appliances, which have been in use for the past 13 years, are rather outmoded for modern aircraft. He added that Tullamarine and Mascot Airports have 12 firemen on duty on each shift whereas Brisbane has six men on duty. Currently they are forced to work 12-hour shifts and as long as 14 or 15 days without a break.

Mr. Cameron also said that, in the event of a fire involving a jumbo jet, his men would not be able to run out sufficient hose to cover all parts of the aircraft. He suggested that it would take at least five minutes to get to the scene of a fire and that the critical period is the first three minutes.

Those are drastic claims to make, and they indicate quite clearly that a jumbo jet either landing at or taking off from Brisbane Airport is not adequately protected.

Mr. Kaus: What do they use—foam?

Mr. YEWDALE: I am not sure what is used. I am simply highlighting the situation as it is revealed by the airport fire officer. If the Minister or someone else wishes to deny these claims, that is his prerogative. I would be only too pleased to pass on such a denial to Mr. Cameron for his comment.

Earlier this year the vice chairman of the Metropolitan Fire Brigade Board called for urgent action by the State Government against obvious fire-traps in Brisbane buildings. He cited instances of the jamming of fire-escapes. He drew attention to one building in George Street, where a rickety wooden ramp at the rear of a three-storey building in Albert Street leads out and ends abruptly in space seven metres above a private laneway. A total of 40 females work in this building. All other escape exists are blocked. Whether the situation has changed since that claim was made, I do not know.

He was reported in "The Sunday Sun" in January of this year as saying that none of these fire-traps are covered by old legislation or by proposed legislation under the new Fire Safety Act, which is concerned with new buildings or existing buildings in a change of occupancy.

He said—

> "We are sitting on a time bomb which may go off at any time with a shocking loss of life. We want legislation to cover existing buildings as well as new ones. We want the power for fire precaution officers to go into any of them and for these recommendations to be enforced."

He went on to say that precaution officers can discover fire-traps and hazards only when visiting at the invitation of the owner of the building and that they were hamstrung because of their inability to take direct action. All that they can do, he said, is enter into two-year protracted legal arguments.

The biggest problem appears to be caused by what goes into buildings, such as cartons and flammable liquids. Most owners, he said, are more than co-operative, but the board lacks real power to harness such co-operation.

The Chief Fire Officer in the metropolitan area has said that the proposed new legislation was a step in the right direction (I am referring now to the previous legislation) but it referred only to new buildings or new alterations and provided that fire authorities would be called upon to give their approval before new occupants could enter buildings. He said that the new legislation should also cover fire risks in existing buildings.

He went on to illustrate the lack of teeth in our fire-prevention laws by pointing to the new $9,000,000 Lutwyche Village Shopping Centre, which in November 1974 was referred to as a serious fire risk in a report prepared by the Metropolitan Fire Brigades Board and presented to the Brisbane City Council. He said that 22 individual items endangered the safety of shoppers, and that it was left to the Brisbane City Council to implement their ordinances for the purpose of safeguarding the people. He said that under that legislation it appeared that the Metropolitan Fire Brigades Board did not have the power to do anything about it.

On another occasion Mr. Dowling reported—and I am going back in history a little now—that after the Whiskey Au-Go-Go disaster an eight-man team from the fire board spent two years on a detailed study of Brisbane hotels, clubs and factories. The study found that dozens of hotels, clubs and factories were fire risks. Some had only one or two extinguishers for the whole building. Others had no emergency-light exit signs, no adequate fire escapes and no adequate safety equipment such as extinguishers and first aid. Prevention is the key, and the Fire Safety Act should contain provisions for design clearance before buildings are constructed. Co-operation with architects and design engineers is essential.

A statement such as that, coming as it does from the Brisbane fire chief, must be accepted. If he is not a person well qualified in this field, he should not be holding down such an important job. While he continues in that position, the Minister, the department and everybody else concerned should take some cognisance of his views.

I am also advised that the average maximum ladder length in the metropolitan area is about 100 ft. Some are 120 ft. long. However, the majority of new buildings being erected are much higher than that. The new A.N.Z. Bank headquarters, for example, rises to about 28 storeys. It would seem, therefore, that the equipment available for our fire-fighting services in Brisbane is inadequate for the protection of those buildings—unless they are designed with inbuilt fire protection for those inside.

I suggest that in a number of instances the requirement for inbuilt devices has not been complied with. I have no positive proof of that, but I suggest that, if research were conducted into buildings in the metropolitan area, it would be discovered that inbuilt protection does not exist in many buildings. The fire-fighting service does not have the ladders, hoses and other equipment to effectively fight fires in those buildings.

I would like to mention two other points. One of relevance—and quite near home—relates to the freeway system that runs along the river parallel with Parliament House. I again quote from a Press article by a leading journalist. It says—

"A bus catches fire after being involved in a collision on the South-East Freeway, and its passengers are trapped. A petrol tanker overturns on the freeway and explodes."

In my mind they are distinct possibilities. It continues—

"These incidents haven't happened yet, but the possiblity that they could occur at any time is alarming fire-fighting authorities."

The fact that they haven't happened is probably good luck. It goes on—

"They said yesterday that none of Brisbane's freeways or bridges has built-in fire precautions, and crucial minutes could be lost trying to get water to them if accidents involving fire occurred.

"The Metropolitan Fire Brigade's chief Officer (Mr. Viv Dowling)"—

his name keeps cropping up, and I think he is a good authority to refer to—

"claimed the State Government had made a grave mistake in not installing water reticulation on the city's free-ways.

" 'My main concern is that buses might catch fire after an accident, in which case many people could be involved,' he said.

" 'The telescoping of cars is quite common in collisions, and in such cases the possibility of fire is always present.' "

I suggest that our freeways would be dangerous if a bus, petrol tanker or car carrying passengers burst into fire on them. Considerable time would be wasted in getting water, which is vital, to the scene.

Mr. Gunn: Wouldn't you expect them to use foam in the case of petrol?

Mr. YEWDALE: I do not know. I am not an expert in how to fight fires. If the honourable member feels that that is the answer and if he is going to enter this debate, I hope he tells us what the position is. I will pass his comments on to the fire chief. He might appreciate them.

Mr. Gunn: I thought you knew something about it.

Mr. YEWDALE: I do not know a great deal and I do not think many honourable members do. I doubt very much if the honourable member for Somerset does.

Mr. Gunn: Don't challenge me.

Mr. YEWDALE: I am not; I am making a suggestion. If the honourable member is an authority on this subject, his opportunity will come and I will sit and listen keenly to an address from an expert on fire safety.

I again suggest that a national fire brigades board would be in the best interests of the Australian community. To my mind it would overcome many problems and ensure that

recruitment standards throughout Australia were adequate and uniform for persons in fire brigades; that training standards could be kept uniformly high; that there would be no undue overlapping of facilities such as rival duplicate training centres costing millions of dollars in each State; that there would be a national laboratory and testing authority for testing and evaluating equipment and setting and maintaining standards; and that fire hoses and trucks were standardised wherever possible so that the board could act as a bulk-buying authority. The board could annually survey its member fire brigades throughout Australia and bargain among rival manufacturers for cheaper prices for the hundreds of trucks and tens of thousands of feet of fire hose that would be needed.

The provision that the Minister referred to concerning 1 000 m^2 for small shops in the metropolitan area needs to be looked at seriously because quite often small establishments of that dimension are cluttered up with fittings and other goods. Before they are made exempt they should be looked at very carefully.

The Minister referred to changes in titles and names under the Bill. That is only a common-sense approach.

I doubt whether the imposition of a fine of $20 a day on people who have been fined $500 originally would be an effective deterrent; nevertheless it does appear to be an additional penalty.

I feel that the comments I have made on the fire-fighting facilities in the State, particularly in the metropolitan area, should be looked at seriously by the Minister.

Mr. GUNN (Somerset) (5.13 p.m.): I appreciate the opportunity to speak for a few minutes in this debate. While I agree with the honourable member for Rockhampton North that we are not all experts in this area, I did spend quite a few years as a member of one of the biggest boards in Queensland. I appreciate very much the work done by fire boards throughout Queensland and particularly by the State Fire Services Council. It has done an excellent job in upgrading fire brigades. I can appreciate the problems it came across. The standard of fire brigades through Queensland at present is very high.

One of the main proposals, although some will say its introduction is a little belated, is the abolition of the flat rate for fire brigades in country areas. I view this with a great deal of scepticism. While the people might pay a little less in premiums, they have no fire brigade service available. In my electorate, quite a number of places are outside the fire brigade areas. Nevertheless, I have never known a fire brigade to refuse to go out to attend to a fire in one of those outside areas. They go out and do their utmost, even if it means putting their hoses into the dams and creeks around the area. There is no doubt that they have made a lot of saves.

The amount is not great and I would rather see the money given to the bush fire brigades. The Minister said that $50,000 is now provided for them but, considering the number of brigades throughout Queensland, the amount is very small. Bush fire brigades do not have much fire-fighting equipment and what they have is of little consequence against anything but grass fires. The losses caused by fires in country areas strengthen my argument that the money saved by the removal of fire brigade levies from insurance premiums could well have been directed to the use of bush fire brigades. They do an excellent job, but they were not set up to fight major fires. The members of these brigades do not receive any pay. If they were given a little training they could do a better job than they are able to do now. However, I repeat that they give excellent service with the equipment available to them.

I fully appreciate the necessity for safety measures against the possibility of fire. This is an area in which considerable advances have been made. No doubt all members recall that not long ago some old people's homes were closed because they were fire hazards. I have seen many old wooden homes converted into rest homes for the aged. The roof framing of many of those homes is of pine. If a fire started in such a building, particularly in the middle of the night when only one or two of the nursing staff were on duty, the chance of getting bed-ridden patients out would be very small. It is absolutely essential that such homes use beds that can be wheeled out.

Mr. Burns: Smoke-proof doors.

Mr. GUNN: Yes, they are essential. The important thing is to be able to get patients out quickly. Probably there would be difficulty in some homes in getting beds out because they would not pass through the doors. It is essential to have matters such as these attended to as there could easily be a tragedy at any time.

If one looks through the uniform building by-laws, one sees constant references to fire precautions. However, at one time shire councils were not submitting building plans for inspection by the local fire brigade. I have seen houses built with only one set of steps passed by the local council. Nor does this sort of thing happen only in small remote areas. I have seen it happen in Ipswich where plans of a house were not submitted to the fire brigade board. The house had only one set of steps. That would not have been allowed had the fire brigade board or brigade officers seen the plan.

Considerable damage has been caused by carelessness in winter-time. I think this point was made by the honourable member for Rockhampton North. One of the most dangerous materials is flannelette, which is

often used in making nightdresses for children. The manufacturers of electrical appliances also have an obligation to make their products safe. In many homes I have seen open radiators without any safety guards. A child has only to brush the radiator with a nightdress of nylon material or flannelette and there is a tragedy. I can remember constantly being warned that flannelette burns quickly. The Fire Safety Act cannot be expected to remove all danger from fire. Parents have an obligation in fire safety and so, too, do the makers of electrical equipment. Of course, that is another field.

I would like to repeat that fire brigades generally throughout Queensland have done an excellent job. When it has been necessary, fire brigades in my electorate have gone to fires which have been well outside their area. They have played their part. But there is no doubt that people in some far-flung areas of western Queensland would not have access to a fire brigade. It might take up to 30 or 40 minutes for a brigade to get there, and that is far too long. So I suggest that bush fire brigades should be expanded. I doubt if any money will be saved through this measure because I believe premiums will rise and people will gain absolutely nothing. Surely it would have been a better idea to use the money involved to expand these bush fire brigades. I know that just about every brigade in my area is fully staffed by very willing men, but, once again, they are not properly trained and this is one area in which this saving could have been used to help these people to continue with their work.

Apart from these comments, I do commend the Bill. It is something that we have been looking forward to and I feel certain that the people of this State will reap the benefits that are expected to accrue from it.

Mr. BURNS (Lytton—Leader of the Opposition) (5.22 p.m.): I join with the honourable member for Rockhampton North in welcoming this Bill because I think we should all support the "user pay" principle. In the areas where people do not receive fire brigade services they should not be paying fire brigade levies. This Bill has been brought on a little earlier than we expected. I understand the Minister's committee has been looking at it for some time.

I cannot find the cutting in the library, but I can remember reports last year that this matter was under investigation. Earlier in the New Year we saw reports that fire service levies on insurance premiums would rise by 22 per cent and I think this forced many people in country areas into realising that they had to stand up and fight and let us know that they were upset at being forced to pay a levy for a service they did not receive and had no possibility of obtaining. As I understand the Bill, they will not have to do that in future but they will have to pay for the service of a fire brigade if one does turn up when there is a problem in their area.

What I did want to raise very briefly is the change of system from a levy on premiums to a levy on the sum insured. To me that seems to be rather dangerous, and I would like the Minister to listen to what I have to say and tell me if I am wrong. As I understand insurance, one insures against the risk or the hazard and the premium increases as the hazard increases. So if I build a brick home with a concrete slab floor the fire premium is smaller than it is if I build a wooden home with a wooden floor or a fibro home with a wooden floor. I pay a smaller premium when the risk is less. Indeed, if I build in that fashion there is less chance of the fire brigade having to come to my home.

This is a lot easier to understand if we look at it from an industrial point of view. If I manufacture fibre-glass in a brick factory with a wooden floor I would have to pay a fairly high premium, but if I were in the same industry in a wooden factory with a wooden floor I would pay a much higher premium.

The same applies across the board with a high-risk industry in a high-risk building. As I see it, in the future if I am producing fibre-glass goods in a wooden factory—in other words a high-risk industry in a high-risk building—and I insure it for $100,000, I will pay the same fire service levy as a man who is building concrete bricks in a concrete-brick building with a cement floor, where there will be very little call on the services of a fire brigade, if ever. It seems to me that if we are working on the principle that we should not have to pay fire brigade levies in an area where there is no fire brigade—and I agree with that—we should not have to pay a high fire brigade levy if we build in this way.

It has always been held that building in brick reduces maintenance costs and reduces the insurance premium. It has always been the same, and it should be the same with the fire brigade levy. The Minister mentioned this only briefly in his introductory remarks when he said that we are changing the system from applying a fire brigade levy on premiums to applying the levy on the sum insured. The whole system is altered by changing a couple of words. People are going to be disadvantaged. A person who builds a $50,000 brick home is not nearly as likely to need the services of a fire brigade as a man with a $50,000 wooden home or fibro home, but he will have to pay the same levy to keep the fire brigade in operation. In my opinion, that is a misuse of the levy. Country people had an excellent argument why they should not have to pay a levy for services that they could not get, and I believe that a person in a brick home or in a concrete-brick factory can put forward a similar argument.

Mr. POWELL (Isis) (5.26 p.m.): I do not intend to keep the Committee long on this matter. I know that all honourable members are very anxious to get to item 11 on the Business Paper so that we can swill along on something interesting. However, the amending Bill that the Minister proposes to introduce does have some ramifications about which I am a little worried, and I hope that he will be able to clear up some points for me.

The first one relates to applications for building approval, and I did not hear the Minister make any mention of it in his introductory speech. I shall be parochial and instance what happens at Hervey Bay. Building-approval applications from Hervey Bay have to go to the Fire Safety Officer in Nambour. Why they have to go to Nambour instead of to Maryborough, or even to Bundaberg, is beyond my comprehension. It seems to me to be utterly stupid not to send building-approval applications to the nearest big fire station. There is a fire station at Hervey Bay. As far as I am concerned, the officer in charge of that station would be perfectly competent to look at a set of plans and determine whether or not they provide adequate safety. But the applications do not go to him; they do not even go to Maryborough, or to Bundaberg, which is closer; they go to Nambour, bypassing Gympie. I do not know why that is so, and I hope that the Minister can give the Committee a satisfactory explanation. The present procedure adds to the cost of obtaining approval to build and it seems to me to be completely stupid.

One of the matters mentioned by the Minister concerned me a little, and I hope I misheard him. I understood him to say that the State Fire Services Council would be regarded as an employer and, therefore, would be able to represent itself before the Industrial Commission. From the point of view of the Metropolitan Fire Brigades Board, that is probably very good, but what about the country boards? Fire brigade boards in country areas have an entirely different set-up and face problems entirely different from those encountered in the metropolitan area. The ones that I know best are at Bundaberg and Hervey Bay. If the Metropolitan Fire Brigades Board is to be represented before the Industrial Commission through the State Fire Services Council, I do not see why country boards should not be represented in a similar way.

The Minister mentioned also a penalty for boards not complying with the Act, and something was said about a board not having furnished a return for five years, despite some approaches from the department. I suggest that if a board does not comply with the provisions of the Act, it should be sacked immediately and we should begin again with a board that will comply with the provisions. In my opinion, including penalties in the Act will not solve the problem. The board should be reconstituted.

Honourable members who have preceded me in the debate have mentioned the proposed change in the levy system. After listening to their comments and to the Minister's speech, I question whether there is a need for a levy. I cannot see why a home owner should have one more burden placed on him. Surely the money needed should come out of a special fund. In my opinion, people who own homes or buildings should not be levied heavily to pay for fire services.

My electorate contains a fairly large urban population as well as large country areas, and there are a number of tobacco barns in it. Because of the way they are built and of what occurs inside them, tobacco barns are notorious for catching on fire. They are obviously there to cure leaf, for which heat is required, and occasionally an accident occurs. The fire brigade from Bundaberg is often seen racing out to fires in tobacco barns. Under the new system the levy will no longer apply to persons outside the fire brigade district. If the brigade does go out to those people, a charge will be made on their insurance company. The end result will be that insurance premiums will escalate at an extremely fast rate. That is what concerns me. Country people have been concerned about the levy. I do not think anyone would argue that it has not been wrong to require people miles from anywhere to pay the levy; but when the levy is wiped out, those very people will be faced with astronomical insurance premiums. Perhaps we are jumping out of the frying pan into the fire. I say that advisedly. Perhaps this piece of legislation is not what we want at all. I hope the Minister can convince me with a contrary argument because it seems to me that what we have asked for is going to come about but the result of it will be exactly the opposite of what we were aiming for.

As to the building approval—that is one that seems stupid to me. Why a levy at all? Perhaps we should be looking at something entirely different.

I conclude by saying that in my opinion the fire brigade services in this State are certainly of a very high standard. The firemen receive a very high degree of training. They are professionals and they should be treated as such. Sometimes our friends in the Industrial Court and elsewhere do not treat them as professionals. They are highly-trained men who do an extremely dangerous and onerous job, one that many of us would not like to take on. Probably many of us have fought bush-fires, but fighting a burning building and trying to save lives is an entirely different matter. The service we receive from fire brigades is excellent, but I do query some of the amendments proposed today.

Mr. ELLIOTT (Cunningham) (5.32 p.m.): The honourable member for Isis has preempted much of what I was about to say

so I will cut down my remarks significantly. As one who has done a lot of clamouring and made many representations on behalf of of many of my constituents about what I have considered to be an anomaly with the fire brigade levy, I watch the situation with great interest. We paid that levy without having the protection of a fire brigade but, at the same time, we paid increased insurance premiums because of that very fact. At no stage could I see any justification for the existing situation. As a member of the Government I can now say, "We are removing that anomaly." But I will be very interested to see what happens. As we all know, fire brigades have to be funded from some source. What will follow the implementation of this legislation? That is what we must ask ourselves. It comes right back onto the insurance companies. I am not a member of an insurance company. I shall leave it at that and wait and watch with interest.

Dr. LOCKWOOD (Toowoomba North) (5.35 p.m.): I wish to touch on a few matters that have already been referred to by previous speakers. Fortunately, in recent times we have seen some relaxation of the requirements imposed upon convalescent nursing homes, which care for a large number of people who are not fully ambulant. Certain building alterations have been carried out to these homes to enable such patients to be wheeled out in the event of a fire. The need to install effective fire-alarm systems in convalescent homes has been recognised, and this has been done. I am told that in Toowoomba these alarm systems are checked not weekly, but daily. This means that a great number of the staff of convalescent homes are able to contact the fire brigade in an emergency.

Those members who stay at the Bellevue would know that certain automatic fire alarms are far too sensitive. If two people are standing beneath an alarm and one is smoking, it goes off. The result is that fire-fighting appliances are racing helter-skelter around town at great risk both to themselves and to the general public.

Mr. Burns: How much do we spend each year on false alarms?

Dr. LOCKWOOD: I should like the Minister to tell us how much expenditure was incurred in attending false alarms at the Bellevue and, for that matter, throughout the State, as the result of the installation of these over-sensitive electronic "smoke sniffers".

There is no urgent need for the installation of such devices in a convalescent home, where nursing staff are on duty 24 hours a day. Our public hospitals certainly are not fitted with such alarms.

I have witnessed the arrival at convalescent homes of fire-fightaing appliances. I must admit that they arrive very quickly after the alarm has been given. The fire officers dart in and out of all the rooms in the building searching for any outbreak that might have occurred. They do not take the word of anyone who tells them that it is only a false alarm and that there is no outbreak of fire. They check each and every room. Their thoroughness is generally appreciated. Nevertheless, I suggest that the fitting of these automatic alarms is unnecessary and very expensive.

Unfortunately some automatic devices are not foolproof. In the great hail storm that occurred recently in Toowoomba the power failed at about 3.45 p.m. with the result that the automatic emergency devices came on. They were battery operated and functioned perfectly. The only trouble was that this occurred during daylight, the batteries became flat almost as soon as it got dark and the lights then went out. These devices are designed to function only in a certain type of situation and, unfortunately, not in others. The situation in the hospitals reminded me of the days of Florence Nightingale. Nurses were performing their duties with hurricane lamps and torches. I suggest that automatic devices should be designed in such a way as to operate in other circumstances as well as in the event of a power failure.

There is an urgent need to impose strict fire-safety measures on old buildings, particularly those that are divided into flats. I have discussed this matter with fire officers and have been told that nothing can be done about them. Such buildings are fire hazards, and in fact people have been burnt to death in them. This is due mainly to the lack of adequate fire-escapes.

I have been in some of these buildings in which rooms have been partitioned off. The bedroom might be in a solid, double-brick room, with the doorway which formerly led into a hall being solidly nailed up. The only exit is past the place which is most likely to be the seat of a fire—the kitchen, the room in which the exit door is situated. They are substandard in many other ways, I feel, and I refer to the health problems. Firemen need to be able to enter buildings and to take steps to have them declared uninhabitable until the necessary alterations are effected.

One lady in Toowoomba was sitting in bed with a toddler when the electric light, which was then on, crashed to the floor in front of her, plunging the room into darkness. She said a rat bit it off, but I think the wires just melted through. The point is that, if that light with a melted wire had been turned on, the whole place could have gone up. I believe that in the life of this Parliament we have to introduce measures authorising firemen to enter these premises and order their closure.

Mr. Moore: The fuse should have blown.

Dr. LOCKWOOD: The fuse did not blow. The wire melted right through. As for a rat biting through it—it could not have had two bites at a live 240-volt wire. The fuse did

not go, because the two wires kept on fusing right through. These were heavy copper wires.

Mr. Moore: It probably had a nail in it.

Dr. LOCKWOOD: It probably had a nail or a safety pin in it somewhere else. These are the problems. If landlords are not prepared to make their buildings safe, somebody else has to step in and do it for them.

Our firemen in Toowoomba are very conscientious, and they need power to do something about this aspect. They are a body of efficient, professional men carrying out an extremely dangerous job. When called out, they have to get there quickly. Toowoomba, of course, is in a large saucer. The old fire station was in the bottom of the saucer. To get to any fire they had to travel uphill. That situation has been remedied with the construction of the western fire station on Anzac Avenue. They can now proceed much more quickly to a fire, particularly when they are hauling a water wagon.

The firemen in Toowoomba are to be congratulated for the way in which they carry out their routine tasks (which I hope never become mundane) to see that all the fire risks and hazards are minimised. Their duties have been increased considerably lately as a result of the activities of a firebug. They have a great number of calls to fires started by the firebug. However, I believe that we should give them more backing to make Toowoomba safer, particularly in the field that I have outlined to the Minister.

Mr. AKERS (Pine Rivers) (5.43 p.m.): I wish to speak very briefly on a couple of items, one of which the Minister did not mention in his speech—and I feel that he should have. It relates to the boundaries of fire brigade board areas. At present the boundary between Caboolture and Pine Rivers fire brigade boards is the local authority boundary. A little township called Narangba is just inside the Caboolture Shire, so it is covered by the Caboolture fire brigade. However, it is the best part of 20 minutes away from Caboolture fire station, but less than 10 minutes from Petrie.

Just recently there was a fire at Narangba, about which there was plenty of coverage on TV. I do not say that the house burned down because the Caboolture brigade could not get there. It probably would have burned before the Petrie one got there. But in the event of a major fire the Petrie brigade would be able to get to Narangba in half the time it takes the Caboolture brigade. So I think some thought has to be given to not slavishly following local authority boundaries.

The Minister mentioned an increase in penalties for not complying with a fire brigade order. I whole-heartedly support that. In my area recently a match factory was storing surplus phosphorus and surplus sawdust all across the paddock in front of the plant. Anybody with any knowledge of those two materials realises that together they are highly flammable.

The company was stopped from using the rubbish dump because every time the machinery tried to level the rubbish, it caught fire, so the company dumped it in its own front yard. It took many months for the shire council to have the firm get rid of this material. If the penalties are realistic, the fire brigade will have some teeth and will be able to act effectively.

The previous speaker mentioned the inclusion of shopping centres in this area. He referred to the problems at the Lutwyche shopping centre. I cite the case of a building that was constructed by the same builder. I know this one well because I had an office in it for a couple of years. I am referring to Sherwood House, Toowong.

When I was working for other architects, I worked on the S.G.I.O. building. We were controlled strictly in what we were allowed to do. We were required by the Brisbane City Council at that stage to install a certain number of fire extinguishers on each floor. A check was made to make sure they were there. We also had to provide many other items that do not exist in Sherwood House.

As I said, I know this building well. For two years I had an office on the fourth floor. The fire-escape door could not be opened without major effort. I really had to put my shoulder to it and shove extremely hard. In the panic that would prevail during a fire, it just would not open. Once it was opened it would not shut again. So it stayed partly open all the time. If a fire had occurred on the lower floor, the smoke would have come up the stairs and filled the fourth floor and Parliament may have been short a member for Pine Rivers.

The other stairway in the same building was a very short distance away from the fire-escape. It provided access to the toilets, so that everybody on every floor had to use this staircase every day. The logical thing would be not to have that access from the stairwell, but to have the doors so that they could be opened from each floor onto the stairwell but not opened from the other side. That would provide security and fire safety.

The doors were kept propped open most of the time. To make it worse, the people on the ground floor propped that door open and also propped open the door below that which gave access to the car park. If one car had caught fire, every floor of the building would have been filled with smoke almost immediately. That situation existed until several months ago. Because I have not been there for a long time, I cannot say whether it still does. The danger was certainly there.

That sort of building should be investigated and should have major work done to it. I tried to warn the other tenants of

the danger but they were not worried about it. That is the sort of attitude that leads to fire danger in many Brisbane buildings. Sherwood House is only one example. There are many others like it. I urge that the provisions of the Fire Safety Act be adhered to strictly in future and that buildings such as Sherwood House be forced to comply with them. I ask that some sort of investigation be made as soon as possible into basic factors such as the one I have referred to.

Hon. F. A. CAMPBELL (Aspley—Minister for Industrial Development, Labour Relations and Consumer Affairs) (5.49 p.m.), in reply: I thank honourable members for their contributions. They have been many and varied. Some of the comments were outside the ambit of this legislation, but others were quite pertinent to this very important matter of fire safety. I thank all honourable members for their responsible approach to this legislation.

In his first observation, the honourable member for Rockhampton North quoted figures and said that, of the present cost of running fire brigades, 83 per cent was attributable to wages and 17 per cent to equipment and running expenses. The cost of maintaining fire services has increased, particularly over the last few years, to an almost alarming extent. The budget two years ago was $11,000,000 and it is now in the vicinity of $23,000,000. This is one of the real problems and it is of concern to all parties.

The honourable member referred to a Press comment about the Eagle Farm airport. I let that one pass through to the keeper by saying that that is entirely a Commonwealth responsibility. I recall the comment. However, in a further newspaper article the next day I thought that much of the first report was refuted.

He also referred to a Press comment by the vice-chairman of the Metropolitan Fire Brigades Board, Mr. Burton. Without questioning the validity of the honourable member's statement, I might say that the vice-chairman is noted for his alarmist statements, and I suppose the fact that he was defeated in the recent election might have had some bearing on his comment.

In connection with some public comments that have recently been made, I acknowledge that up to the present fire brigade officers have been inhibited perhaps in inspecting as freely as they would like to. Regulations implementing the Fire Safety Act are well on the way to finality. It is an entirely new Act to this country and the task of framing the regulations has been quite monumental. When honourable members realise that point, they will appreciate the problem. I am sure that when these regulations are implemented the problems to which the honourable member for Rockhampton North referred will largely be eliminated.

He also referred to criticism by the fire chief, Mr. Dowling, who is a very competent officer. I have noted certain aspects of his report. Both he and the chief inspector of the State Fire Services Council made similar trips overseas and in their reports they each commented that the fire services in this State, particularly the Metropolitan Fire Brigade, compare very favourably with fire services overseas.

The honourable member for Rockhampton North and the honourable member for Pine Rivers referred to the Lutwyche shopping centre. The local authority has some responsibility in the erection of new buildings. Even with the advent of the State Fire Services Council, local authorities have some responsibility to see that buildings are designed so that fire traps are eliminated. The Brisbane City Council had problems with the builder on other aspects of the Lutwyche shopping centre. It is difficult to enforce regulations of this type. The honourable member made reference to the need for a national fire brigade board. That might be all right, but I want to say that, as it is in all other departments, there is increasing consultation between all State fire services and the Commonwealth.

The honourable member for Somerset seems to think that rather than give relief to property owners outside fire brigade districts we should still collect the fees we are collecting now and spend them on bush fire brigades. All I can say is that, since I became the Minister responsible for fire brigades a couple of years ago, people representing country areas have been most insistent in their demand that people who live outside fire brigade districts should be relieved of their responsibility for the payment of precepts. That is what we are doing.

The Leader of the Opposition queried whether the premium on a policy increased with the hazard. He said that, if it did, the transferring of the calculation of the levy from premiums to the sum insured would mean that some people would have to pay a higher premium. To my knowledge commercial risk premiums do increase according to the fire hazard, but there is a tendency in so far as household insurance is concerned for insurance companies to apply the same rate to wooden and brick buildings.

Anyway, if his proposition were adopted, it would create a further anomaly because I would imagine that the costs involved in the fire brigade going to a residence worth $25,000 would be the same as that for going to one worth $50,000. It is extremly difficult to find a yardstick for the cost of fire brigade services that would give absolute equality and ensure that citizens and businesses paid their fair share. It might be a rule of thumb, but the levy on premiums was a rule of thumb.

The honourable member for Isis asked why the representation of the Fire Services Council should be confined to the Metropolitan Fire Brigades Board. I think he must have misinterpreted what I said, because certainly what I implied was that the Fire Services Council would become a party to any industrial dispute, whether in Brisbane, Mt. Isa, Longreach or anywhere else in the State, where the dispute could affect any other brigade. There will be no distinction between the metropolitan brigade and the country brigades.

I also want to say that whilst levies will apply only to houses or properties within a fire brigade district, this Bill places no restraint on brigades attending fires outside the district. I also explained that even though property owners would have to pay for the cost of that service, it would in turn be a claim on the insurance company as a normal condition of the policy.

Although the comments of the honourable member for Toowoomba North were interesting, they did not relate specifically to this levy.

The honourable member for Pine Rivers cited the recent hiatus between two brigades which received perhaps more publicity than the circumstances warranted. They both turned out with alacrity, although certainly the Pine Rivers brigade got there first. In using that instance, he made the point that there might be a need for readjustment of boundaries of fire brigade areas. He mentioned the need to provide greater penalties—and this is covered in the Bill—for people who maintain hazardous risks, and also the question of fire traps in newly erected buildings. I am sure that those matters will be taken care of when the regulations are implemented.

Motion (Mr. Campbell) agreed to.

Resolution reported.

FIRST READING

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

[Sitting suspended from 6.2 to 7.15 p.m.]

ANZAC DAY ACT AMENDMENT BILL

SECOND READING

Hon. F. A. CAMPBELL (Aspley—Minister for Industrial Development, Labour Relations and Consumer Affairs) (7.15 p.m.): I move—

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

As I explained at the introductory stage, this is a simple machinery amendment to the Anzac Day Act as a consequence of the amendments made last year to the Racing and Betting Act, and I have nothing further to add.

Mr. YEWDALE (Rockhampton North) (7.16 p.m.): I agree with the Minister. The amendments made on the last occasion were of some consequence and needed to be discussed, but this is purely a machinery measure. The Opposition supports the Bill.

Motion (Mr. Campbell) agreed to.

COMMITTEE

(Mr. Row, Hinchinbrook, in the chair)

Clauses 1 and 2, as read, agreed to.

Bill reported, without amendment.

RURAL MACHINERY SAFETY BILL

SECOND READING

Hon. F. A. CAMPBELL (Aspley—Minister for Industrial Development, Labour Relations and Consumer Affairs) (7.18 p.m.): I move—

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

Honourable members will recall that at the introductory stage I gave a detailed explanation of a measure I consider to be important safety legislation. I am appreciative of the general accord with which it was received. This did not surprise me, of course. All members endorse legislation which builds in a degree of personal safety and possibly prevents injury or death. We have enough carnage in enough fields without enhancing risk through legislative neglect.

Over the last five years there has been an average of 17 tractor-caused deaths in Queensland, and the 24 recorded in 1974-75 was the highest number on record. Information on serious injuries and near-misses is not available to my Division of Occupational Safety. However, researchers have established that for every serious or disabling injury there are 10 minor injuries, 30 property-damage accidents and 600 accidents which are classed as near-misses. Assuming that the findings are reasonably accurate, we are determined to build in safeguards to prevent escalation.

I should like to comment briefly on the contribution to the debate by the honourable member for Rockhampton North. I noticed at the time a marked difference between his statistics and those quoted by me on information from the Division of Occupational Safety. I had inquiries made, and I am assured that the tractor injury frequency rates he quoted were obtained from a survey conducted by the National Safety Council in 1968. The honourable member also referred to injury frequency rates in the United States. I do not know where he gets his information, but the only data available to the Australian Bureau of Statistics is the United States Statistical Abstract, 1970, and this does not show an average for all industries. The honourable member's statement on tractor fatalities also appears contradictory. He stated 10 lives were lost through tractor, grader and bulldozer accidents in

1968 and yet, on the average, 75 Queenslanders were killed each year by tractors. These statements were inconsistent with figures the honourable member later had incorporated in "Hansard." His statement that 155 people have been killed in Queensland since tractor safety became a public issue only applies, in fact, to fatalities between 1966 and 1975, inclusive. Our figures, compiled since 1958-59, put the total at 242. I am sorry to have to query the honourable member on details of his speech, but it is essential that "Hansard" carries what I am advised is an accurate record.

Statistics on amounts lost through industrial accidents are not available to the Bureau of Statistics, and the bureau says the problem of costing total loss due to industrial accidents is a complex one. The bureau does not know the source of the honourable member's figures. In fact, data published by the bureau on days lost through industrial disputes and accidents differ from the honourable member's figures. The bureau says that in 1968 the number of calendar days lost through temporary disabilities was 719,236. This figure related only to work injuries on the job. In the same year, 158,615 working days were lost through industrial disputes. In the three years 1966 to 1968, inclusively, 327,493 days were lost through disputes.

As I pointed out in my introductory speech, the time-tabling of the provisions of the Bill is not harsh.

They were determined after consideration by the reviewing committee, which comprises representatives from principal interested primary producer organisations and after consideration of legislation proposed or existing in other States.

It may be of interest to the honourable member for Rockhampton North that rural safety regulations have not been introduced in Tasmania, although I have been informed that the State envisages their introduction shortly. I understand that only in the last year they have been introduced in South Australia.

Arrangements have already been made for the reviewing committee to consider ways of circulating as widely as possible the provisions of this legislation. I assure honourable members that the requirements will be well publicised and that primary producers and others will be made fully aware of their obligations.

Mr. YEWDALE (Rockhampton North) (7.24 p.m.): The Opposition certainly welcomes the measure, as we indicated at the introductory stage. However, I again stress that it is very belated legislation.

Despite what the Minister said about my contribution and my figures, a number of deaths and disabilities have been caused by tractor accidents over a period of years. I do not feel that there was a great variation in the figures for the 10-year period I had incorporated in "Hansard". The 10-year period was referred to by others in the sense that it was mentioned by a group of people at the Queensland University. Ten years ago suggestions were put to the Government by that group of people who were investigating industrial accidents, including tractor accidents. It is all in print in the media. What I say is irrefutable. The Government was warned that it should take certain measures, but it has not done so up till now.

Whether or not Tasmania or South Australia has legislation of this type might have some bearing on the Minister's argument countering my contribution. The State, of course, has the prerogative to introduce legislation. There is no reason why it should be last, nor is there any reason why it should be first. In the past, however, enough facts and evidence have been put forward to induce this Government to take action. It should have moved long ago.

I do not intend to speak further at this stage. On the introduction of the Bill honourable members were given wide scope for discussion. I indicate, however, that I shall speak to several clauses.

Mr. POWELL (Isis) (7.26 p.m.): Several clauses in this Bill disturb me. Before it was printed I spoke against certain of its provisions, and now that I have read the Bill and spoken with persons who rely for their livelihood on the use of tractors I see no reason for changing my attitude. I have been asked to pass on some of the thoughts expressed by those persons.

No-one in the agricultural industry objects to safety measures, but I wonder whether, in relation to the fitting of roll-bars, the consumer will be prepared to pay the primary producer more for his products to help cover the cost. This legislation will result in an increase in costs of machinery. Most farmers are safety conscious and would probably fit roll-bars as a matter of course. However, now we are legislating—I would suggest over-legislating—to make sure that they are fitted even when they may not be needed. I wonder whether the farmer will once again be the person caught in this cost-price squeeze—the meat in the sandwich.

Clause 9 provides for reports by inspectors. I am wary of any provision that allows inspectors to go hither and thither across the countryside to report on all sorts of things. Quite often they are merely making jobs for themselves and do their best to look important.

As I have said, no-one objects to the fitting of a safety frame on a tractor, but I question the wisdom of fitting a safety frame without also fitting a seat-belt. Some people laugh at the idea of fitting a seat-belt on a tractor.

Mr. Moore: It's stupid.

Mr. POWELL: I wonder whether the honourable member would think it was stupid if he were driving a tractor and it flipped over pinning him beneath the roll-bars. Such accidents do occur.

The provision for the safety of passengers on tractors needs to be looked at. The mind boggles at the implications of clause 15, which provides that seats shall be fitted for all passengers on a tractor. It would be quite ludicrous to expect a farm labourer to walk, say, five miles behind a tractor that does not have a seat provided on it for him. Under this legislation, however, that could happen. There is always the possibility that an overzealous inspector checking on the farmers in his area would see a farmer carrying a passenger illegally. The farmer could be reported and have some punitive action taken against him.

Clause 16, which sets out the qualifications of tractor drivers, is the one that raises the ire of most of the farmers that I have spoken to. It provides—

> "The owner of a tractor that is being used in a rural industry who employs or permits any person under the age of 17 years to drive the tractor commits an offence against this Act unless that person—
> (a) has received sufficient training in driving the tractor or tractors of the same class; or
> (b) is under adequate supervision of a person who has a thorough knowledge of and experience in the driving of the tractor or tractors of the same class."

That all sounds very fine, but who is to decide whether a person has received adequate or sufficient training in the driving of a tractor? As I say, that is what raises the ire of the farmers in my electorate to whom I have spoken. It is absolutely ludicrous to write this into a Bill.

Mr. Moore: What you have to do is look at the regulations. That's where they are going to kill you.

Mr. POWELL: I do not doubt that they will get us in the regulations. That is something else that disturbs me immensely.

To say that a person must have received sufficient training is all very fine—all very altruistic. However, in the cane industry, like the pastoral industry, a large number of young people drive tractors and they drive them jolly well. They probably drive them better than older people do. Their reflexes are better, and obviously they do a good job. However, an inspector could come along and see a young person driving a tractor and doing a good job of it, but the inspector might still feel that he has not received sufficient training. Who is to prove whether or not he has received sufficient training? How could it be demonstrated? Will the next move be to bring in a licensing system for tractor driving on a person's own farm—in his own paddock? Will there be a tractor-driving school, as another way of employing a few more people and perhaps getting a few more off the unemployed list?

I just do not like that clause. I do not think it is necessary. In fact, I think the whole Bill is unnecessary. It is just imposing upon the rural industry something that is not necessary. As I said before, most farmers provide for roll-bars on their tractors where they know a danger exists.

In many Bills—and this is one of them—we are ignoring a major problem with tractors. It certainly is in my electorate. I am speaking about tractors used on haul-outs in the sugar industry. Trailers are overladen and when the tractors get out on the highway with them, they are driven at speeds far greater than the tractor is designed to go with that sort of trailer load. If a tractor flips then, roll-bars will not save the driver, especially if he is not wearing a seat belt. But apart from injury to the driver, what really worries me is the danger to other people on the road as well.

It is my opinion that roll-bars are necessary —and most farmers recognise the need. I do not think we need to legislate for it. I am greatly disturbed at Clause 16. I think it will be a rod for our own backs, and I hope that before long amending legislation will be introduced to delete it.

Mr. GOLEBY (Redlands) (7.33 p.m.): My sentiments on this Bill are well known. I said in the introductory stage that I was particularly pleased about the provisions for exemptions in certain industries. I repeat what I said then: I commend the Minister for that action. However, I believe that before long we will be introducing amending legislation in this field, because I feel that sufficient homework has not been done on the implications of this Bill to the agricultural industry as a whole.

By way of interest, I point out that in Great Britain anyone who has a tractor on a rural holding is not required to fit roll-bars unless he employs labour or has a hired servant. The onus is completely on the owner when he operates his own machinery. However, if he employs labour he is required to fit the bars as an additional safety measure. I know that honourable members will agree with me that in certain areas in agriculture where roll-bars will have to be fitted compulsorily, they will be of little use. I refer particularly to the plains and downs. Other honourable members would have greater knowledge than I. Some tractors are quite large and when they are hooked in tandem there is no earthly chance of their turning over. Their weight and the machinery that is being used for cultivation precludes this. Machinery inspectors will need to have some tolerance and to act reasonably and not apply the law to the letter as so often happens with

inspectors. An over-zealous inspector could make things very embarrassing and difficult for the individual concerned.

The honourable member for Isis referred to seat belts on tractors. Anybody with any experience in using tractors would know that in carrying out many operations, seat belts would make tractor working almost impossible and, if it were possible, very uncomfortable for the operator. I refer particularly to farmers in my electorate and in the Rochedale area of the Mansfield electorate. The farmers have very small runs, particularly during potato harvesting. Quite often the length of the row would be only five chains. The compulsory fitting of seat belts would be a farce in those cases, so it should be made optional and not applied across the industry. As I said, it could cause a considerable amount of inconvenience and hardship in some areas.

I refer to the provision that precludes anyone under the age of 17 years from riding on a tractor unless a second seat is provided. Very few tractors are designed in such a way that it is possible to fit a second seat. If one can be fitted, the legislation goes further and requires the provision of foot-rests, etc. Tractors are designed for easy application to the job that they are intended to do. The fewer the hindrances on the undercarriage in the way of foot-rests, the better. The more obstacles protruding from the undercarriage of a tractor, the greater are the risks of injury to the operator. In addition these protrusions could damage the crops on which the tractors are being used. I suggest that we have a second look at this matter. I know of only one or two makes on which a second seat could be fitted satisfactorily.

An operator will be allowed to drive a tractor at the age of 17 years. His working life could start at the age of 15 years. How could he receive tuition on a tractor when it is not possible to fit a second seat to it? He would have to sit or stand beside the operator to learn how the tractor works on the various crops concerned. I ask the Minister to give second consideration to this provision. If the age were lowered to 15 years, it would be practicable whereas it is not at 17 years. He could not ride on a tractor without a second seat being provided in order to receive tuition until two years after he commences work. The one result of this will be that farmers will break the law in order to teach their employees.

The size of tractors has been mentioned. Like other honourable members I note that tractors weighing less than 560 kg are excluded from the provision requiring the fitting of roll-bars. This covers the range of the very small garden tractor that is used not only for agricultural purposes but also for mowing lawns on large residential holdings of one acre or 1½ acres. It would be negative thinking to require the fitting of roll-bars to a tractor as small as that.

One thinks of the small, light inter-row tractors designed to prevent compaction of soil and used in open-plain areas, onion patches and lighter soils in which potatoes are grown. These tractors are light and they have no ballast but they come within the category of those that will be required to fit roll-bars. In view of the terrain in which those tractors operate and the way in which they are used, roll-bars will cause some inconvenience to operators. Perhaps departmental officers have not taken these factors into consideration. I feel that they lack the practical experience necessary to know where legislation of this nature should start and finish. In this case I feel that they have gone too far down the scale when requiring the fitting of roll-bars to the smaller tractors.

Although I have made those comments, I do not oppose the fitting of roll-bars. However, I would have preferred to see them fitted voluntarily. No-one will deny that accidents have happened but it has yet to be proved that roll-bars will completely eliminate tractor fatalities. Those who operate this type of machinery in hilly country could not deny that they are operating at considerable risk and in these areas I must agree that roll-bars are a necessity.

Hon. F. A. CAMPBELL (Aspley—Minister for Industrial Development, Labour Relations and Consumer Affairs) (7.42 p.m.), in reply: Again I thank honourable members for their contributions. I am prepared to accept the criticism of the spokesman for the Opposition at the introductory stage about the timing of this legislation. I grew up in the belief that it is always better late than never. In reply to his rather trenchant criticism I make the observation that of the two States that have Governments of his political colour, one, the hilly State of Tasmania in which there are numerous tractors, has not legislated in this way and the other, South Australia, only last year got round to introducing legislation of this type. I think that his criticism needs to be seen in the light of those facts.

I must say that I was rather amazed at the contribution of the honourable member for Isis in which he said that the Bill is unnecessary. He must surely be out of touch with primary producers' organisations. Most of them were involved in discussions on this matter not only with my departmental officers but with a whole range of people in the community who are associated with tractors. Primary producers' organisations do not share the view of the honourable member for Isis.

He went on to question the cost of roll-bars. He did not make any corresponding evaluation of the cost of lives lost through their absence. He then became rather paradoxical, I believe, when he said that most safety-conscious farmers fit roll-bars as a

matter of course. Of course they do, and if all farmers were safety conscious there would be no need for this aspect of the legislation.

He claimed that the legislation requires that a seat be provided for all passengers riding on tractors. If he studied the legislation closely, he would find that this requirement is restricted to persons under the age of 17. Another honourable member made reference to that.

The honourable member for Redlands raised several matters, and I think the comments I have just made on the points raised by the honourable member for Isis answer most of those matters. The honourable member said that we did not appreciate the implications of the Bill. Well, if it were simply a production of the officers of my department, I could understand this comment but, as I say, we have taken the widest possible advice and indeed, in order to get the consensus of all organisations, we have perhaps modified some of the requirements that were originally conceived. As I said earlier, we have obtained the consensus of all the primary industry organisations.

The honourable member also made the point that inspectors would need to be tolerant. I do not know if there are any overbearing inspectors in my department. If there are, I would hope that members would bring them to my notice. I simply say that my inspectors always act with tolerance and restraint.

The honourable member also made reference to large tractors being stable enough not to need roll-bars. Of course, the Bill provides that tractors exceeding a weight of 3 860 kg are not required to be fitted with a protective cab or frame. He also asked how one is going to train those under 17. I simply say it is axiomatic that if one cannot fit an additional seat then one cannot carry passengers under 17. There is no limitation for passengers over 17, and I hardly think a person under 17 would be teaching another person under 17 to drive a tractor. Experienced people in this field have indicated to me that they do not envisage any problem in that regard. The honourable member also mentioned the impossibility of fitting roll-bars to a rancher-rover type of tractor. I fully appreciate his comment on that.

Motion (Mr. Campbell) agreed to.

COMMITTEE

(Mr. Row, Hinchinbrook, in the chair)

Clause 1, as read, agreed to.

Clause 2—Commencement—

Mr. YEWDALE (Rockhampton North) (7.49 p.m.): The Opposition again wishes to refer to the appalling delay in the implementation of this legislation. I make particular reference to the table set out in clause 2 as to the commencement of the Act as it relates to certain tractors and other tractors that are likely to be used in industry. I would reiterate that we have been waiting for 10 years for this legislation and now we find that the date of operation must be fixed at least six months after proclamation. After the Bill is passed we have to wait for proclamation and we do not know how long that will be, either. So we have to wait for at least six months after proclamation and then wait for the periods set out in the table in clause 2.

It is rather ironic that between the introductory stage and the second-reading stage of this Bill a tractor overturned at the Royal Brisbane Hospital and a person was seriously injured. I think that highlights that such incidents are happening almost daily in the community. It makes one wonder why, with the agitation that there has been, legislation of this type has not been brought before the Assembly earlier.

The individual items in clause 2 mean further delay, which, in turn, will mean further hardship, further injuries and possibly, in some circumstances, further deaths. In the last two years there have been 41 fatalities associated with tractors. So if one assumes that accidents will continue at a similar rate —and statistics the accuracy of which cannot be denied show that they have in previous years—in the next 12 months it is possible that at least 20 people will be killed in tractor accidents in Queensland.

The attitude of the Opposition to clause 2 is that the over-all provisions contained in it will worsen the situation and delay the implementation of provisions that are very necessary for the safe operation of tractors.

Hon. F. A. CAMPBELL (Aspley—Minister for Industrial Development, Labour Relations and Consumer Affairs) (7.52 p.m.): The views expressed show the wide divergence of opinion amongst members of Parliament, and it is, of course, understandable. The honourable member for Rockhampton North wants instant implementation; the honourable member for Isis says the legislation is not necessary.

I thought that the honourable member for Rockhampton North would appreciate that there will now be almost uniform legislation throughout Australia. Queensland has taken longer in its consultations than other States, and the periods shown in the table are consistent with the requirements in the States in which legislation has already been enacted.

Clause 2, as read, agreed to.

Clause 3—Rural machinery not subject to Inspection of Machinery Act—

Mr. YEWDALE (Rockhampton North) (7.53 p.m.): One wonders why rural machinery is exempted from the Inspection of Machinery Act. That particular Act covers a wide variety of machinery and all engines. The department has a big administrative staff and competent officers and engineers. The

inspectors of machinery under the Act have a wide variety of powers and a whole existing legislative framework into which to fit rural machinery. It may seem an unnecessary duplication to put rural machinery generally under the Inspection of Machinery Act as well as specifically under the provisions of the Bill.

The Opposition believes that when lives are at stake and the safety of citizens is at risk, as much protection as possible should be given. The Inspection of Machinery Act 1951-1974 includes provision for supervision that would assist and promote the objects of the Bill, but clause 3, for no apparent reason, excludes it. We suggest that the Bill could quite easily have provided for coverage of rural machinery, because this is the very area about which we are now talking. The department employs people to inspect many types of machinery in many areas, but they are not permitted to inspect rural machinery. The Opposition believes that rural machinery should be subject to inspection in the same way as machinery in other areas.

Hon. F. A. CAMPBELL (Aspley—Minister for Industrial Development, Labour Relations and Consumer Affairs) (7.54 p.m.): It has been traditional in Queensland, not only under this Government but under former Labor Governments, to exempt rural machinery from the operation of the Inspection of Machinery Act. It would have been possible simply to introduce regulations to bring inspection of rural machinery under the Act. The Government thought that it would be better to have one Act dealing with the supervision of rural machinery as prescribed in the Bill. I repeat that it has been traditional to exclude rural machinery generally, and I do not think that in the three years that I have been Minister I have received any representations requesting me to alter present Government policy.

Clause 3, as read, agreed to.

Clause 4—Exemptions—

Mr. YEWDALE (Rockhampton North) (7.55 p.m.): The Opposition feels that clause 4 is an unnecessary requirement. We have some reservations about orchardists, for instance. It would be impractical to fit safety fences on tractors used in orchards, where there is a need for the use of low-profile tractors. We believe that the exemption referred to must be used cautiously. The legislation would be unworkable or useless if exemptions were allowed on a willy-nilly basis, because everyone would be asking for exemption. While we see exemption as a necessary requirement we suggest that the department should exercise caution.

Clause 4, as read, agreed to.

Clause 5, as read, agreed to.

Clause 6—Definitions—

Mr. YEWDALE (Rockhampton North) (7.56 p.m.): I refer to the definition of "owner". More often than not motor vehicles and other machinery are in charge of someone other than the owner. We suggest that most machinery and implements are under hire-purchase or other financial agreement. I doubt that "owner" is clearly defined in clause 6. When machines or machinery are used by persons who are not the true owners, there is some doubt as to the responsibility should an accident occur.

Hon. F. A. CAMPBELL (Aspley—Minister for Industrial Development, Labour Relations and Consumer Affairs) (7.57 p.m.): I think the wording is quite clear-cut. The definition of the word "owner" in the clause is consistent with the definition of "owner" in the Inspection of Machinery Act. That definition has been in that Act for a long time.

Clause 6, as read, agreed to.

Clause 7—Appointment of inspectors—

Mr. YEWDALE (Rockhampton North) (7.58 p.m.): We would hope that the department takes the necessary steps to ensure that sufficient inspectors are appointed to cover what we suggest is——

Mr. Goleby: I think we have enough now.

Mr. YEWDALE: If the belated legislation now before the Committee becomes law and, as the honourable member put it, an imposition on many people in rural industry, we suggest that the Government, being prepared to introduce it, should be prepared to police it. I am suggesting on behalf of the Opposition that the Minister make sure sufficient inspectors are appointed to cover the multitude of farmers and rural workers throughout Queensland.

Clause 7, as read, agreed to.

Clause 8—Powers of inspectors—

Mr. YEWDALE (Rockhampton North) (7.59 p.m.): There is no apparent reason why inspectors under this Bill should not enjoy the same powers as inspectors under the Inspection of Machinery Act. Under the provisions of section 30 of that Act, inspectors can inspect at any time between the hours of 6 a.m. and 6 p.m. No search-warrant is required. Section 8 of the Inspection of Scaffolding Act 1951-1965 enables an inspector to inspect at any place and at any time. Section 10 makes it an offence even to obstruct an inspector. Why isn't an inspector under the Bill given the same protection and scope to ensure the safe operation of rural machinery?

Clause 8, as read, agreed to.

Clauses 9 to 14, both inclusive, as read, agreed to.

Clause 15—Tractors; safety of passengers—

Mr. YEWDALE (Rockhampton North) (8.1 p.m.): This provision was ventilated a great deal at the introductory stage when members argued over the practicability of fitting seat-belts to tractors. As a layman, I would agree that some difficulties may be associated with the fitting of seat-belts on tractors.

Often we hear argument over the imposition of rules and regulations in traffic matters. For example, a furore developed over the introduction of seat-belts in motor vehicles. It was claimed by some people that they constituted an imposition on the freedom of the individual and that a person should not be compelled to fit seat-belts to his car. But I think experience has shown that seat-belts have saved lives. Whether it is reasonable to suggest that seat-belts should be fitted to tractors, I do not know. I believe, however, that this provision should be looked at closely.

Some people claim that certain things simply cannot be done. Experts, however, have shown quite often that such things can be done. At the introductory stage one member suggested that a tractor could be fitted with a seat-belt that allowed the operator sufficient mobility to turn his body if needed.

Mr. KATTER (Flinders) (8.4 p.m.): I raise one important point that I have discussed with two members who have law degrees, who agree with the contention I am about to put forward.

Section 293 of the Criminal Code sets out the definition of killing as follows—

> "Except as hereinafter set forth, any person who causes the death of another directly or indirectly, by any means whatever, is deemed to have killed that other person."

Section 302 defines murder as follows—

> "Except as hereinafter set forth, a person who unlawfully kills another under any of the following circumstances, that is to say,—
>
> . . .
>
> (2) If death is caused by means of an act done in the prosecution of an unlawful purpose, which act is of such a nature as to be likely to endanger human life;
>
> . . .
>
> is guilty of murder."

That section goes on to provide—

> "In the first case it is immaterial that the offender did not intend to hurt the particular person who is killed."

If a parent tells his child to plough a field, he has ordered his child to do an unlawful act. If death is caused to the child as the result of that unlawful act, which, of course, is of such a nature as to be likely to endanger human life—especially if the tractor is to be used, say, on uneven ground on the bank of a river—the parent could be charged with the murder of his child. That is a possible construction of the Bill. I could list a number of cases similar to the one I have outlined. In the light of those provisions in the Criminal Code, I think the Minister should review this clause so that this anomaly is removed.

Clause 15, as read, agreed to.

Clauses 16 to 18, both inclusive, as read, agreed to.

Clause 19—General Penalty—

Mr. YEWDALE (Rockhampton North) (8.6 p.m.): In the main, this clause refers to penalties and the proceedings to be adopted in the event of offences being committed. We believe that preventive measures are always better than punitive measures. I suggest that the principle of this safety measure should be that it is better to save a life than to impose a fine.

It would seem to me that the Minister and his department should be very careful about manufacturers and unscrupulous dealers. It would probably be cheaper for them to ignore the Act and run the risk of having to pay a $200 fine. To a big company in this day and age, that is only a nominal impost.

I mention to the Committee that the largest distributor of tractors in Australia has been fitting safety frames at its Brisbane plant ever since October 1974. I am sure the Minister is aware of that. I point out also that its Sydney factory closed down some years ago and that all tractors sold in New South Wales must have safety frames fitted. People in the Chamber tonight have been putting arguments forward as to the pros and cons of roll-bars on tractors; yet our sister State has legislative requirements that all tractors manufactured must have safety frames. Despite the fact that the biggest distributor in Australia has been fitting roll-bars in Brisbane since 1974, we have had a continuation of tractor accidents in Queensland causing injuries and deaths.

I do not care what any member says; it is quite obvious that the way our society has developed today, it is the responsibility of certain people—and in this case, the Government—to impose requirements on the community in the interests of the safety of the community. We have found that in many other facets of life and I do not see why we should not place on people in the rural industry responsibility to protect themselves and their families and to prevent all the unnecessary heartache and suffering associated with tractor accidents.

Clause 19, as read, agreed to.

Clauses 20 and 21, as read, agreed to.

Bill reported, without amendment.

STOCK ACT AMENDMENT BILL

Second Reading

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (8.10 p.m.): I move—

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

The amendments contained in the Stock Act Amendment Bill, which has become known as the pig-swill Bill, have created a lot of interest in this Chamber, and this is understandable.

Before proceeding further I should like to commend a "Telegraph" journalist. In this afternoon's edition, Mr. Ted Crofts has written an article under the headline, "What's Behind the Pig-Swill Bill." I would say that he has endeavoured to outline to that newspaper's readers what the legislation is all about. I agree with him 100 per cent. I did not give him the article. Apparently he has done some research. I commend him on putting the true situation before the public of Queensland.

When introducing this Bill I endeavoured to point out the risks posed by the possible entry of exotic disease into Australia, particularly foot and mouth disease. Entry of such diseases would immediately close overseas outlets for our meat, wool and dairy products and it could be some considerable time after an outbreak was eradicated—if this were in fact, possible—before overseas markets would again accept Australian products. It could take many years. The disastrous results to our economy of such an eventuality must surely be apparent to all honourable members.

The Bill does not purport to completely eliminate the risk of exotic diseases of animals entering this State or Australia. It would not be possible to do this even if we completely isolated Australia from the rest of the world by banning overseas travel, visitors to Australia, and international trade in primary products. The Bill does, however, seek to close the door to one of the main areas of risk.

As I pointed out in my introductory speech, many of the more serious outbreaks of exotic disease in overseas countries have commenced in swill-fed piggeries and, furthermore, swill feeding was also incriminated in the four outbreaks of swine fever in Australia since 1903.

At the outset, I would like to thank all supporters of this Bill, including the honourable members for Fassifern, Balonne, Albert, Warwick, Warrego and Gregory. I thank, also, the honourable members for Bulimba and Rockhampton, for their general acceptance, subject to closer study of the Bill.

The points raised by many members indicated some confusion concerning exotic diseases and I wish to thank the honourable member for Townsville for his enlightening contribution to the debate. He pointed out that foot and mouth disease is endemic in large areas of the world, but it is not present in U.S.A. or Canada as suggested by him.

Outbreaks are monitored by O.I.E. (Office Internationale Des Epizootics) which notifies animal health authorities throughout the world of the location and incidence of outbreaks of exotic disease. This enables quarantine authorities to tighten surveillance on incoming passengers and goods from areas where active disease is present. Such action was taken in relation to the outbreak of foot and mouth disease in Bali in 1973.

I would also point out that Australia, New Zealand, Oceania, North America, Ireland and the United Kingdom are free of foot and mouth disease, although the two latter countries have had intermittent outbreaks of the disease over the years. Most of these have been traced to scraps of waste meats in garbage fed to swine and the honourable member for Rockhampton pointed out that of 179 outbreaks in the United Kingdom, 79 were traced to swill feeding.

As indicated by the honourable member for Brisbane, following the 1967 outbreak of foot and mouth disease in the United Kingdom, steps were taken to ban the entry of bones, offal and lymph glands in fresh meat introduced from known infected areas of the world, as these are the most potent sources of infection. I'm not sure whether there were any in the bucket the other night!

In Australia, imports of fresh beef, veal, mutton and lamb are banned from all countries except New Zealand and, owing to the presence of trichinosis in pigs in New Zealand, there is a total ban on the introduction of fresh pigmeats. Meats and meat products from other areas may only be introduced in canned or processed forms that have been treated in such a manner as to render them sterile. They must be accompanied by a certificate issued by a competent veterinary authority in the country of origin testifying that the meat is the produce of healthy animals killed and treated under hygienic conditions and the products have been subjected to treatment that would kill any virus present.

Customs officers refer any meat products listed on cargo manifests for clearance by quarantine officers, who check the accompanying documents to ensure that all requirements have been met before permitting the goods to be off-loaded. The principal risk of exotic disease lies in the introduction of unprocessed or partly processed animal products smuggled in. The honourable member for Rockhampton quoted reports that some five tonnes of illegal food imports were seized by quarantine officers at international airports in 1974, and in 1975 some 10 tonnes of meat-based foods were seized following spot checks of incoming passengers' luggage and of parcel post. It must therefore be obvious that large quantities of such illegal imports are finding their way into Australia.

It would be fallacious to imagine that every morsel of such illegal imports is consumed, as indicated by the member for Isis. Rinds, casings and tag ends would usually go into garbage and, in view of the semi-processed nature of many of these products, which are introduced under far from ideal conditions, there must be a proportion that becomes inedible and has to be discarded.

A concern is felt that a total ban on commercial imports of meat products could lead to an intensification of smuggling, particularly of products that would not meet the rigid requirements at present imposed on legal imports, and could in the long run defeat the very purpose it was intended to serve. However, as this matter has been raised, I have requested that the importation of canned meat from countries with diseases exotic to Australia be put on the agenda for the next meeting of the appropriate Commonwealth-State committee. As a member of the Agricultural Council, I will argue, as a number of members have argued, that the importation of meats from such countries should be discontinued. As honourable members will no doubt be aware, the Premier indicated his intention to take up this matter in direct correspondence with the Prime Minister. That has already been done.

Mr. Houston: He spends all his time writing but gets nothing done. What has he achieved so far?

Mr. SULLIVAN: It is quite important to put things on paper. He has achieved a great deal in the years he has been Premier.

Mr. Houston: What?

Mr. SULLIVAN: His greatest achievement was to rid Australia of the Whitlam Government. He will go down in history as ridding Australia of the greatest scourge it ever had, and that was the Whitlam Government.

It may be pointed out that the preliminary spraying of an overseas aircraft before passengers are allowed to disembark is followed by a more thorough treatment afterwards to ensure, as far as is possible, that no unwanted insect pests are introduced into the country.

For the benefit of the honourable member for Callide, I would like to point out that Oceania is an area free of foot and mouth disease and many of the other infectious diseases of pigs that we wish to keep out of this country. It may also be pointed out that no fodder or bedding is allowed ashore from overseas ships that have carried livestock.

The concern of the honourable member for Somerset at the risk involved in the direct import of hams by U.S. forces during the war years is understandable, but the U.S. was free of foot and mouth disease at the time.

I trust that the foregoing information will serve to answer points raised by the honourable members for Balonne, Brisbane, Bundaberg, Callide, Carnarvon, Gregory, Hinchinbrook, Isis, Somerset, Toowoomba South, and Windsor concerning imported meats and quarantine services.

An allied question relates to the relative lack of supervision and control of foreign fishing vessels operating in northern areas. The surreptitious landing of individuals from overseas vessels at isolated spots on the coastline represents a risk from the illegal introduction of animal products. Similarly, food scraps dumped from ships at sea present a disease risk, but such scraps have to run the gamut of predatory fish and birds before being washed ashore. These matters were of particular concern to the honourable members for Balonne, Flinders, Gregory, Hinchinbrook and Mackay. Tightening of any security measure to reduce the risk of introducing exotic disease is always desirable, and any attempts to close the Gulf of Carpentaria to foreign shipping and to exercise stricter control on their movements and actions in coastal waters would have my fullest support.

The honourable member for Mackay raised the question of risks associated with the proximity of the Torres Strait Islands. I would refer him to my answers on 31 March to the questions raised by the honourable member for Everton which dealt with movement of animals in the Papua New Guinea-Torres Strait islands area. Similar surveillance is maintained on meat products.

The honourable members for Callide, Carnarvon and Mt. Isa were concerned about an apparent failure to consult local authorities before steps were taken to introduce legislation under which they could be obliged to accept responsibility for disposal of additional food wastes. In point of fact, a committee comprising officers of my department, the Health and Local Government Departments and the Brisbane City Council was set up in January 1975 to consider the problems likely to be encountered by local authorities. Subsequently, the Health Department forwarded a letter to all local authorities setting out the position, advising them of the alternatives available to cope with the waste products, that is, burial, compaction, disposal with night soil or disposal through sewerage systems, and seeking notification of the methods each local authority proposed to adopt to meet the situation. The response was poor. Only 31 local authorities felt concerned enough to reply to the letter; 81 others did not bother.

For the information of the honourable member for Mt. Isa, the reply from Mt. Isa City Council indicated that it was proposed to dispose of wastes through large garbage grinders and by burial with night-soil. I take it from this reply that the shire clerk at least was au fait with the proposed requirements. Subsequent advice obtained by my departmental officers indicated that the

Mt. Isa City Council had advised that, of 138 businesses where wet swill is included in garbage, only six were separating the swill for pig feeding. The balance were enclosing their wastes in sealed plastic bags for daily collection for disposal at the council tip.

Mr. Bertoni: Would you like to indicate to the House if your reply from the Mt. Isa City Council came from the city council itself or your health inspector only?

Mr. SULLIVAN: When you say "your health inspector", he is not my health inspector.

Mr. Bertoni: Well, from the health inspector. Was it from the health inspector or the Mt. Isa City Council? I have to reply to that.

Mr. SULLIVAN: We will forget about the problem of pig-swill for the moment. If I as Minister for Primary Industries have a problem with one of my councils, be it Chinchilla, Wambo or Dalby, I contact the shire clerk or the town clerk or whatever he might be. I have sufficient confidence in the information conveyed to me to believe he is speaking for the council.

If the shire clerk at Mt. Isa asked his health officer for information, I should hope that the shire clerk and the council would have confidence in the information that he supplied. The honourable member for Mt. Isa would have been mayor of the city at that time, and I am sure he would have had confidence in the shire clerk. I do not get in touch with every member of the council when I have a problem, and I am sure that other honourable members do not, either. Shire clerks are spokesmen for councils, and I hope that they have the full confidence of the councils. I make no apology for the information I have given from Mt. Isa, and I do not retract anything.

When swill feeding ceases, the council sees no problems in accepting all swill for disposal at the tip.

Other replies indicated that the councils concerned would be burying unwanted food wastes in trenches with the night-soil, burying it with garbage or disposing of it through sewerage systems. A number indicated that the relatively small additional quantities of wet garbage would be readily absorbed by dry waste materials collected.

The costs likely to be imposed on local authorities in the disposal of additional food wastes when the proposed legislation is brought into operation were a matter of concern to many honourable members, including those from Albert, Archerfield, Belmont, Fassifern, Mt. Gravatt, Rockhampton and Warwick, some of whom felt that financial and technical assistance should be provided from State or Federal sources. In this regard, I can only refer to Press reports of statements made by the former Federal Minister for Health, Dr. Everingham, that it was open to local authorities in this situation to seek financial assistance from the Federal Government. The matter will be raised again at the Australian Agricultural Council and I have already written to the Minister for Primary Industry, the Honourable Ian Sinclair, requesting his support and asking him to take the matter up with the Federal Minister for Health.

Honourable members will see that I am not putting the blame on the former Federal Minister for Health, Dr. Everingham. He is past history. However, he made that statement when the negotiations were taking place. I am being consistent. I have taken the matter up with the Federal Minister for Primary Industry, Mr. Sinclair, and asked him to discuss it with the Federal Minister for Health to see whether assistance can be given to councils that have some financial involvement.

Information made available to my officers has indicated that many local authorities are already disposing of all food wastes and that only an additional 1.1 per cent of total garbage generated in south-eastern areas of the State is at present fed to pigs.

No problems are anticipated in the metropolitan area when the ban on garbage feeding is introduced, despite the claims of the honourable member for Brisbane, as sewerage and garbage tips can cope with additional food wastes, and costs for additional service collections will be passed on.

Townsville will also be imposing a charge for each additional garbage collection service required. I understand that additional costs at Charters Towers would be of the order of $25,000-$30,000 I also understand that $60,000 would be required at Goondiwindi to upgrade the sewerage system to handle additional wastes, but it could be handled by burying. Dalby is not concerned by requirements to dispose of additional garbage and will pass on any additional costs incurred.

Toowoomba has indicated that $3,000,000 will be required to upgrade sewerage facilities; but this additional capacity is required to meet demands of an increasing population and is not simply the result of the proposed ban on feeding waste food-stuffs to pigs, as some honourable members would appear to believe. The city has that problem whether or not swill is ground and put through the sewerage plant.

However, I would stress that the costs likely to be incurred by local authorities would be insignificant in comparison with the economic disaster that would follow an outbreak of exotic disease such as foot and mouth disease.

The honourable members for Fassifern, Flinders, Rockhampton, Warwick and Warrego drew attention to the capital investment in our livestock and the enormous costs involved in control and eradication of

this disease. A sum of $2,000 million was mentioned in relation to costs involved, in addition to which there could be complete loss of overseas markets for our meat and dairy products and restrictions on trade in wool for an indefinite period.

Mr. Wright: What about the effect on the small towns and the meatworks? It would be devastating.

Mr. SULLIVAN: That is so right. The effects would extend right throughout the community, but would be particularly severe in rural areas.

It was these facts, together with the outbreaks of foot and mouth disease in Bali in 1973, in France and the Island of Jersey in early 1974, and the outbreak of swine vesicular disease in Great Britain in late 1972, that led the Animal Health Committee to recommend to the Standing Committee on Agriculture that a ban be placed on the feeding of waste foodstuffs to pigs in Australia as an additional precaution against the introduction of such diseases. For the information of honourable members, the Animal Health Committee comprises senior Commonwealth and State veterinary officers. This recommendation was supported by the Australian Agricultural Council comprising the Commonwealth and State Ministers for Agriculture.

I should point out at this stage that, because a matter is agreed to at Australian Agricultural Council, it does not mean that it is a fait accompli for the States. If I am in favour of it, I undertake to support it and put it before Cabinet and, later, Parliament. It is clearly recognised that where legislation is involved, the legislators have the final say.

The present legislation flows from these actions, and cannot be construed in any way as a sop to southern interests; rather is it a genuine desire to do our part in preventing the entry of exotic disease to this country. In this regard the approach of the honourable members for Windsor, Callide, Murrumba and Stafford, who advocated that food wastes should continue to be fed to swine on the grounds that exotic diseases could be contained in the pigsty can only be due to a lack of appreciation of the dire consequences that could flow from such a course of action. In this regard, the honourable member for Carnarvon mentioned creating a barrier somewhere in the centre of Queensland to seal off foot and mouth disease. Because of the method of spread of this disease, this may be of little help, and would not assist in getting acceptance of our exports by overseas countries who treat Australia as a whole.

If foot and mouth disease were to break out at, say, Jondaryan—please God it never will!—that area would be immediately quarantined. Only a few farms might be affected. The suggestion has been made that the State should be divided in half. What would we do then? Do we move all the cattle from Jondaryan out to west of Charleville, and light up the whole of the area on the way through? It's just not on! Certain arrangements have been made, but I am not going to outline them now. Some years ago an irresponsible character around Mt. Crosby smuggled in semen and artificially inseminated his stock. That was in the days of my predecessor John Row. Those cattle were quarantined and destroyed. In such circumstances certain departments take certain action. The Main Roads Department, the Transport Department, the Police Department, the Department of Primary Industries and the Department of Local Government all come into it. Equipment can be commandeered and thrown into action at a moment's notice. That is the way the thing would be handled, but I am not going to go into that in detail at the moment.

I was talking about the acceptance of our exports by overseas countries. As an example, following the recent small outbreak of fowl plague in Victoria, Queensland's exports of day-old chickens were no longer acceptable to most importing countries.

The honourable member for Somerset pointed out the human tendency of owners to try to cover up outbreaks of disease in their animals, and the honourable members for Carnarvon and Townsville informed the Assembly that the virus may be spread on the wind for considerable distances.

There is evidence that in conditions of high humidity the virus can be carried for more than 30 miles by the wind.

The member for Carnarvon queried whether there were contingency plans in existence to deal with an outbreak of foot and mouth disease. I am happy to be able to assure him that plans for control of foot and mouth disease, swine fever, rabies, blue tongue, rinderpest, African horse disease, Newcastle disease and fowl plague have been prepared by the Animal Health Committee and approved by the Standing Committee on Agriculture. Officers of my department have conducted exercises on the control of a simulated outbreak of foot and mouth disease.

In fact, these arrangements for the control of exotic disease were put to the test recently when fowl plague occurred in Victoria. The disease was confined to three properties. Surveys were put into effect immediately in all States, with the result that Australia was able to announce freedom from the disease again within weeks.

Some honourable members felt that the collection of food scraps from restaurants and similar premises represented little risk. While it is fair to say that it is unlikely that restaurants would be responsible for scraps of illegally introduced meats entering the swill, the risk is still there. Consideration must be given also to the practicability of

separating garbage from one source from that from others and the insurmountable difficulties of policing this.

The question of poultry abattoir wastes was raised by the honourable member for Albert. Such wastes may be treated and fed to pigs kept on licensed slaughter-house premises or on external premises of a satisfactory standard licensed under the provisions of the proposed regulations.

The members for Toowoomba North and Cunningham expressed concern at proposals to dispose of food wastes through the sewerage system at Toowoomba as posing an enormous threat over a wide area of country drained by the Condamine River. With respect, this seemed to be based on the misconception that virulent disease would be present in each scrap of meat put down the garbage disposal units, and that virus by the bucketful would find its way into the out-fall from the Toowoomba sewerage system. Nothing could be further from the truth.

If exotic disease were to penetrate our quarantine defences, it would most probably come in with isolated small quantities of meat products smuggled into the country. The small scraps disposed of as waste could carry enough virus to infect one or two animals if fed to pigs. This is all it would take to precipitate an outbreak of foot and mouth disease, because, as pointed out by the honourable members for Balonne and Carnarvon, the pig is such a potent source of virus production and dissemination once it becomes infected.

Mr. Elliott: Suppose these contraband scraps are infected and they find their way into the sewerage system. What happens then?

Mr. SULLIVAN: As the representative of an electorate that is drained by the Condamine River, I would rather take the risk of having them ground and fed into the sewerage system, with the knowledge that the virus would break down, than take the risk of having them picked up by a pig which, as I have already said, is a great incubator of the virus and let run loose down along the Condamine. That is my belief as a layman, and that is the advice given to me by my officers. I believe the risk is 1,000 times less.

Mr. Bertoni: Do you honestly believe the virus is killed in a sewerage system?

Mr. SULLIVAN: I believe there is very little chance of the survival of the virus once it is distributed in the sewerage system. The chance is much less than if the virus is allowed to generate in a pig.

This minimal source of infection, if shredded and disposed of through a sewerage system, where the virus would not multiply as it does in the live animal, would result in the virus becoming so highly diluted that the chance of causing infection would be almost negligible. This would also apply in the situation posed by the honourable member for Somerset in regard to sewerage effluent used to irrigate pastures.

Members should understand that in the event of an outbreak of suspected exotic disease a standstill area would be immediately declared, in which all movements of stock would be banned. Steps would be taken to destroy all infected and suspected animals and all animal products, either by incineration or by deep burial. Only healthy footstuffs from outside areas would be allowed entry to the standstill area, and there should be only a very remote chance of infected animal products from a suspected local outbreak finding their way into food wastes disposed of through a sewerage system.

The problem posed by feral pigs gaining access to council dumps was of major concern to a number of honourable members. Undoubtedly, many feral or domestic animals have access to such dumps at present. This cannot be regarded as satisfactory and it is evident that steps should be taken to ensure that the situation improves.

Where feral pigs are active, at least the dumps should be enclosed within a pig-proof fence. I believe that people in local authorities are fairly responsible. A large percentage of council members are stock owners. In areas where the feral pig is a problem, if the matter is drawn to their attention they will take action.

It is not hard to put a pig-proof fence round a council dump of three, four or five acres. Having cut my teeth as a farmer and as a pig producer in building pig-proof fences from eighth-line ring-lock wire, I know that if pigs can be fenced in they can be fenced out. I have every confidence in our local authorities. They can see that we have taken the lead as a Government to protect our livestock industries through this measure. This is our responsibility. I reiterate that it is not the complete answer, but it is our area of responsibility. I would be extremely disappointed if the councils did not measure up to their responsibility.

Unfortunately, there are no requirements under the Health Act for fencing to be done, but local authorities are obliged to cover refuse daily to a depth of 200 mm.

The environmental impact of waste disposal was raised by the honourable member for Belmont. An answer may lie in the information supplied by the honourable member for Albert, who drew attention to a survey being conducted in the Moreton District into disposal of wastes by solid fill. He also pointed out that modern fragmentation processes reduce wastes to 60 per cent of the original volume, and they may then be utilised for land fill without coverage.

As honourable members are no doubt aware, feral pigs are declared to be pests or vermin throughout the State under the provisions of the Land Act. This action automatically places an obligation on landholders

to do their part in controlling these animals, and a trial control programme using "1080" baits was recently conducted as a co-ordinated exercise involving some 40 shire areas. Preliminary reports indicate a drastic reduction in the feral pig population of at least 70 per cent in those shires that fully co-operated.

I would also point out that in the plans for control of an outbreak of exotic disease, provision is made for assistance from the Armed Services for the mass extermination of feral animals.

The honourable member for Mt. Isa requested that consideration be given to exempting swill-fed piggeries in the Mt. Isa and Flinders area from the provisions of the legislation, as being areas of low risk. On the contrary, I believe Mt. Isa, with its high proportion of immigrants and an affluent population with direct air-connections to overseas countries, must be regarded as an area of high risk for the introduction of smuggled animal products.

I do not say this with any disrespect for the people of Mt. Isa; but people are people and visitors coming to see their relatives, with no thought of the danger they could cause to our animal industries, in all good faith and kindness bring along some salami or other food that could contain the virus. They are not aware of the havoc it could create. Because of this I believe that Mt. Isa could be regarded as a high-risk area. For this reason it is not intended that any special concessions be accorded to swill-fed piggeries in the area.

I share the concern of the honourable members for Carnarvon, Mourilyan, Barron River and Warwick at the possibility of a ban on entry of Queensland pigs and pig-meats to New South Wales if the proposed legislation is not proceeded with. Northern Rivers pig producers have, in fact, requested the New South Wales Government to take this action.

The honourable members for Archerfield, Callide, Cunningham, Mt. Gravatt and Windsor favoured the establishment of dry-rendering units, incinerators or composting to handle food wastes. My department ran some trials on the dry-rendering of food wastes from certain establishments in the Brisbane area, including a canteen and a private hospital. A very acceptable product was obtained, but the original bulk was reduced by 80 per cent and pig producers who saw the product did not express any real interest in it.

Nevertheless, even though the bulk had been reduced by 80 per cent, it could be that the food value had not been reduced by anything like that percentage. Whether the dry-rendering is done by private enterprise or local government, any such wastes are acceptable because the virus would have been dealt with.

In this regard, English experience indicates that only larger centres of population could finance and run centralised centres for the dry-rendering of food wastes, as volume of through-put is the main prerequisite for economic operation. Boiling of swill was ruled out as being unacceptable by the Animal Health Committee, being too difficult to police and not being efficient unless carefully supervised.

Dr. Crawford: What about the dry process? Is it too expensive?

Mr. SULLIVAN: It is the initial outlay. I have heard figures from $30,000 to $50,000 to set up a dry-rendering plant. It is a once-only cost. It could be a commercial propostion or it could be a proposition for local government. Local government has said that until we introduce regulations it cannot do anything. But I would say that it is a possibility.

Dr. Crawford: Then shouldn't the Government do something about it?

Mr. SULLIVAN: If we get the regulations through, it is something that we may be looking at; but we cannot look at it if we are not going to get the regulations through.

Dr. Crawford: It would certainly save all the waste going into the sewerage system.

Mr. SULLIVAN: That is true.

While it is also true, as the honourable member for Flinders pointed out, that premises in Great Britain are permitted to boil food wastes for not less than one hour for the feeding of pigs, it must be borne in mind that this applies only where a very high standard of facilities exists and very close supervision can be maintained.

English farmers are also very conscious of the risks involved in feeding untreated animal products and the need to maintain a high standard of hygiene where food wastes are handled.

Can anyone really imagine the degree of supervision and inspection that would be involved in ensuring that boiling for one hour or more would involve? Can anyone really imagine people regularly doing it?

As recently as last week there was an outbreak of swine fever in England. Fair enough; they are allowed to boil it for one hour—provided it is supervised. But England's record in the incidence of disease in stock is probably worse than that of other countries.

Mr. Katter: If we cannot supervise and police the boiling problem, how are we going to supervise and police the eradication? These fellows are still going to feed swill to their pigs.

Mr. SULLIVAN: We will certainly do something about that. There will be penalties involved. It is possible to come across a man illegally feeding swill but how do we find sufficient inspectors to ensure that, if it is allowed to be boiled, it is brought to the prescribed temperature? We have had

experience in this sort of thing. A fellow will say that he has been boiling for hours when all he has done is light a couple of brigalow sticks under it. Perhaps other methods can be developed, but at present the best information and advice is that we might as well do nothing as allow swill to be boiled as it has been boiled in the past.

I should also point out that Great Britain is an importer of meat. We rely so much on exports. We have so much more to lose. Is there evidence that this measure is working? Only last week we had advice that vesicular disease of pigs had been diagnosed again in England after it had been apparently free for six months.

The honourable member for Somerset stated that we are the lucky country in that there has been no incursion of foot and mouth disease into Australia for over 100 years.

I could not agree more. However, luck is not always enough and after a century of freedom from this disease our luck may be running out. Prudence therefore dictates that every practical step be taken to tighten our defences against the incursion of exotic disease.

I believe the Government has this responsibility. I have never claimed that what is proposed is the complete answer to the problem and that it will guarantee that there will not be exotic diseases in this country. I agree with my critics that quarantine and customs measures need to be tightened and that more patrols are needed in the Gulf country to meet the threat posed by foreign fishing vessels. I do not want to inflict any hardship on the livestock industry or those who have to dispose of swill. I am a farmer myself and, if I did not realise the dangers of exotic diseases, I might have different thoughts on the matter. I have not heard any stock owner complain about the measure that I am endeavouring to bring down.

With all the sincerity at my command, I commend the Bill to the House.

Mr. HOUSTON (Bulimba) (8.52 p.m.): The Opposition will support the second reading of the Bill if for no other reason than that we do not want Queensland isolated from the rest of Australia. I think that one of the most important points made in the debate so far is that, if Queensland does not join the other States, the pig producers in Queensland could be at a disadvantage in endeavouring to move their stock and, more importantly, their product over the border. I do not think it could be called blackmail; if there was any blackmail, it was in the decision of the Agricultural Council of which the Minister was, I believe, a member. On the advice that he received, he whole-heartedly supported the measure at that time. To my mind, no evidence has come forward in the House to cause me to disagree with that reasoning. If this sort of decision could be made in Parliament and the Minister could go to the Agricultural Council and express views as a delegate from Parliament, a different set of circumstances would prevail. However, the point is that the Minister, on behalf of the Government, committed the State.

That in itself is not the complete answer. Since then the neighbouring State of New South Wales has brought down similar legislation. Whether section 92 of the Constitution could be invoked is a matter for legal interpretation. I believe that New South Wales could certainly prevent the passage of stock and pig products as a health precaution, just as fruit is prevented from crossing State borders. I do not think there is any doubt that New South Wales could, and would, apply such a prohibition if it were felt in that State that an industry that it was thought was protected would be jeopardised. I make that point now so that nothing that I may say later can be thought to contradict those feelings.

There are two main considerations. The first is to take steps—and I support reasonable steps, not wild steps taken willy-nilly—to keep out any diseases that affect our primary industries, whether it be the cattle industry, the poultry industry, or any other. On the other hand, we have to make sure that when we ban the feeding of this swill to pigs we do not create a possible danger to humans. We have to do two things and I believe we can do both successfully. As honourable members know, this Bill contains only two clauses and virtually all it does is lay down that certain things are prohibited and that piggeries are to be registered. That is all the Bill does.

Mr. Moore: And they can do something and they can't do something. They can please themselves by this.

Mr. HOUSTON: The point is that regulations will have to tidy up the details. But in the final result, the main aim is the disposal of swill in one way or another. At the present time our waste food is disposed of in three ways, firstly, by mechanical means and then perhaps through the sewerage system, secondly, by burial, and, thirdly, by feeding it to various animals. The feeding to pigs of what is now commonly called swill is the main method. This Bill will eliminate that in the sense that the feeding of raw swill to pigs will now be prohibited.

Once we have agreed that the swill in its raw form is not going to be fed to pigs, we then have to decide what is going to happen to it. It will be a tremendous problem in the city of Brisbane. As burial is the main method of waste disposal at present, I have no doubt that the city council will use that method to dispose of swill. To my knowledge the Minister has not laid down any rules or laws that will be introduced to compel private industry to introduce methods of devoluminising, if I may use that term, the amount of swill that

they create. I believe that some sections of industry could well afford to make sure that their swill is not just put in cans and left out on the footpath for the council to pick up. I believe that they have to play their part in making disposal easier, and, as far as possible, they should provide non-noxious methods of holding their refuse until it can be collected and disposed of.

We have a similar problem in country areas. I believe one of the weaknesses in what the Government proposes is the failure to make any arrangement for financially assisting local authorities to dispose of this swill. The Minister did mention the erection of fences to keep pigs out of rubbish dumps, and I have no doubt that this should happen. I agree with the Minister completely. If we can put up a fence to keep something in, we can put up a fence to keep something out, provided we know what we are dealing with. But the point is that is going to cost money and, as we have argued on many occasions, because local authorities have only one source of income and that is rates, they are going to be in very sorry straits if we force them to carry the whole burden. So my first plea to the Government is that when this Bill is passed it makes sure money is available to the local authorities to carry out the requirements that the Government should lay down as far as the disposal of waste is concerned. Fencing is one of the things that have to be considered.

Public health concerns me greatly, and unless we can dispose of this waste very efficiently, it will become a public health hazard. At the present time most of the waste that is disposed of is dry or is sealed in some container. When most people put rubbish in the garbage bin, it is either dry rubbish such as tins or bottles or rubbish in plastic bags or containers for easy disposal. On the other hand, the type of garbage that is collected for pigs is usually in big drums or cans, and it will not be so easy to dispose of. We do not want refuse of that type just tipped out on the ground, and it will be much more difficult to dispose of it and make it safer than normal refuse.

The cost of disposal must be taken into consideration and also whether or not local authorities will be prepared to provide the additional services required. We must ensure that the swill which is deposited on refuse dumps does not become a danger to children. Unfortunately, children do go to dumps and look round for things of interest to them. In some cases they come home with pieces of equipment and show how handy they are by making things from them. I am particularly worried about younger members of a family who may be there. The older brother or sister might know exactly what he or she is doing, but younger children could possibly pick up some of this refuse. I suggest to the Minister that that is a problem which will be faced by local authorities. He need not worry about public pressure. If one child becomes sick from contact with refuse of this type, there will be an outcry in the Press and the other news media, and I will support it. The local authorities will then be forced to go to quite a lot of expense to try to overcome the problem.

Perhaps the safest way to dispose of this refuse is by a rendering process, and it could well be that a very lucrative private-enterprise project will come out of this. As honourable members know, abattoirs render down offal into food compounds for animals, and something similar is done at the fish markets. I have no doubt that if it were looked at as a commercial enterprise, a rendering plant could be established in a noxious industry area, and abattoir waste, fish waste, poultry waste, and other similar waste could be rendered down and used in mixtures to give to stock of various types. As I said, that is already being done commercially in the abattoirs. Fairly large quantities will be involved in this instance, so it might well be a worthwhile enterprise. In my opinion, the Government, perhaps through the Department of Industrial Development or some other department, should look at the possibilities and probabilities. It would be advantageous if waste could be given a commercial value, particularly in stock food.

One of the greatest waste problems in our cities arises from the discarding of commodities when their useful life in one direction has finished. Far too often they are simply thrown away, buried, burnt or otherwise disposed of when they could be recycled. Without departing from the provisions of the Bill, I point out that in some States the recycling of cans is now well established. The remanufacture of waste paper and old clothing is now a viable commercial industry. I am surprised that the Minister did not tell us whether the Government had investigated the possibility of handling the refuse that way.

I support the Minister in the banning of certain meat products. I see nothing wrong with that at all. After all, our main concern should be the welfare of our own nation. If some countries are supplying us with suspect foodstuffs, the easiest course is to ban imports from those countries. Before doing that we should be encouraging the manufacture of various meat products in this State.

Mr. Kaus: You have a fellow by the name of Hans in your electorate who is doing that.

Mr. HOUSTON: I did not intend to give a commercial plug, but I will support the honourable member on that. He is not operating in my electorate, but he is still doing very well. I am sure that company would like to expand. The main reason it doesn't is that it takes a lot of money to set up a new, modern establishment.

Mr. Kaus: They do export.

Mr. HOUSTON: Yes, but if we ban all imports there will be a bigger home market. I can understand migrants having a liking for certain types of foodstuffs. Some nationalities like more spice in their foods than others.

Mr. Moore: Have you ever tried baby beans?

Mr. HOUSTON: The honourable member is talking about baby food. I think he had better stick to it. It suits him.

We are Australia's major beef producer. At times we are crying out for more markets, so there is a surplus to be absorbed. Our mutton and lamb production is well known. Our pork production could certainly increase. We produce the various cereals that are used in the manufacture of the special meats that are the subject of question. These things are all available in Queensland. All we require is someone with the necessary enterprise.

Mr. Hinze: What do you feed your dogs on that you race at the Gabba?

Mr. HOUSTON: They are all fed on first-class meat.

As the Minister said, the main concern is the smuggled food. That will always be a problem. I do not think the day will come when we can say that that sort of thing does not happen. I accept the Minister's argument. But we can over-react when we come to banning. I would like the Minister to look at the possibility of allowing certain establishments to be declared clean establishments. I cannot see that hospitals, for example, would be purchasing or acquiring smuggled goods. The Government is going to license the piggeries. Even though they are not going to be handling swill they will still be licensed. I can see no reason why establishments—I refer to hospitals particularly—that give an undertaking that they will serve only locally produced or Australian-produced goods cannot be licensed.

Mr. Simpson: What about if a visitor brought in a piece of salami?

Mr. HOUSTON: I should imagine that if a visitor brought in a piece of salami to a patient, the patient would eat it while the visitor was there. He would not put it aside and throw it in the rubbish tin later.

Mr. Simpson interjected.

Mr. HOUSTON: If we take the matter to the extreme, why don't we do something about guarding our northern waters? The honourable member is being ridiculous. The Opposition is co-operating with the Government, and we suggest that the Government look at this problem.

Certain people have over-reacted. In fact the attitude displayed by some Government members at the introductory stage showed a certain amount of over-reaction on their part. Of course, it also showed concern.

The Minister might consider that the disposal of this additional swill will not create a problem. It will create one, because the swill will not be the solid type of refuse that is normally disposed of.

Mr. Chinchen: Where do you stand on the Bill?

Mr. HOUSTON: The member for Mt. Gravatt has finally arrived. I don't intend to tell him where we stand. Let him ask an intelligent member where the A.L.P. stands.

Mr. Chinchen: This is a filibuster.

Mr. SPEAKER: Order! Honourable members will refrain from persistent interjections.

Mr. HOUSTON: The Government should investigate the possibility of declaring certain areas free areas on the receipt of undertakings by management. These areas can be policed. It would not be difficult for an inspector to police a cafe or to ascertain the source of the foodstuffs used there.

It is true that the elimination of swill feed will increase the operating cost of piggeries. I am sure that if commercial feed were cheaper the piggeries would have used it long ago. Obviously swill-feeding, although not the cleanest method of feeding, is the cheapest. Commercial feeding is certainly cleaner, but it is also more expensive.

Mr. Warner: Much dearer.

Mr. HOUSTON: It certainly is. Swill-feeding has one great disadvantage in that it does not provide a balanced diet.

Mr. Katter: No.

Mr. HOUSTON: It is unbalanced. The farmer virtually takes his pick. It is certainly not a scientific method of feeding. Some days the swill will contain a certain type of foodstuffs; on other days it contains a different variety.

Mr. Katter: With due respect, that is not right. It is a far more balanced diet than prepared feed.

Mr. HOUSTON: I cannot accept that at all. I do not think any medical man would agree with the honourable member. A properly balanced foodstuff is much better than a catch-as-catch-can type of feed. Scientific feeding would tend to put more weight onto a pig in a shorter period than usual.

The Government has a financial obligation to the local authorities to help them dispose of the waste. It has an obligation, through the Department of Primary Industries, to help the operators of the piggeries in their new method of feeding. The farmers will need a lot of help in the change from one type of feeding to another. They could very easily fall into the trap of buying expensive feed that may not be the best. So I believe

the Department of Primary Industries must help them. In addition, as the honourable member for Cairns so correctly said, in times of high feed costs, the Railway Department has to play its part by giving rebates to make sure that pig farmers receive the same assistance as others in primary production.

I am a little surprised that the Bill provides for the prohibition or regulation of the movement of swine for slaughter. I can see that this has been done to preserve consistency in the Bill. If the disease is in the swine, is it only in its offal or is it in the meat? It must be in the meat; otherwise we would not be worrying about salami or other meat products. However, if we are to control the movement of swine to slaughter—and most probably the Minister could answer this —what about pigs that are slaughtered on the property? As the Minister knows, it is not uncommon in country areas for a grazier to slaughter one of his own animals for home consumption. That is regularly done. However, we all know that if any friends are visiting they are given some meat to take away.

Mr. Sullivan: If I can give you the answer as I see it now, that precaution is there for this reason. There will be a lot of butcher's pigs. They are healthy. They are killed there and then. It is known that there is no disease in them. However, if a farmer is breeding pigs and there is a virus in them, and if we allowed young store pigs to be sold out to dairy farmers, the virus could develop in that way. That is the reason for the provision: to contain it at its source. The pigs have to be grown to killable size and sent to slaughter while it is known that they are healthy. It is just a precaution.

Mr. HOUSTON: I can accept that, but I suggest that there is a loop-hole there that the Minister should look at. A problem could arise where three or four days or a week before an outbreak is discovered, pigs could have been slaughtered and the meat disposed of to friends and taken out of the area.

I have no fight with the clause in the Bill. However, it only relates to those conditions of going for slaughter. I believe that, from the point of view of inspection, the matter I have raised will have to be considered. Piggeries that were in the habit of killing and then sending some meat out would have to be warned about this possible problem.

For the benefit of the honourable member for Mt. Gravatt, as I said in my opening remarks—if he had been here—yes, we support the Bill.

Dr. LOCKWOOD (Toowoomba North) (9.19 p.m.): I would first like to point out to the Minister that in the past he has had several opponents who desired to keep feeding raw swill to pigs—and, I might add, to poultry as well. One of their chief arguments was that, no matter what we did in the Bill, those practices would continue somewhere in Queensland. In addition to opponents, he has had several critics who, to a man, were all concerned with the need to implement not just some controls but the very best controls possible to prevent the establishment of these diseases in any of our farm animals.

All honourable members and indeed all people in Queensland are concerned about our sheep and cattle industries and more particularly about the need to continue producing meat for export. We need better barriers against the introduction of the disease, and, should an outbreak occur, to isolate it and prevent its spread. The diseases we are concerned about are foot and mouth disease and swine fever, which is a killer disease, as well as Newcastle disease and other diseases in poultry.

Some honourable members who have spoken in the debate have indeed dallied on the ridiculous. The honourable member for Carnarvon mentioned the construction of a fence at a cost of about $5,000,000. He was going to erect this around Queensland to keep pigs out.

Mr. Lamont: By hand.

Dr. LOCKWOOD: Yes, by hand. We do not know whether it was going to be ring-lock or barbed wire. Some honourable members said that the disease could be spread in all sorts of ways, including by air. Some of us wondered if the honourable member would hang a sign on the fence reading, "Virus, keep out". We proved that the building of this fence would be absolutely ridiculous, and the honourable member has not returned tonight to defend his fence in the second-reading debate.

Mr. Lamont: He did not vote against the Bill's introduction, either.

Dr. LOCKWOOD: Never mind what he did.

At least all the facts and figures on the matter have been aired and we are getting an informed opinion on the whole problem. The two very good articles in the "Telegraph" by Ted Crofts yesterday and today are extremely important. At 12.57 a.m. on 21 March the Minister said, "What I am doing protects the whole of our livestock industries." The question we all ask is, "Does it?"

The honourable members for Cunningham and Flinders spoke about feral pigs getting into buried garbage. We are not speaking about one or two kilograms of garbage but of huge quantities. The honourable member for Townsville and I spoke on the virulence of the virus and said that it can be spread by air and water, and from beast to beast. We pointed out how it can survive in sewage for 20 days at 20° Celsius, and perhaps 100 days leaving Toowoomba in winter in water coming from this sewage farm. We mentioned how long it can survive on dry matter such as grass and bags and in uncooked meats.

We are not irresponsible in making such speeches. We are offering the product of hours and hours of research. Many of the things we asked for initially we had to go and find out for ourselves. It took a great deal of time and, as a result, the debate has been one of the most informed debates that has ever taken place in this Chamber.

We have shown that sewage will not kill the virus, and that burial is complicated, expensive and not safe. For example, in Toowoomba we would need a trench 6 ft. deep, 2 ft. wide and 100 ft. long every day to handle the swill. It is impossible to burn 7,500 gallons of swill daily in an incinerator.

The Bill might have had some standing 10 years ago but since the invention of the garbage disposal unit some of the measures in the Bill to combat the disease, assuming it is introduced here, are anachronistic; they belong to another time. The garbage disposal unit, which is really a garbage dispersal unit, will grind meat to a paste. People put it down the sewers and think, "Good-bye; it has gone for ever." It is not like Sad Sack jumping in the bowl, pushing the button and saying, "Goodbye cruel world.". It does go somewhere; it somes out at a sewage farm. It then enters a creek and the virus is still alive. It is not a disposal method; it is a dispersal method.

Modern technology—fast transport and methods of getting through customs articles such as tins labelled "vegetables" that actually contain meat from Taiwan and South-east Asia—has allowed this virus to enter the country alive. Whilst there are those who will defeat customs regulations by going to various centres along the coast, it has to be assumed, quite correctly, that the disease will come in. It is perhaps coming in all the time. What then is to be done when it gets in?

One problem that shows the need to step up air and sea surveillance in the North is the very embarrassing Oriental fruit fly. This fly got into the country after we started talking about foot and mouth disease. I certainly hope that we manage to lick it, as it can cause terrible problems. If we cannot beat it, we might have to kiss a lot of the fruit industry goodbye.

Mr. SPEAKER: Order! I ask the honourable member to return to the provisions of the Bill. It does not deal with fruit flies.

Dr. LOCKWOOD: My comments are related to the Bill, Mr. Speaker. Protection against foot and mouth disease has been increased by extra air and sea surveillance in the North. There have been more arrests of fishing vessels since the Fraser Government came to office than there ever were before, I think.

Mr. Houston: You think?

Dr. LOCKWOOD: Well, there have been arrests lately and it is not before time. I can assure the House that, in addition to fish, these boats have live pigs on board in crates. They also have live ducks. I am informed that they line up these poor little critters, give them a left incline and staple their feet to a plank. They feed them and keep them alive and when they want duck for dinner they march them off the plank, lop off their heads and get stuck into them. The people from the vessels come ashore illegally. They trade transistor radios for beef, which is killed locally. These fellows wander around on their little feet that have been walking round the pigs on the boat. Any they do not go through any foot baths. Increased air and sea surveillance is needed in the North to keep these fellows well and truly out. It is not the value of the fish that they are poaching that is the most important matter.

Mr. Powell: Do you think we should have an investigation of them?

Dr. LOCKWOOD: I think that might be a suitable task for us to carry out in the recess. Perhaps we could go there to find out how many of these fellows are approaching our shores at night.

The Minister knows from his Army days how to deal with a deadly enemy. To deal with an enemy, one identifies it, locates it, surrounds it and kills it. The enemy in this case is the exotic virus. The Minister knows how it gets in and where it comes from. But, after finding it, instead of killing it, the proposal is to throw it out and disperse it. Everyone has said that the way to kill this virus is by heat. Chemical means are all vastly expensive or extremely complicated and they will not work. The Minister has assured us that some farmers will not boil swill. If that is the case, I think we have to deal very severely with them. I think they should be found guilty only once. If a farmer were found feeding raw swill to pigs, I think he should cease to be a farmer. I believe action as strong as that has to be taken. An offender should not simply be taken aside and told, "You have been naughty."

In order to get an absolute kill of the virus, this stuff must be dry-rendered. That process is the equivalent of autoclaving. There is a dry-rendering plant at a Toowoomba poultry abattoir. It dry-renders poultry offal, which is then worth approximately $200 a ton. We are told it is 65 per cent protein and is a valuable food.

Mr. Doumany: You won't get that out of swill.

Dr. LOCKWOOD: No, perhaps we will not get that out of swill. But perhaps the best way to handle this problem is to dry render it. It might be worth something and it will have some cash value. It could perhaps be used as a sterile food in other places.

There is a mass of evidence that burial is not the absolute answer and sewerage is not the absolute answer. It comes back to the problem of disposal or dispersal. I think we have shown that there is only one way to dispose of the virus, and that is with heat. A method was mentioned of tipping it down sewers after grinding it through a garbage unit, which is in fact a dispersal unit. "Disperse" means to scatter, to strew whereas what we are after is disposal, and "disposal" means to place or locate suitably.

Mr. Chinchen: What about cremation?

Dr. LOCKWOOD: We cannot cremate slops. I invite the honourable member to try. What does it cost? We have heard members speaking about the cost of this problem. To install a small ¾ h.p. garbage dispersal unit, as I call it, in a Toowoomba convalescent home would cost $340 per annum. This gets the problem out of one's sight, but when a problem is out of one's sight one does not know where it will bob up next. Conrad, Gargett and Partners Pty. Ltd. have done a survey in Brisbane and they have shown that the cost of this method at the Royal Brisbane General Hospital would be $95,000 per annum; at the Prince Charles Hospital it would be $74,000 per annum, and at the Princess Alexandra Hospital it would be $74,000 per annum—a total of $243,000 per annum to go into an alternative method of dispersal of their garbage. I think it is time we admitted that we do have this problem.

I think our next job is to seek the best way out of it, and I think where possible, particularly in the towns that disperse their water into freshwater streams which then flow away and are used for agriculture and where the water is drunk by both agricultural and wild animals, we have to keep the dispersal element out. I think we have to dispose of it in dry-rendering plants, as has been outlined by the Minister.

I think this Bill needs to be passed. The regulations need to be extremely tight and rigidly enforced. As other members have said, we need to do this not only to protect ourselves against these diseases but to show that we are concerned. It is not just as exercise in publicity. We have here before us a means to ensure that compensation can be paid for animals destroyed when exotic diseases enter this country, and we need to put into effect very rigid procedures of isolation and destruction of flocks and herds.

I think the dilution concept needs to be thoroughly hit on the head. Perhaps the Minister's officers have not heard of the Broad Street pump epidemic. I do not know if the Minister is even aware of it. This deals with another disease—cholera—which is a human disease, and the message from this is that we cannot rely on dispersal to get rid of disease. In that case it was a human disease and it spread rapidly. It was traced back to one water pump through the water being filtered through earth. So again we cannot rely on filtration through earth to remove even large bodies like bacteria, because in one place in central Europe cholera—which we call a large organism when compared with a virus—spread through the earth under one mountain and appeared in the next valley. There were no birds and no hikers to carry it over the mountain so we cannot say that a thing in the soil is automatically sterile. Things will be leached out and they will get away. One final thing I might say——

Mr. Doumany: Is the soil sterile?

Dr. LOCKWOOD: The soil is never sterile, and if it is, sir, you should do everything to inoculate it. Take that one back to your farmer friends. You forget, sir, I have read books——

Mr. SPEAKER: Order!

Dr. LOCKWOOD: Tonight, of course, Doug Everingham is laughing. I believe he was the one who promised to make available to local government $2 a head per annum—I am referring to human heads—not for dispersal but for disposal of possibly contaminated wet garbage. Of course, he will not now have to pay it; somebody else will.

I am almost certain that there will be enough members in favour of the Bill to get it through tonight, but I must urge that putting swill down the sewers should never be regarded as disposal. Wherever that happens, we must be eternally on the alert for a single, solitary case occurring in cattle. As has been explained to us, Mr. Speaker, the disease is very difficult to diagnose in one or two beasts, and all honourable members are aware that out in the grazing country graziers do not inspect each beast every day. They are not like dairy cows; the grazier does not see them every day. There could easily be an outbreak in western areas.

The honourable member for Cunningham was acutely concerned about what could happen if waste was dispersed through the sewerage system. The honourable member for Balonne thought that dilution alone would counter the problem. I suggest that it is not the perfect answer. In my opinion, the use of dry-rendering plants must be encouraged wherever possible in inland areas.

Mr. POWELL (Isis) (9.37 p.m.): I shall not delay the House long on this Bill. I made my point at the introductory stage.

I support everything that the honourable member for Toowoomba North said about the Bill.

Mr. Lamont: Then you can sit down and we will read his speech twice.

Mr. POWELL: If the honourable member is capable of doing that, it might be fair enough; but I suggest that he might listen now.

I will vote for the Bill for one reason. The Minister has told the House that should this scourge come to Queensland—and I have no doubt that we are likely to see it here in the future—and this piece of legislation is not on the Statute Book, the Federal Government will not give compensation to livestock owners in this State. If that is the case—and the Minister has assured me that it is—I will vote for this legislation, which, in my opinion, is unnecessary, unwarranted and a waste of time.

Mr. DOUMANY (Kurilpa) (9.38 p.m.): I think that the Bill should be renamed the Sewers Bill. There seems to be an enormous preoccupation with the question of disposal through sewerage.

Let me hark back to mediaeval times. It just so happens that people threw their garbage out of the window and excreted out of the window and in the streets, and it was a very major development when they dug holes and excreted in them. Subsequently, of course, they collected the excrement in cans and buried it. We have night-soil collections today.

Much of the contraband that might come into this country, and about which we are very concerned in this Bill, will go into household refuse—probably almost all of it—which will then go to garbage dumps or through a shredder in the sink into the sewerage system or through human beings and through the sewerage systems into the streams. Apparently it does not concern people who are opposing the Bill and who are adamant that dispersal is not an adequate means of protection that that has been going on and is still going on.

All we are talking about, Mr. Speaker, is the refuse from a small number of concentrated sources such as hospitals, institutions, restaurants, hotels and the like. All the household refuse that goes into the garbage bin or goes down the sink disposal unit is still going to be disposed of that way.

I do not disagree with dry-rendering as an ideal. If we could dry render not only swill but faeces and all other wastes we would probably go a long way towards preventing the outbreak and spread of nearly all infectious diseases. It would be a great thing if we could dry render everything, but it just so happens that dry rendering is a very expensive technique. It consumes enormous energy. Unless one happens to live next to an active volcano down which everything can be tipped, dry-rendering is very expensive and impracticable.

Man has relied on the principle of dispersal right through history. We still rely on it. We do not rely on it just for protection against physical or organic diseases. We rely on it for protection against all sorts of social diseases. But for dispersal a member could expect that after leaving the Chamber and walking out into the dark there would be a good chance of someone coming out of the shrubbery and sticking a knife in his back. It just so happens that criminals are dispersed in the community, just as infectious foot and mouth disease, cholera, blue tongue, gastro-enteritis, amoebic dysentry or anything else. The air in the Chamber is full of germs, micro-organisms and viruses. The more we talk about this Bill the more of them there will be. But it so happens that the Chamber is fairly large and it has a ventilation system to disperse those organisms. So one would have to be very unlucky to be infected in a Chamber of this size. But if we were all crowded into the Minister's annex there would be a good chance that those with 'flu or cold germs would pass them on.

Mr. Marginson: Tell us some more, doctor.

Mr. DOUMANY: We have heard a lot from doctors. The recommendations accepted by the Australian Agricultural Council were formulated by people who knew something about this subject. I have read the introductory debate. I am amazed at the apparent loss of faith in the expertise of officers of the Department of Primary Industries and the veterinary profession in this country. Perhaps we should suggest to the Minister that from those electorates represented by members who have such violent opposition to the Bill, and who seem to have lost all faith in the expertise of departmental officers, he should transfer his professional officers, and let the landholders consult their elected representatives who have such a high level of experience and knowledge to offer! Perhaps that would save us a lot of money.

Mr. Chinchen: Do you think you're an expert?

Mr. DOUMANY: The honourable member for Mt. Gravatt is an expert on many subjects, and I would not attempt to contradict him.

Let us come down to some hard facts. If we toss this Bill out—I know we are not going to, because there is some good sense prevailing in this place—some 60 per cent of the trade in pigmeats out of this State will cease. In fact, I know of one very large operator in the Mareeba district who has expressed alarm at the attitude displayed by certain honourable members who have opposed this Bill. Nearly all of his production goes interstate. You can bet your bottom dollar that if we toss out this Bill we will lose the cream of our pigmeat business.

Government Members interjected.

Mr. DOUMANY: I hear all sorts of comments from my colleagues. Some of them I would not attempt to persuade, because a myopia has developed among some in our ranks. We have seen an obsession with opposition to the Bill.

I am concerned about the enormous value that has been attributed to pig-swill as a feed. Quite frankly, most swill feed is

useless. Its percentage of protein is negligible; it is full of fibre and pulp, and we might as well feed the pigs with marrow and mangel-wurzel. What a lot they do for the configuration of the pig and the quality of the bacon! We have heard a host of furphies over this least-important source of economic output. No-one is claiming that the Bill will eliminate the risk. Only a fool would dare make such a claim. It is acknowledged world-wide that the live pig is the prime incubator of this micro-organism. It would be absolute folly to deliberately put material that possibly is infected down a pig's throat. We simply do not know where the pig, the prime incubator, will end up in our livestock industries.

In view of the disastrous economic consequences of an outbreak of foot and mouth disease, I am amazed that honourable members have not unanimously supported the Bill. In our nation with its huge cattle and sheep population the cost of such an outbreak would run into billions of dollars. Those members whose strong arguments against the Bill are recorded in "Hansard" may one day live to regret it in the face of an outbreak of foot and mouth disease. I whole-heartedly support the Bill and commend it to the House.

Mr. ELLIOTT (Cunningham) (9.50 p.m.): I wish to speak briefly in the second-reading debate of what has become known as the pig-swill Bill. In particular, I wish to comment on the statement of my colleague the honourable member for Kurilpa that all those who were against sewerage systems being used in the disposal of swill lacked consistency in the argument they put forward. On the contrary, purely and simply because the matter was not raised, at no stage did anyone discuss the aspect of what has been going through gristers at the bottom of sinks.

However, let me go on record right here and now as saying that it has always concerned me that we run the risk of putting viruses into our sewerage systems through these gristers. As an elected representative in a Government that I hope will become increasingly aware of ecology and of pollution, I hope that we would seriously consider this aspect—and not just in this Bill. The reason I did not mention it at the introductory stage was that no-one had raised it. However, as the member for Kurilpa has raised it, I assure the House that I feel just as strongly about it as I do about putting pig-swill into sewerage systems.

I believe the invention of the gristers that are placed in the bottom of sinks has probably been one of the greatest scourges of the technological age. In view of the pollution resulting from that invention, I would not give it one iota of support. I think it is a disgrace.

Very briefly, I continue to voice concern at the idea of placing swill into sewerage systems. Once again I go on record as asking the Minister to give serious consideration to using the swill in a constructive way—in the form of fertiliser, compost or something of that nature. Let us be progressive. Let us be anti pollution. Let us be seen to be doing something further for conservation.

Mr. MOORE (Windsor) (9.53 p.m.): As the Bill contains only half a dozen words, one could be excused for asking, "What is the reason for all the froth and bubble?" However, in effect, the Bill authorises the Government to bring in regulations. I will be short in my remarks, but I feel I must comment on government by regulation. There is something wrong with it. This Bill provides a good reason for throwing out the concept of government by regulation.

Mr. Doumany: You have a committee dealing with regulations.

Mr. MOORE: Of course we have, but all it will do is make certain that the regulations are in conformity with the Act. It will have nothing to do with Government policy.

We are talking about the feeding of table scraps to pigs. There is no reason in the wide world why those scraps could not be put through something similar to a garbage grinder in the first place. That would reduce their size, thus meeting the argument of the honourable member for Kurilpa that because of their size some pieces of meat would not be cooked through. If we wanted to do the job properly, the scraps could be cooked either in a pressure cooker or at 212°, at which temperature the virus would be killed. Raising the pressure by 5 lb. per sq. in. increases the boiling point to 226° and raising it by 10 lb. increases it to 239°. A pressure cooker would not have to be of any great construction to increase the pressure by 10 lb. per sq. in. That type of autoclaving would be a better system than we are proposing now for the treatment of table scraps that are being fed to pigs.

Mr. Lamont: With your talent you could probably build one yourself.

Mr. MOORE: There would be no problem in building one.

The cane harvester and the potato harvester were invented by farmers. The farmer is a very able fellow. He would have no problem in making one of these, but he would have a little trouble in getting it past the boiler inspectors.

In Great Britain, where foot and mouth disease does occur, pigs and cows are together and English farmers feed table scraps—the so-called swill—to pigs. The swill is boiled. They are not tipping it down the sewers, dumping it in gullies or burying it so that it can leach into the countryside. They realise that the best method of handling

the swill is to cook it properly to kill the virus. We are not smart enough to do that. That would be too damned sensible!

I am deliberately curtailing my speech because I gave an undertaking to the Leader of the House that I would be brief. Anyone who does that ruins his speech in that he has not the time to cover all that he wants to say. Still, I am economising in the use of words and trying to fulfil my undertaking.

Another argument in favour of feeding table scraps to pigs is that, if the disease turns up in the country, it can be confined within the four fences of a pigsty.

Mr. Doumany: How do we confine it?

Mr. MOORE: I will answer that in a moment.

Mr. Doumany: Build a fence around it?

Mr. MOORE: Yes. The Minister said he would build a fence around the dumps to overcome the problem there.

The pig farmer feeds his pigs twice a day, so he sees them twice a day. If the disease turns up, and he can tell this because he will have a lame pig, he can report it and some action can be taken.

One of our problems is that we do not have the means of detecting the disease, so that all the froth and bubble and all that the Minister is going to do will be of no avail because no-one has a clue about testing stock. We are fiddling around in the Federal sphere when we could have had the testing authority established in Brisbane. In Geelong, where it is to be built, it is costing about $4,000,000 to reclaim the site, when we could have had the laboratory established and in operation here for $4,000,000. That shows how interested the nation is in trying to detect the disease if it arrives.

There is no reason why we could not have rules, regulations or an Act to prevent cattle from being close to a pigsty. We have been told that the virus can be dispersed in air. The animals are not nose to nose. If cattle were not allowed within 500 yards of a pigsty or a piggery where swill was being fed to pigs, the situation could be overcome. If it turned up in the pigsty, it could be traced back to the source of the infection.

However if it turned up in the cattle industry through feral pigs eating table scraps and transmitting it, the situation would be different because cattle are not seen sometimes for 12 months. By then it could be widespread and no-one would know where it came from. There would then be mad shooting of stock all over the countryside.

If it turns up, I want it to turn up in a piggery. I realise that the pig is a good incubator. The honourable member for Kurilpa is spot on there. But pigs have been muzzled and placed side by side without infecting one another through saliva transference when eating from the same trough. The extent of infection has been only 5 per cent.

Mr. Doumany: "Only"?

Mr. MOORE: Only 5 per cent, but in cattle it is about 90 per cent. There is no need to try to pull the wool over anybody's eyes. Whilst pigs would, under certain eating conditions, spread the disease, the position is not as others have stated it. Piggeries could be adequately fenced. If it is possible, as the Minister says, to keep out feral pigs, with their long snouts, there should be no problem in keeping domestic pigs in.

I have another suggestion to make, too. There is no reason why the Government should not in the regulations (now that it is to be done by regulation, which I abhor) offer a reward of $100,000 for the operator of the first piggery in which the disease appears. What's wrong with that? Some fools will say, "They would bring it in. They would bring it in in a port." How stupid! Once it was discovered, it could be traced back. The farmer could then be adequately compensated for the stock that he would lose. Let him be given top price for his streaky bacon. What's wrong with that as a suggestion?

The really serious matter in this whole problem is detection. From what I have read, which may or may not be right, it appears that the British authorities have so much work of their own to do that they are not prepared to carry out tests on our stock if the disease breaks out here. The most urgent necessity therefore is to ensure that quarantine regulations are so strictly enforced that no imported meat comes into this country. We must then have a means of detection so that if the disease appears it will be detected smartly.

We are talking about table scraps that become pig-swill. Half the people in this country have leftovers for breakfast fried up as bubble and squeak. It is good enough for people but not good for pigs! Surely there is something wrong here. It is good protein. Bubble and squeak for humans—but it is not good enough for pigs! Under the legislation now proposed, if Mr. and Mrs. Farmer have a few table scraps from their kitchen and they feed them to their pigs, the authorities can come in and shoot the pigs. That shows how ridiculous we are becoming. When we go overboard and start to behave so stupidly, it just makes me wonder.

When we speak about Government by regulation, many people outside this House haven't a clue what we are talking about. For the benefit of those who read "Hansard" I shall explain what it means. When a Bill is introduced it is debated at the various stages. Every clause is debated at the Committee stage and by then every member knows what the Bill contains. But Acts allow departmental heads to write regulations in

compliance with the legislation. Generally speaking, a horse and cart could be driven through most Acts. Those who draw up regulations can be as keen as mustard, over-zealous, absolutely responsible or absolutely irresponsible. They write regulations accordingly. Many people think members of Parliament sit in the House for 80 days a year and for the rest of the year have a holiday. But they would be wrong because it takes all the time in the world to read these regulations. The regulations we have in Queensland would fill this Chamber. It is impossible for members to see all of them. They virtually have no say in them. The regulations are tabled and we can move for their disallowance but how could we do that if we had not read them. We just do not know what happens. Not only that, the public servants write regulations which we approve and overnight something happens and they change them. These regulations can make life absolutely unbearable. Another point about these regulations which turn up in the House is that we have only 14 days——

Mr. Lamont: To read a couple of thousand.

Mr. MOORE: That's true, we have only 14 days to move for their disallowance. And who wants to be the type of rebel in this place who does that and has it appear that we are not a cohesive whole and are not heading in the one direction. That is what happens if we do this sort of thing. I agree we have made a very big mistake by doing this. After all, members of Parliament are fairly cautious types because the ballot-box is always around the corner and they are always worrying about it. They say, "Is this going to be popular?" If it is not popular it is the wrong thing to do; if it is unpopular the public do not want it, so public opinion is a very good barometer which affects members greatly because Governments that lose seats do not stay in office. Therefore members of Parliament are very responsible, whether people believe it or not.

But public servants are appointed by virtue of the Public Service Act. They are there for ever. The majority of them cannot be sacked; right or wrong, they are doing an honest job. But they are the ones who write out these regulations that restrict the lives of farmers and all other people.

We are talking about pig-swill, table scraps, bubble and squeak, and left-overs which come from hospitals, hotels and cafes. This amounts to something like a few hundred or a thousand tonnes a month. Yet we are not doing a damn thing about the scraps from the tables of everybody around Australia, which could be 100 or 200 times the amount that is fed to pigs. It is just being dumped in various garbage tips around the place where it is left to rot. The breeze blows across these dumps and so the virus can be dispersed. All we are doing is talking about fiddling round with about 5 per cent of the bubble and squeak in the country——

Mr. Doumany: You're making a lot of fuss about it.

Mr. MOORE: That's right. We are talking about 5 per cent of the bubble and squeak and yet people can do what the hell they like about the other 95 per cent. There is no harm in it; there is no disease in it. Apparently the only place we find illicit salami is in hospitals, cafes or hotels. How ridiculous! That is the last place you would find it. If it comes into this country it will be brought home in someone's handbag from Germany and other places overseas, where people like the taste of the donkey, the pig and so forth from which it is made. People overseas love their sausage, but it is half donkey and half pig. So people may bring salami into Australia. They love it. They eat it in their own homes. They put it in the refrigerator for a while. Then some moss and lichens start growing over it and they say, "Cripes, we can't eat that", and they throw it in the garbage tin. It then goes out to the dump for the feral pigs and the crows to eat. That is what we are talking about. It is ridiculous to say that by passing this legislation, which will control the disposal of 5 per cent of our table scraps, we are earnestly, honestly and progressively tackling the problem.

Mr. KATTER (Flinders) (10.10 p.m.): I shall be very brief, Mr. Speaker. What seems to be lost on most honourable members who have taken part in the debate—and I am very pleased that my colleague from an inner Brisbane electorate appreciates this point; I hope that the Minister also will appreciate it—is that in country areas, if swill is not boiled and fed to domestic pigs it is being thrown onto open dumps. Honourable members can talk about closing open dumps and putting fences round them, but from my knowledge of local authorities in Western Queensland, I should say that the chances of getting them to close off open dumps effectively—in fairness, I must admit that most of the dumps are on the side of creeks, where there is a certain amount of slope that is very easy to cover—to pigs and animals such as wild cats are almost negligible.

I mention cats particularly because there are thousands of them in my area at the moment and they live off the local dumps.

Mr. Houston: Is there any evidence that cats carry this disease?

Mr. KATTER: Yes, there is.

I asked the Minister earlier about the policing of the legislation. I suggest that what will happen is that the legislation will be ignored after it has been passed. It might be carried out for a period of, say, three or four months, and people will then

lapse back to the present system. As a matter of fact, all piggeries should be boiling swill and should be hygienic now. They are not. Originally pressure was brought to bear on them, but there has been a relaxation and they have gone back to their old unhygienic ways.

I say that because in Queensland at present Army bases have been declared off-limits to swill merchants. For the first year after that instruction was issued, no swill was collected from army bases, but swill is now being collected. Some new person is appointed to a position—say, a warrant-officer in charge of this particular function—and he does not know about the instruction. A pig-swill merchant approaches him and he begins letting the swill out.

In country areas where the majority of livestock are, we have open-dump systems. The Minister has agreed to do something about the meat coming into the country, and I applaud him for that. The second thing I would ask is that he attempt to do something about the open-dump system, quite apart from this pig-swill legislation. Thirdly, I plead with him, when he puts out the regulations, to include a provision similar to that applying in England, under which farmers and others who are prepared to make the effort to have clean, hygienic boiling facilities are allowed to continue as pig-swill merchants. I think that the majority of members on both sides of the House would agree with that proposal.

In western towns, if swill does not go to pig-farmers it will be thrown onto the open dump. Pig-swill merchants will continue to exist, but now they will not be policed. If some form of licensing or of policing is implemented, I am sure that people in all the country towns in my electorate will make the effort to conform with the regulations. If people are licensed, there will be some sort of control over pig-swill.

In conclusion, Mr. Speaker, I make the point—and here I endorse the remarks of the previous speaker—that in country areas the choice is between throwing additional swill onto the open dump, where wind, rain and feral animals——

Mr. Moore: Feral pigs.

Mr. KATTER: Not only feral pigs; there are about 100 other animals. Birds, of course, are a source of infection. I think that 16 per cent of cases were shown to have come from birds. Someone cannot come with a dozer every time a load of rubbish is dumped and cover it up. It sits there till the end of the day and then it is covered over.

Mr. Lamont: Do the birds get claw and beak disease?

Mr. KATTER: The honourable member is being facetious, but birds carry the disease and can act as incubators. The choice lies between open dumping and boiling this material and feeding it to domestic pigs.

I come to the most important point of all—the essence of my decision on this legislation—and it concerns the feeding of the swill to domestic pigs. If the domestic pigs get foot and mouth disease we know where the outbreak is. We can throw a fence around those animals and kill them off. If the swill goes on the open dump to be eaten by wild animals—well, in my area there would be no hope of stopping the disease from spreading like wildfire. I plead with the Minister to consider including licensing provisions in the regulations.

Mr. GYGAR (Stafford) (10.16 p.m.): I am one of those who have this so-called myopic fixation about opposing this legislation that the honourable member for Kurilpa referred to. It is a terrible thing to have a conscience and be prepared to act on it. I have had a look at the alternatives to having a conscience, and I think I will stick with my course of action and continue to oppose the Bill, because I just don't think it will work. I do not intend to again canvass the arguments I put to the Assembly at the introductory stage. I think they are reasonably well known. Suffice it to say that I am convinced that the Bill won't work. Far from preventing the spread of the disease, it will in fact facilitate its spread and dispersal throughout the country, when we could at least be keeping it in the pigsty and have half a chance.

I ask the Minister for a clear and concise answer to the question I pose: who pays? In Brisbane a survey has been carried out by Conrad and Gargett, consulting engineers, into methods of alternative disposal of food scraps from hospitals. That recent survey covered three major Brisbane hospitals—the Brisbane General, the Prince Charles and the Princess Alexandra. They found that the Brisbane General generates three tonnes of pig-swill a day. The cost to dispose of that by alternative means would be $95,000 a year. The Prince Charles and the Princess Alexandra each generate 2½ tonnes a day, which would cost $74,000 a year to dispose of. That is a total of $243,000—nearly a quarter of a million dollars a year for three hospitals in Brisbane. How much would it cost for Queensland in one year just for hospitals? It would be at least $1,000,000. Who pays? I would like the Minister to tell the House what extra taxes are going to be levied to raise that $1,000,000. What health services are going to be reduced to make up the $1,000,000 that has to be obtained somewhere? Someone has to pay. Again it will be the poor mug taxpayer who foots the bill. He will foot the bill for this useless measure that is being introduced merely to keep Queensland in line with the ill-thought-out lunacies of the southern States. I for one thought that this State and its Government had outgrown that sort of rubbish.

Mr. BYRNE (Belmont) (10.18 p.m.): I did not oppose the Bill when the division was called at the introductory stage. I abstained from voting because it is not my principle to vote against any Bill before this Parliament has had an opportunity to look at it. However, I reserve my right to vote at this stage.

The honourable member for Kurilpa told us how mankind has advanced since mediaeval times, and how we slowly learnt to dig holes and bury our refuse. What we have been told by the Minister tonight is that we should do just that—dig holes and bury. That is how far we have advanced since mediaeval times!

I was very grateful to the Minister for allowing me to see the notes of his second-reading speech as I was unable to be in the Chamber when he delivered it. I can understand why his departmental officers found it so difficult to provide me with a copy. It did not say anything; it did not answer anything; all the arguments and questions of a scientific nature of the honourable member for Townsville were glibly ignored. One can only conclude that the honourable member must have had some merit in his arguments. None of his queries were answered with the expertise shown by him. I ask why? I can only conclude that no real answer could be given to his questions.

We heard a great deal about feral pigs foraging in local dumps. We are told that that problem could be overcome quite simply by fencing the dumps. Having fenced them in, we will bury the swill. What consideration have the Minister's officers given to this? I ask them to consider certain country towns whose local dumps and rubbish tips are situated outside the township, usually at the end of a dirt road. What happens when it rains heavily? How do the trucks get to the dumps to dispose of the garbage? These are all practical questions, yet we have heard no practical answers.

If this rubbish cannot be disposed of, what happens to it? It rots. Why isn't it possible to license pig farmers so that they can use swill? We are told that licensing would be too difficult to implement; that it would impose too great a strain on the inspectors. If that argument is valid, I suppose we could say that we should abolish all our laws because they are too difficult to enforce. Why bother about them? Let us put all our people in gaol in case they commit crimes.

We could appoint inspectors and pay them with the money that will be required to implement the provisions of the Bill. At the same time, we could use the protein that will otherwise be wasted.

We have heard that the Minister and the other States are so far-sighted that they tell us we cannot license the piggeries. In times gone by the department has been able to promulgate strict regulations for abattoirs and butcher shops, yet in this area it has claimed that it will not be able to do so. In the past, restrictions have been imposed; here we are told it is impossible to impose them. We have this far-sighted Bill, which by regulation, will change the present situation.

I am one who has on earlier occasions spoken vehemently against government by regulation. Why is it being done here by regulation? If all the other States have so much knowledge about this matter, why must these provisions be implemented by way of regulation? Why can't they be stated clearly to this Parliament in the form of a Bill? I am opposed to the Bill on the principle that the whole thing is being done by regulation without Parliament being given an opportunity to see it in a legislative structure.

The greatest absurdity is that we have spent hours and hours debating this measure and members have devoted a great deal of time to thought, study and research, yet, despite all that, it will all be done by regulation, anyway. All we are able to talk on, therefore, is a certain principle.

We have been told by our far-sighted department that the swill cannot be boiled and that we cannot think of any alternative. I ask the Minister (and I hope he answers this question; he did not answer the questions I raised at the introductory stage): "If farmers are prepared to introduce some microwave system for the treatment of pig-swill, will they be allowed to feed that swill to their pigs? If some such microwave system is available and if the farmers decide to use it, will they be allowed to do so?"

Certain members have said that the swill cannot be boiled; the Minister has said that it cannot be boiled sufficiently and that we cannot appoint sufficient inspectors. Modern science has provided an alternative that will penetrate the swill and kill the virus. However, we are told that none of those alternatives can be considered because it has already been decided; the other States have decided; the Australian Agricultural Council has decided; so we, like sheep, are going to blindly follow them.

As I said at the introductory stage, it appears that we are going to follow them because the Minister for Primary Industries told them that he would achieve it in this Parliament. I do not think that that is a suitable argument.

We must look at the contradictions in the arguments put to us by the Minister. In one section of his speech he told us that we must do something about it because, if there is an outbreak of the virus in a piggery, it can spread 30 miles and be dangerous. But elsewhere when the argument suits we are told that it can be dispersed very easily. On the one hand, in establishing how dangerous it can be, he tells us that it can spread 30 miles; on the other hand, when he wants to refute our argument that nothing is achieved by putting it in a dump where it can be washed away and go down into

streams, the argument is that it is easily dispersed and has no effect. I do not think that that is a very rational approach. The contradiction is just too great.

We are told also that pigs are excellent incubators. That is a good argument to put to honourable members to have them support the banning of pig-swill. However, when it comes to feral pigs and the possibility of their spreading it throughout the population, the simple answer is that we can just fence out the dumps. I ask: How many members believe that dumps right throughout Queensland will be fenced sufficiently to prevent pigs from getting in?

Mr. Moore: Of course, no-one will leave a gate open!

Mr. BYRNE: No-one will leave the gate open? Will the dump be locked so that people cannot get in there? When someone goes to dump pig-swill, he will not be able to get in. If he goes in, the gate could be left open by a child or someone. Obviously, this most unworkable plan has been raised here as a simple and glib answer to the doubts and questions of honourable members. No attempt whatsoever has been made to answer in any reasoned or scientific manner any of the arguments and points put forward by honourable members. They have all been passed over in an almost glib manner.

Mr. Moore: How do they keep the baby pigs out? They are as thin as razor blades.

Mr. Lamont: They'll feast inside and be too fat to get out again!

Mr. Sullivan: Were you here when I made my second-reading speech?

Mr. BYRNE: As I mentioned——

Mr. Sullivan: Were you here, I asked?

Mr. BYRNE: I was not here when——

Mr. Sullivan: All right. That's all I want to know.

Mr. BYRNE: May I continue?

Mr. SPEAKER: Order!

Mr. BYRNE: I was not here when the Minister gave his second-reading speech.

Mr. SPEAKER: Order!

Mr. Sullivan: I don't want your explanation.

Mr. BYRNE: If the Minister had been here when I started my speech, he would have heard me say that, as I was not able to be here, I had approached the departmental officers and asked if I could have a copy of his speech to read. My request was refused. I asked the Minister if I could have a copy of the speech and, rather undecidedly, he said I could and I thanked him for it. What I wanted to know was——

Mr. Sullivan: Just a minute. If you want to speak authoritatively on the second reading, I suggest you should be here, because you seem to think you are speaking with authority.

Mr. SPEAKER: Order!

Mr. BYRNE: I was here for the entire second-reading debate, apart from the Minister's speech, which I have now read—and I can say that it was not worth while being here for it, anyway, because it did not answer any of the questions we asked at the introductory stage. Not a single reply was given except for these glib explanations of putting up fences to keep pigs out of local dumps. If that is the solution, it is the greatest sham this Parliament has ever seen.

There are two sides to this argument—two sides not only in this Parliament but also in scientific and veterinary circles. It is not science that will win in this Parliament tonight; it is a majority that will win. So it appears that this will be right and good and proper if the majority of the people in here tonight say, "Yes, we will have it."

Mr. Houston: Are you going to walk out?

Mr. BYRNE: No. I will vote against it, and I will point out that it was rather timely that at the recent central council meeting of the National Party a motion was moved to the effect that members of the National Party should be well aware that they should not rock the boat too much, disturb Ministers or vote against Bills in the House, or they might face losing their endorsements. If those were the circumstances, it is most unfortunate.

Mr. KATTER: I rise to a point of order. The honourable member is wrong. Nothing of that nature was passed at the last council meeting.

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

Mr. BYRNE: If no such motion was passed, I apologise to members of the National Party for making such a statement. We will be able to see very clearly, when a division is called, whether honourable members who have spoken in certain ways will vote according to their conscience.

Mr. POWELL: I rise to a point of order. I object to the remark passed by the honourable gentleman. I ask him to wtihdraw the statement that if I vote in a certain way the inference to be drawn is that I have been directed to do so.

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

Mr. BYRNE: I do withdraw it because I heard the honourable member explain the reasons why he intended to vote for the legislation.

Mr. Burns interjected.

Mr. SPEAKER: Order! If the Leader of the Opposition persists in making interjections, I shall deal with him.

Mr. Burns: There are only two who had to square off.

Mr. SPEAKER: Order! I ask the Leader of the Opposition to obey the ruling of the Chair.

Mr. BYRNE: In an even worse situation are the members of the Australian Labor Party, who are completely bound by their circumstances. In the introductory debate, evidencing their weak-hearted and faint-hearted stand and the fact that they are bound by their party policy, one member had to call for a division and then had to leave the Chamber, and all members of the A.L.P., for or against, whatever their feelings, had to vote with the Government simply because it was their party policy. I do not think that should be demanded of any member of any party in this Parliament.

The honourable member for Kurilpa said that if we continue to swill feed our pigs we will lose our southern markets. They are quite happy to accept our pigs that are grain fed and will continue to do so. Just because we swill feed pigs in certain areas such as Mt. Isa, there is no reason to conclude that any State would make the broad statement that it would not accept any of our pigs.

In my introductory speech I asked if any environmental study had been made—and once again there was no reply, and certainly not in relation to the environmental question of thousands of tons of extra garbage being disposed of in certain ways including pouring it down our already overtaxed sewerage system. This presents the possibility of certain environmental factors being involved. I asked if any study on the environmental effect had been made. The reply was that the honourable member for Albert had made certain statements which would probably solve the problem. What he said was completely irrelevant to my question.

Then there is the standing of this nation in the world. It is most shameful that protein exists in this country and is being destroyed and wasted. As the honourable member for Windsor pointed out, it is good enough for people to eat, but not good enough for pigs. I am not saying that it should be fed in its present form. I am totally aware of the danger of foot and mouth disease coming into this country. I will be an absolute and ardent supporter of any legislation that can in any way militate against the possibility of foot and mouth disease entering Queensland.

The legislation tries to cure something that it cannot cure. The virus could spread through our dumps into the feral pig population, that is an uncontrollable unit. It will go into garbage tips, into our waterways and into our sewers, where it presently does not go. We are told that by dispersing it in this way—and thereby allowing it to get closer to feral pigs!—we will solve the problem. The whole thing is a sham, and unless the Parliament can be presented with reasoned and sensible arguments on the points raised, and with legislation that clearly states what is intended rather than glib regulations, I can have no intention but to vote against the Bill.

Mr. LAMONT (South Brisbane) (10.36 p.m.): We have had some interesting and curious confusion tonight. We had one member talking about scientists pulling wool over the eyes of the cattle industry. Another member talked about losing the cream of our pigmeat industry. Another talked about "illicit salami". My sensibilities shudder when I contemplate what "illicit salami" might be.

Mr. Casey: That's what you get when you have Liberals talking about these things.

Mr. LAMONT: I see. I leave the honourable member to contemplate it, and I hope that his sensibilities, too, shudder.

That sort of confusion is, I think, matched by the arguments that we have heard. Many people seem to be confused between the amateurs and the experts.

Not many graziers in South Brisbane have approached me on the subject of how I shall vote on the Bill, but I am going to support the Minister. Using basic common sense, as I see it, we have on the one hand the experts—the U.G.A., veterinary scientists and the Agricultural Council—telling us that the method that the Minister is bringing in is the one that they think will be the most efficacious. We have also had very vocal people such as the graziers from Belmont and Stafford telling us that the present method is probably the best because the Minister's method won't work. Let us weigh the two arguments.

We are told that neither system will work, so I will take the system which will not work but which the experts favour. We also know very well that the Minister in the Federal House, when asked a question last week as to whether all States had given an undertaking to introduce this type of legislation, was able to say, "Yes" because the majority of members in this House had supported our Minister. The Federal Minister was able to say, "All States have agreed and we will have the whole of Australia following the one system." That system is the one that the Agricultural Council wants. Why we have dissension from country members at this late hour, I do not know.

We do know, however, that if this State did not follow the method that the Minister wants, then if or when foot-and-mouth

disease came to Queensland compensation would not be paid for Queensland farmers as we did not pass this measure. I reiterate something said much earlier by the honourable member for Isis: that basically, if neither system is going to work, let us follow the one that (a) the experts want and (b) will guarantee that producers in this State are eligible for compensation in the event of an outbreak of foot and mouth disease.

I would like to speak about two reservations I have so that the Minister will know in the future that I have raised them and other members will not be able to say, "We told you so."

The first is on the question of regulations. I hope we are not going to set a pattern of legislation by regulation. The honourable members for Windsor and Belmont have already expounded on that subject. I merely register my deep concern that so much is to be done by regulation by the Public Service.

The second point is one that I feel I must raise as I have two major hospitals in my electorate. The honourable member for Bulimba said that he hoped the Minister and his department would give careful consideration to granting exemptions to hospitals if they would give certain guarantees. I would not like to think that either the Princess Alexandra Hospital or the Mater Hospital would be put to the expense of $74,000 a year because we forced on them an alternative method of disposal. I hope the Minister will not only look into this matter but will keep me advised, for the good of these hospitals, of the effect that his regulations might have.

With those remarks and those reservations, I heartily support the Bill.

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (10.40 p.m.), in reply: I would like to thank honourable members for their contributions. I believe that with a couple of notable exceptions—in spite of certain accusations that have been made in the debate—I have covered all the things that were raised by honourable members during the introductory debate. I think in the main my opening remarks covered most of the things that were raised in the debate on the second reading. But it is pleasing to see that there is acceptance of the Bill. I accept that people have certain misgivings, but it comes through to me crystal clear that it has been accepted that what we are doing needs to be done.

This is my field and that of honourable members. We are endeavouring to protect our livestock industries against exotic diseases. As I have said, it is not the complete answer but it is the part for which I am responsible and I assure honourable members that I will be doing everything possible to persuade and encourage those who have responsibility in the Commonwealth fields of quarantine and customs to do what we are doing here.

The honourable member for Stafford asked one specific question of me: who will pay in relation to hospitals? I have the assurance of the Minister for Health that he and his officers have done a survey of this problem and they will accept their responsibility. There will be additional costs but they are prepared to cover them in the Health Department Vote. The Minister for Health and the officers of the Department of Health realised the necessity for us to do what we are doing.

Mr. Moore: Instead of buying half a dozen dialysis machines and half a dozen humidicribs, we will do that!

Mr. SULLIVAN: That is not my argument.

The honourable member for Belmont was critical of my not answering questions put forward by the honourable member for Townsville. The honourable member for Townsville is not here—I do not say this with any disrespect to him—but as the honourable member raised it: we did not answer it because, while I have every admiration for the honourable member as a medical man, he was somewhat confused in what he put up as to what this Bill is all about. This is advice to me from top veterinarians. So that is my answer to the honourable member's question. I am not going to take it any further. After what I did, I consider the honourable member was really pretty rude. The honourable member for Belmont came to me and asked me for a copy of my speech as he had not been here when I made it. I am not being critical of him for not being here—that is his business—but if he wants to be as emphatic and authoritative in a debate as he was, I should have thought that he would be here. He came and asked me——

Mr. Moore interjected.

Mr. SULLIVAN: Just let me say something, will you?

Mr. Moore interjected.

Mr. SPEAKER: Order!

Mr. SULLIVAN: The honourable member came and asked me if he could have a copy of my second-reading speech as though I should have one for every honourable member. I gave it to him and then he came back and thanked me for it. But then he was inclined to say I hemmed and hawed as to whether he could have it. However, he got it. But I suggest he be here to hear my introductory remarks and second-reading speeches in future.

Question—That the Bill be now read a second time (Mr. Sullivan's motion)—put; and the House divided.

Resolved in the affirmative under Standing Order No. 148.

Committee

(Mr. Row, Hinchinbrook, in the chair)

Clauses 1 and 2, as read, agreed to.

Bill reported, without amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Second Reading

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (10.48 p.m.): I move—

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

I already have dealt at some length in my introductory comments with amendments proposed in this Bill, and also in my reply to points raised by several speakers in the fairly extensive introductory debate.

From the points made by speakers on both sides of the House in the introductory stages, it is clear that most honourable members have a fairly good understanding of what the legislation entails and what it sets out to achieve. I think it is fair to say the Bill has been well received by honourable members generally, and I again thank all those who made contributions to the introductory debate last week. Some, of course, were more notable than others.

I don't propose, at this stage, to go into a great deal more detail on the legislation, as I believe most aspects of it that are of general or special interest already have been well covered. However, there are a few aspects I would like to comment on a little more. I refer especially to the provisions dealing with freshwater lake developments, and some points made by a few speakers on preferential voting in local government.

In respect of the provisions dealing with freshwater lakes in land developments, I think it was made clear in the introductory stages that companies especially incorporated to control common lake areas will have to comply with requirements of the Companies Act.

The memorandum of association of such companies will have to contain provisions which indicate clearly—

* the rights, obligations and entitlement of each allotment in the subdivision to the common lake area;
* the manner in which each owner of an allotment holds the common lake area;
* how the registered proprietor of an allotment transfers to his successor in title his rights, obligations and entitlement as a member of the company; and
* other incidental matters.

In addition, the memorandum of association shall require the company to establish a fund for adminstrative expenses covering the control and management of the common area, and for such things as insurance premiums. There also is a requirement for establishing a Common Area Maintenance Reserve Fund to equalise charges to be incurred in properly maintaining the lake. The company will not be able to alter these provisions of the memorandum of association without the approval of the local authority.

A company submitting a development application involving a lake will have to satisfy the local authority that it has complied with relevant provisions of the Water Act in regard to referable dams, and it will not be able to use a lake until it has completed construction of the lake to the satisfaction of the local authority, or, where the lake constitutes a referable dam, the Commission of Irrigation and Water Supply or other relevant instrumentality having jurisdiction over waters of the State.

In addition to the normal land development requirements, a number of other matters will be taken into consideration by the local authority when dealing with applications for subdivisions incorporating a lake. These include the proposed use of the lake, the method to be used in maintaining the water level and the source of water supply, measures to be taken to protect the lake from pollution, adequate measures to restrict the use of land surrounding the lake and provision for maintenance of the lake.

It is further proposed that a local authority will not approve an application submitted under these provisions unless—

(A) an environmental impact study and statement of impact have been prepared and submitted to the local authority covering the proposed lake development;

(B) the local authority is satisfied that the lake's water level can be lowered at a reasonable rate and in a manner meeting its requirements and those of State water authorities;

(C) adequate provision has been made for the flow of storm-water drainage into and out of the lake; and

(D) the applicant undertakes to maintain the minimum average depth of water in the lake at 1.5 metres or more, at all times, unless the local authority in particular circumstances allows a lesser depth.

Provision also has been made whereby a local authority, if it consents to do so, may accept the management and control of a common lake area. It is proposed that in these circumstances the land incorporating the lake will be surrendered to the Crown and reserved, and that it be set aside for the purposes set out and approved in the plan, with the local authority as trustee.

Provision has been made for the maintenance of lakes established as part of land developments before this legislation takes effect. In the terms of the proposed new

section of the Act, local authorities will be empowered to make by-laws for the regulation, control, construction and maintenance of common areas (including lakes), whether constructed before or after these provisions take effect. I think that covers, adequately, the outstanding points relating to the provisions dealing with freshwater lakes.

As I said at the outset, these provisions are the first legislative measures introduced in Australia to tighten control over lake developments, and as such they will be very closely watched by authorities in other States. I believe they will work very effectively.

The honourable members for Townsville South, Pine Rivers and Redlands raised the question of preferential voting in local government elections. The growing influence of party politics in local government has given fresh impetus to moves for preferential voting and the Government is looking very closely at all the possible ramifications. In a relatively straightforward poll—such as for the election of aldermen representing single wards, on the Brisbane City Council, for example—preferential voting is a fairly simple and effective system. The situation, in the case of the Brisbane City Council, is very closely akin to a State election—a mini State election if you like—with a number of candidates contesting single ward positions. However the situation is quite different in the case of other city, town and shire councils throughout the State.

Preferential voting could be applied effectively and with few problems in the case of polls for election of chairman or mayor—again cases where a number of candidates are contesting a single position. But in the case of elections for the positions of councillor or alderman (sometimes involving up to 60 candidates for 10 or 12 positions), the situation is quite different. I do not believe it would be at all desirable to have one system for electing a mayor or chairman and another for aldermen and councillors. No-one, including State electoral officials, has yet come up with the answers as to how preferential voting could be applied effectively in these cases without exhaustive, complicated counting procedures and lengthy delays in finalising counts and deciding winners.

In New South Wales, for example, where preferential voting has applied in local authority elections since 1968, some 20 authorities have now changed to the proportional voting system. I am advised also that preferential voting in some New South Wales local authorities has involved up to 100 counts to finalise the count, and it has taken up to three weeks to declare the poll. It should be remembered, too, that voting at local authority elections in New South Wales is not compulsory and only about a 25 per cent vote is achieved.

With compulsory and multi-member constituencies in Queensland local government, it's clear then that there would be considerable difficulty in achieving a poll result in a reasonable time, if the same preferential voting system were introduced for Queensland local government elections. Clearly, there is a growing interest in the idea of preferential voting in local authority elections, but, as I have pointed out, the system is not without its problems.

It is significant, I think, that the Queensland Local Government Association has not requested the introduction of preferential voting, at this stage. As I said at the outset, however, the whole issue is being closely examined by the Government, through the Local Government Department. I would hope we will have soon some of the answers that we are seeking.

One or two speakers referred to the provisions dealing with council costs and other problems associated with the destruction of noxious weeds—or, more correctly, problems confronted by councils when landholders fail to meet their obligations in this regard. My colleague the Minister for Lands (Hon. K. B. Tomkins) has appointed a special commission to look into this question, and matters raised by honourable members could well be affected by the findings of this commission.

At this stage I foreshadow an amendment to clause 6, which requires the making and subscribing by a chairman or member of a local authority of an oath of allegiance and declaration of office before he exercises his office. The oath of allegiance is prescribed by section 31 of the Acts Interpretation Act. Provision is made in the Oaths Act for the taking of an affirmation by a person whose religious convictions prevent him from making and subscribing an oath. However, no provision appears to have been made for a person without religious convictions to make an affirmation in circumstances covered by clause 6 of the Bill. I feel that this position should be clarified, and I propose to move an appropriate amendment to clause 6 at the Committee stage.

Mr. BURNS (Lytton—Leader of the Opposition) (10.58 p.m.): The Bill provides another patch on the patchwork-quilt Act known as the Local Government Act. I am pleased that the Minister said in his reply at the introductory stage that at long last we will have a consolidated Act. This means that in the very near future the people of Queensland who want to read the laws that apply to their properties—their back yards—will be able to read the complete Act.

The Opposition does not have any major objection to the Bill. We are pleased to see the amendment that will give the Minister power to do what he has already done for some time on behalf of local authorities that have asked for his assistance in supervising the construction of water supply and sewerage mains, storm-water drainage and swimming pools.

Queensland is the only State that has not adopted the practice of affirmation in its Local Government Act. I do not know why someone has not raised this matter before.

I wish to speak briefly about the minimum general rate provision. The clause concerned refers generally to Emerald and the mining centres; but it is important that other local authorities be allowed to assess different minimum rates for the various sections of their shires.

I am thinking of some friends of mine who own land near Bingil Bay. As a result of the revaluation of the area, their rates will be so high that it will be almost impossible for an ordinary working man to retain that property and work it as a farm. Because it is in a resort area it has been given a resort valuation—and that means high rates.

The idea of empowering a council or a shire that is divided into divisions for rating purposes to fix a minimum general rate for the whole shire or for one or more divisions is a good one. I hope it affords relief to those North Queenslanders.

An excellent clause is the one that allows the establishment of specific reserve funds for plant maintenance and renewal, the payment of long service leave and so on. Local authorities have not been able to put money aside in a General Reserve Fund. I congratulate the Minister on the addition of this provision to the Act. It is a very good idea. The provision giving the Auditor-General the power to report to the Minister when he considers the amount held in a reserve fund to be in excess of requirements is also one that was necessary.

A clause in the Bill covers people who, having applied for a rezoning or to build or use a particular building on a site, have their application refused and then continue to apply over and over again. This provision should be—and I hope it is—written into the City of Brisbane Act. In my own area I know of instances of firms applying to the city council for rezoning of a block of land or applying to use a site for a particular purpose. After they have been rejected by the council, they have immediately applied again. The result is that the people in the area have been required to read again the notice that is published outside the property, lodge an objection to the application and take the necessary steps within the required time to stir up some public interest in the matter. Having achieved that and having won the battle, they sit back and say, "We have defeated the application. We have protected our homes and our area. That will not apply again." Immediately, the firm applied again and the whole procedure had to be repeated. Before this amendment, they could just keep applying until in the end the objectors said, "What's the use? We may as well give in." So the applicant won by a war of attrition against the local residents.

Tomorrow I will be going to a liquidator's meeting for a company that was active on the Darling Downs. I believe the clause covering "access" could apply to subdivisions carried out by this Rural Co-operative Development Society. Some of the councils on the Darling Downs found they did not have the right to reject subdivisions in which all rights of access were by easement. I believe it is important that the local authorities themselves should be in complete control of subdivisions. This clause will strengthen their power in regard to easement.

It is not before time that some provisions have been written into the Act about freshwater lakes, which are not covered under the Canals Act. Gradually problems would have occurred. I am concerned that a person who buys land fronting one of these lakes could be faced with financial problems under this provision. It appears that the body corporate itself will be able to make a decision at a meeting to levy a certain amount of money on each of the landholders around the lake. If a landholder cannot afford the sum of money, the body corporate can take action to recover it. To me, that seems to give them a little too much power. The landholder should have some right to say, "I don't want to spend all that money. I don't want to take those steps." Even though the body corporate might have taken that decision, there ought to be some right of appeal or the right to go to the Minister for Local Government and say, "We think too much money is involved in this. We think we are spending too much money on this lake. We bought a bit of land because we want to live on the lakeside, but we did not think that we were committing ourselves to laws that could send us broke. We do not want to be controlled by a lot of other people who have more money than we have." As a result of having more money, the majority of landholders are able to say, "We will build an ornamental fountain or we will brick in around the side with fancy bricks from Russ Hinze's property down at Coomera. We will take all those steps to make the lake more beautiful." However, some people who purchase their block of land and are paying their homes off could be priced out of this area by this decision. There should have been some provision to protect them in some way. I cannot see it is there. If it is, the Minister might be prepared to explain it to us.

I agree with the proposal to allow councils, such as those in Ipswich and Mt. Isa, which have magnificent civic centres, to apply for function liquor licences. This provision must help many local authorities that have some of the best halls and functions rooms available for the public to use them to the maximum possible extent.

I also support the provision that will allow local authorities to recover money expended in cases where a landholder has

refused to comply with the by-laws. I hope that this will be applied to the clearing of noxious weeds on Railway Department or other State Government land. I have often received complaints about overgrown allotments. Most times the land is owned by the council or the Railway Department or another Government department. The council will now be able to move in and clear the land and take action to recover the money expended. This particular step is long overdue. I hope that councils clean up a lot of unkempt Government land and try to recover some of the cost from the State Government.

Mr. Moore: They sometimes go overboard with some of their costs and send bankrupt the people who are trying to pay for it.

Mr. BURNS: This is a problem but many people complain and we write to the council pointing out that a particular block of land is covered with noxious weeds and is creating a problem right through the district. The council through red tape takes a long time to serve the necessary notices and forms. If the landholder ignores the council he causes many other people to spend money because seed is blown onto other properties all over the district. In essence he is given the opportunity to clear it himself. If he does not do it, it is fair enough that he be asked to pay for cleaning up the property.

Whilst I congratulate the Minister on bringing in this Bill, I think that we should sit down one of these days and have a good look at this Act. As weaknesses are found, Bills containing 20 or 30 clauses are introduced to overcome them. This legislation is continually before Parliament. Year after year since I came here the Local Government Act seems to have been amended a couple of times a year. It is time that we had a good look at it to see if the town-planning, subdivisional and other sections can be amalgamted into one concept for planning the future of the residential areas.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (11.8 p.m.), in reply: The Leader of the Opposition has indicated acceptance of the Bill. The proposals have been discussed by the Local Government Department and Government members and it is obvious that is why the Leader of the Opposition indicates on behalf of the Opposition his complete concurrence with the Bill. I thank him for his contribution to the debate.

Motion (Mr. Hinze) agreed to.

Committee

(Mr. Miller, Ithaca, in the chair)

Clause 1, as read, agreed to.

Clause 2—Amendment of s.1; Short title—

Mr. CASEY (Mackay) (11.10 p.m.): I regret having to speak to the clauses of the Bill, but this has been made necessary by the Minister's gagging the debate by jumping up as soon as the Leader of the Opposition had finished speaking and seeking the call from Mr. Speaker. This was somewhat surprising, coming from a Minister who is always so keen to have his say on various matters. I know there are other members of his own party who will now also speak on the clauses.

Mr. Hinze: Now you are trying to stir things up.

Mr. CASEY: I am not.

Mr. Hinze: Of course you are.

Mr. CASEY: The Minister made no effort to see if other members wished to speak before jumping to his feet. Now he will have to put up with members speaking on the clauses.

Power is given in the section for local authorities to control and regulate the storage of flammable liquids. This is an important provision. I am happy to see the Minister for Industrial Development, Labour Relations and Consumer Affairs in the Chamber because he introduced a Bill last year that gave local authorities control of these matters in various areas. But many local authorities would not accept that control. Consequently, over the length and breadth of the State people have been storing drums of fuel in sheds in the back yard and under their homes. No doubt they made savings by buying the fuel in this way but they have created a serious fire hazard in residential areas. In some towns houses can be built from 10 ft. down to 6 ft. from dividing fences and a fire caused by a drum of fuel in one property could very quickly spread to other houses.

I think that local authorities have to accept the responsibility that has been given to them under other legislation and it is now clear that they can no longer step away from the duty of controlling not only the storage of material of this type but also its distribution. Here again there are problems. Despite the Bill that was brought down by the Minister for Industrial Development, Labour Relations and Consumer Affairs, many oil companies are deliberately flouting that legislation and exploiting weakness of local authorities by retailing fuel from their depots and sub-agencies. That is not in the best interests of service station lessees in provincial cities and in Brisbane where I understand it is also done.

Local authorities must accept their responsibilities. It is all very well to add new powers to section 1 of the Act, but it is pointless if they are not used. We have to strengthen the Act further to ensure that once powers are given to local authorities they are used. We have to give local authorities some sort of encouragement to ensure that they accept the responsibilities delegated to them and carry out their tasks.

Another section of the Local Government Act charges local authorities with responsibility for good government and the welfare of people in their areas. It is by virtue of the powers given to local authorities that they have the opportunity to make their own by-laws and ensure that their responsibilities are carried out.

Mrs. KYBURZ (Salisbury) (11.14 p.m.): I have just one question of the Minister. Clause 2 (a) (i) states—

"Omitting the word 'Minister;' and substituting the word 'Minister,';".

I am afraid that is quite beyond me. Perhaps I have made a mistake, but is it a drafting mistake or an error of syntax?

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (11.15 p.m.): Clause 2 is merely an amendment to update the total contents of the Bill. Section 49G, which deals with control over the storage of flammable liquids, was passed during the autumn session of 1975. As to the question asked by the honourable member for Salisbury, the amendment takes out a semi-colon and inserts a comma.

Clause 2, as read, agreed to.

Clauses 3 to 5, both inclusive, as read, agreed to.

Clause 6—Amendment of s. 7; Oath of allegiance and declaration of office to be made and subscribed—

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (11.16 p.m.): I move the following amendment—

"On page 3, after line 20, insert the following new paragraph:—

'(b) A person referred to in paragraph (a) may in lieu of making and subscribing the oath of allegiance make and subscribe an affirmation of allegiance in the following form:—

"I, , do solemnly and sincerely promise and affirm that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth the Second, as lawful Sovereign of Australia, and Her other Realms and Territories, and to Her Heirs and Successors, according to law." '."

Amendment (Mr. Hinze) agreed to.

Mr. AKERS (Pine Rivers) (11.18 p.m.): I have two questions on this clause. First, there is nothing that I can find in the Acts Interpretation Act that states whether or not the oath must be taken on a Bible, and I would like the Minister's clarification of whether or not that is a requirement. Secondly, in line 23, on page 3, I believe the word "may" should be "shall". There should be some clarification as to the people who are entitled to administer this oath or affirmation and the declaration. I think it should be clarified and not just left as "may".

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (11.19 p.m.): As I mentioned earlier, clause 6 of the Bill requires the making and subscribing by the chairman or member of a local authority of an oath of allegiance and declaration of office before he acts in his office of chairman or member. The oath of allegiance is prescribed in section 31 of the Acts Interpretation Act. Provision is made in the Oaths Act for the making of an affirmation by a person whose religious convictions are such as to prevent his making and subscribing an oath. However, no provision appears to have been made for the making by a person without religious convictions of an affimation in circumstances such as those covered by clause 6. It is necessary that such provision should be made, and for the purpose of clarifying the position it has been decided to amend clause 6 by providing that in lieu of making and subscribing an oath of allegiance the chairman or member may make an affirmation of allegiance in the form set forth in the amendment. This will clarify the position. The answer to the question of the honourable member for Pine Rivers is that it is necessary that the oath be sworn on a Bible.

Mr. AKERS (Pine Rivers) (11.20 p.m.): The Minister still has not answered my question relative to the use of "may". Line 23 says, "The oath of allegiance and declaration"—it will now also include an affirmation—". . . may be made and subscribed before the clerk . . .". I think the Minister should clarify who else can administer the oath. The number of people who can do that should be limited. We do not want anybody off the street administering it, or I certainly do not. I should like some clarification from the Minister, or I would ask that the word be changed to "shall".

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (11.21 p.m.): Clause 6 provides for the subscribing of an oath of allegiance and a declaration of office by each member of a local authority before he takes office. In terms of the Oaths Act, an affirmation may be sworn in lieu of an oath in appropriate cases. If a member fails to make and subscribe an oath and declaration within one month of election, or within such further time as the Minister may allow, his office becomes vacant. The oath and declaration will be sworn before the clerk of the local authority concerned. That should clarify the position. It has to be sworn before the clerk.

Mr. Akers: But it only says "may", not "shall".

Mr. HINZE: It will be sworn.

Clause 6, as amended, agreed to.

Clauses 7 and 8, as read, agreed to.

Clause 9—Amendment of s. 20; Power to constitute Joint Local Authority—

Mr. CASEY (Mackay) (11.22 p.m.): Clause 9 sets out new provisions for the selection and election of the president, deputy president and various other officers of a joint local authority. It is regrettable that there are not more joint local authorities being established in Queensland, but I think that many more will be established. I am very happy to see the clause incorporated in the Bill, because it will clarify some aspects of the operations of joint local authorities.

The reason why there is so much more need for joint local authorities is simply that the Government has failed to move to alter local authority boundaries over the length and breadth of the State. The problem arises particularly in provincial city areas, but it is also arising in many country shires. New programmes are continually being introduced. Legislation is continually being introduced and upgraded in this Chamber. New Federal programmes introduced in recent years have put a further onus on local authorities to carry out specific undertakings within their own areas. Because that has occurred, more and more matters become a task not for a single local authority but for a number of local authorities.

In provincial city areas, for example, sewage treatment works have to be constructed according to the needs of surrounding areas. Because of the magnitude of water supply schemes being undertaken by local authorities, they have to take into account the fact that water must be made available to local authorities in surrounding areas. The only way in which the problems can be overcome under the present Act is by constituting joint local authorities.

Joint local authorities used to be set up for fairly simple reasons; but the reasons are becoming more and more complex every day, and there is certainly a need for revision of local authority boundaries. Mackay has probably the worst boundary problem of any provincial city or local authority area in Queensland. Maryborough had a similar problem, but the previous Minister for Local Government set up a commission of inquiry to investigate it, and when the present Minister took over the portfolio he did alter the boundaries of Maryborough city. Because it is not covered by this clause I am not going to enter into that argument. I merely use this as a reference. Some problems did arise. Because the Minister did run into problems with Maryborough, there is no reason why he should not continue the task of upgrading local authority boundaries.

The previous Minister, Mr. McKechnie, promised me personally that he would come to Mackay. He promised one of the local authorities in the Mackay area that he would undertake the revision of the local authority boundaries in the city of Mackay as the next procedure following Maryborough. That has not occurred. Because it has not occurred, we have this need for the service industries to have a joint local authority. Only two shires are involved.

You can see the problem that will arise, Mr. Miller. The two local authorities will not agree on this matter. They cannot agree. What will happen if we try to get them together on a joint local authority board for sewerage purposes? It is all very well to appoint one of the clerks as being the one responsible. He can arrange for an election, but because he has the powers of the chairman he does not have the power to vote. That means a stalemate. The Mackay City Council would not dream of electing a Pioneer Shire Council fellow as chairman of such an organisation, and vice versa. With an even vote and the chairman not having the right to vote, a stalemate is reached.

The clause is devoid of some means of overcoming that problem should it occur. I instance my own area because I feel that that is where it could occur. Such a problem in Mackay could be easily overcome by the Minister's undertaking to revise the boundaries. It is the only provincial city in Queensland that still has a bad boundary problem, although I know that Bundaberg is not the best, as has been pointed out by the honourable member for Bundaberg. The same applies to Townsville. The honourable members for Townsville South and Townsville West have spoken about that.

The city of Mackay covers 7½ to 8 square miles, which is a very small area. Take a simple thing like the provision of a child-minding centre. The city does not want to go ahead and build a child-minding centre, because it would be looking after the kids coming in from the shire area. It says that the shire should contribute. I tried to get a joint local authority set up on that particular problem last year. They met with me, discussed it, and agreed to take it back to the respective councils, but neither would agree to co-operate with the other. How can we get them to co-operate on the selection of a chairman for a joint local authority? The only way to do it is to have a proper revision of the boundaries, and I make that appeal to the Minister tonight.

Clause 9, as read, agreed to.

Clause 10—Amendment of s. 21; Power to levy rates, etc.—

Mr. AKERS (Pine Rivers) (11.30 p.m.): I just want to clarify one point. In previous legislation introduced in 1973 and 1974 on the subject of minimum general rates there appeared the phrase "it being hereby thereunto authorised". That legislation concerned amendments to the Local Government Act when the minimum general rate was being sorted out. Those words do not appear in this clause. Furthermore, they are also being taken out in the part that is being deleted. I want to know whether the councils are

still authorised to levy a minimum general rate. If it was necessary previously to specify they were, why isn't it necessary now?

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (11.31 p.m.): It is only out of gratitude to the honourable member, a member of my committee, that I am replying to him. It is considered that the new subsection (1A) that it is proposed will be inserted authorises a local authority to determine at the budget meeting whether or not to levy a minimum general rate.

Clause 10, as read, agreed to.

Clauses 11 and 12, as read, agreed to.

Clause 13—Amendment of s. 33; Definitions—

Mr. JONES (Cairns) (11.32 p.m.): Clause 13 amends section 33 by inserting a new subsection (18B). Previously it was an exercise by exhaustion in this matter of application and in certain instances we saw the constant lodging of applications for rezoning purely for pecuniary gain. The ratepayer was left to organise and generally was out-organised by an absentee landlord or developer who has a legal eagle acting on his behalf.

I applaud the fact that the Act is to be amended to provide that, where an application for permission to use land and erect a building thereon under the town-planning scheme or interim development by-law has been refused by a local authority, no further application in respect of that land need be considered by the local authority for a period of 12 months. I don't believe, however, that 12 months is long enough. The rotation could be kept going on and on by subterfuge, as has happened in the past, and the application for rezoning can slip through. If it is refused and the council is satisfied that the further application is not substantially different from the first application, it can still refuse the application. I trust that will happen.

As the Leader of the Opposition said at the second-reading stage, we have had a proliferation of applications for consent in respect of the same use of a particular piece of land, despite the fact that the original application was refused. This has occurred in the Mulgrave Shire, at the southern end of Cairns, where developers have adopted this tactic in the hope that they will exhaust the local persons and wear down the resistance from the local authority. Over a period of time, with a change of personnel in the council, they will slip in applications from time to time pushing their own proposals, trying to confuse the objectors and discouraging potential objectors.

I agree with the Leader of the Opposition that people should not be forced to object from meeting to meeting. I believe that, unless a reasonable time has elapsed between applications, successive applications are unfair to the ordinary citizen. Nine times out of 10 he misses the notice on the property or in the local Press. It makes his right of appeal more difficult to achieve.

Mr. Burns: It makes a joke of long-term planning, too.

Mr. JONES: That is right. Unless the local aldermen are on their toes, a recommendation slips through in a different form, under a different name or by a different description. Before the objectors know what has happened, the application has slipped through. It is not the absent landlord who has to put up with the conditions; it is the residents who live in the area adjacent to the noxious industry, dance hall, or whatever it might be.

I see that the applicant will have a right of appeal to the Local Government Court against the decision of the local authority. That gives a right of redress to the developer and is fair and reasonable.

I would like the Minister to elucidate that part of the clause that refers to a 12-month period. We would like to know whether that can be extended, whether it is to be objected to at 12 months or whether the council can refuse it for 12 months or an extended period.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (11.37 p.m.): It took the honourable member for Cairns a hell of a long time to say nothing, really.

As indicated, if an applicant for site approval under a town plan has his application refused, the amendment provides that a further application cannot be made within 12 months. We have discussed the position with the executive of the Local Government Association. They believe that the 12-month period is acceptable to them. The Government parties think the same. Those of us who have had a certain amount of experience in local government think accordingly. Frankly, if next year or the year after, we see that there are some bugs in it, we might give consideration to the proposal of the member for Cairns. However, at this late hour in the evening, all I can say is that he is delaying the passage of the Bill.

Mr. CASEY (Mackay) (11.38 p.m.): The addition to the Act provided by this clause is typical of the way amendments are made to our Local Government Act. What happens is that a local authority runs into a problem because someone has tried to do something within the area. When an application is knocked back by the local authority for various reasons, perhaps known only to the councillors themselves, the councils become annoyed because the person reapplies. He gets knocked back and maybe applies again. So they say, "The best way we can get out of this is to have the Act amended so that we can stop him from reapplying within a period of 12 months."

The local authority places this matter before the regional local government conference, takes it straight to the Local Government Association, or gets its representative in the area to take the matter to the Local Government Association meeting. At that meeting some very knowledgeable councillor from another area nods his head and says, "Yes, we have that problem, too, with people annoying us with constant applications." What do they do? They decide it should be changed—that something should be introduced to stop it.

So the Local Government Association meets the Minister and puts up the problems it wants corrected and convinces the Minister to amend the Local Government Act. Sometimes the Minister might discuss this matter with his parliamentary committee on which we find many former members of local government. I am not trying to knock those honourable members because among others, the Minister, the honourable member for Cairns and I were members of local government. It gives a good grounding for entry into Parliament. Sometimes members of the Minister's committee who have struck this problem in local government think that the amendments should be made. But until a Bill is introduced in this Chamber the individual does not have any right to have his application heard. We do not hear his side of the story until the matter is discussed in this Chamber.

At this very time, right throughout Queensland, applications by citizens are being knocked back, mucked about and rejected simply because the local authorities are not properly interpreting the building legislation which was introduced last year. As I said, in my area there are two local authorities—one on each side of the river. I have mentioned the boundary problems before. The Mackay City Council has adopted one interpretation and across the other side of the river the Pioneer Shire Council has adopted a different interpretation in regard to these applications. So that this happens even in the locale of Mackay.

Through contact with honourable members and people from other areas I know that this is happening in other places as well. The local authorities are not properly interpreting the building legislation. This will go on for some time. Consequently many applications are being rejected.

In the Mackay area two applications for motel extensions were knocked back just before Christmas on the basis not of what is in that legislation but what the Mackay City Council thinks is in it.

Mr. Goleby: Are you dealing with the Bill?

Mr. CASEY: Yes, I am.

The TEMPORARY CHAIRMAN (Mr. Miller): Order! I do not need any help.

Mr. CASEY: I was just about to say, Mr. Miller, that you have a thorough knowledge and understanding of town-planning procedures and know what I am talking about. You, and not the honourable member for Redlands or anybody else, will be the judge of whether I am speaking to the Bill.

After my discussions with Local Government Department officers in Brisbane, and on my own examination of the Bill, I assured the applicants that they were being wrongly rejected by the council. So they reapplied. The council knocked them back again within two months and said, "Even though the building legislation will be ratified and gazetted, we still cannot apply it yet." It would have been silly at that stage for these applicants to take the matter to the Local Government Court. So they had to wait another month. They have just made fresh applications and the council has agreed to accept them and to put advertisements in the newspaper. Under this clause, and in that situation where there was a wrong interpretation by the local authority, it will be 12 months before these people could apply again.

Mr. Goleby interjected.

Mr. CASEY: It is not, unless they go to the Local Government Court.

We all know now that in such applications the costs are applicable to both the appellant and the respondent. These people were baulking at the unnecessary cost. They wanted to make extensions to their motels and the cost could have been equal to that of new motels—simply because the local authority was wrongly interpreting the legislation.

Wrong interpretations by local authorities will still persist despite this clause. You, Mr. Miller, have seen wrong interpretations by the Brisbane City Council and I have heard you bring such matters up in the Chamber. If we are going to bring in amendments of this type constantly, I think it is time we had a system under which we looked at the reasons why the Local Government Association wants these things. We should look to local authorities to see if they have some other means of overcoming the problem before they approach the Minister to amend the Act. Then when the Act is amended, the situation still applies because it is the local authorities rather than the applicants who are to blame.

Mr. AKERS (Pine Rivers) (11.46 p.m.): I would like to assure the honourable member for Mackay that when this matter came before the Minister's committee I certainly looked at it from the point of view of both the applicant and a member of a local authority. As an architect, I have to make applications myself to local authorities and I certainly did not ignore that point.

I think the relevant wording is important. The clause contains the words, ". . . the

Local Authority shall not be bound to consider any further application . . . made within 12 months," and, further down in the clause, "An applicant who is dissatisfied with a decision of a Local Authority pursuant to paragraph (a) may appeal to the Court against that decision." An applicant who is not happy with a council's refusal on that ground can appeal to the court against the decision. That balance is there, and if local authorities have any responsibility at all they will take it into account.

Mr. GIBBS (Albert) (11.47 p.m.): This clause was originally brought forward by the Gold Coast City Council. It went before the executive last year at the conference of the Local Government Association in Mt. Isa and it was found that there were problems on the Gold Coast and at Cairns. It took a long time to bring the clause to its present stage. I believe that 12 months after the date of refusal is good timing and I would not like to see it go any further. In my opinion it will cure the problems on the Gold Coast and it will cure the problems wherever they arise in Queensland. It is included only to overcome mischievous applications where people try to take advantage of the law. It protects the person who is honourable in his application and it should be appreciated by all who are involved in town-planning.

Clause 13, as read, agreed to.

Clause 14, as read, agreed to.

Clause 15—Amendment of s. 34; New roads and subdivisions by private persons—

Mr. AKERS (Pine Rivers) (11.48 p.m.): Lines 46 and 47 contain the words "practicable" and "constructed". I believe the inclusion of this amendment is extremely important. It clarifies many problems that local authorities have now and it lets applicants know where they stand. The word "practicable" does not need much definition but the word "constructed" should be clarified. I believe that "constructed" should mean, in zones other than rural, a sealed road at least 18 ft. wide and in rural areas it should mean a road 18 ft. wide of gravel construction. I think this should be clarified and I ask the Minister if he can inform the Committee of any intention so that it can be included in "Hansard".

Mr. CASEY (Mackay) (11.49 p.m.): I support the points made by the honourable member for Pine Rivers. I think the words "practicable" and "constructed" do indeed need clarification. We are introducing a provision to the Local Government Act and local authorities vary considerably, although we are now looking more particularly at subdivisional aspects.

I share the concern of the Leader of the Opposition and I agree with the comments he made on this point during the second-reading debate. There is a need to include this clause to ensure that in some areas a proper road is constructed where subdivisional works are going on. But I do know of examples where this clause could in fact be used by the local authority in certain areas to create hardship. I am not thinking so much of subdivisional purposes as most of us are thinking of them, and as the honourable member for Pine Rivers is referring to them—this may also apply in cases where we have a cattle property, for instance, in a remote area and the owner wants to subdivide a portion to give to his son. He still has to go through the process of subdivision and apply to the Titles Office and so on. Many of these places have unsurveyed roads which appear on the map. A survey has never been done but the roads have been included in maps of the locality—old stock routes and the like which technically do provide access.

I can give an example of this in the Broadsound Shire area west of St. Lawrence where a property owner had a parcel of land, part of which he wanted to give to his son. An access road had been built into the area through the northern section of the property. The map showed a road in the southern section of the property. According to the Land Act technically there was road access to the property although it was usable only during dry weather; when it rained, the owner came down through the top end. He subdivided the property and the top part was then sold. The person who bought the property blocked off the access to the southern part. When the survey was done properly, it was found that the existing access road did in fact cross the other person's property and this other person had just blocked off the road. It was then found that the other road went right through the middle of a water-hole. Many of us know that the old bushmen did not necessarily follow where the cartographers making up the map said the road should go. Consequently when the new owner surveyed this land he blocked off the existing access road because it was across his property, and he was quite entitled to do so. The original land-owner found he could not get into his property because the road went through a big water-hole. He went to the shire council and it would not build a road. They said, "There is already a road there. We did have a road there at some stage or other." Eventually an impasse is reached.

There is so much of this type of thing that I think this clause will in some circumstances be used against people in remote rural areas where we have roads which, while they might be declared roads, are not properly surveyed roads and certainly are not constructed roads. I go along with this provision so far as it relates to subdivisional areas.

We saw a bad example of the problem I am referring to recently in the Mackay area with the Resort Corporation and the subdivision of land at Cape Palmerston. The

people involved were able to fleece people of $500,000 because they took advantage of an old survey of an access road into an area. They put a few tracks over the side of a hill and sold off the land. The people were caught and had no possible chance of getting access to their properties. There were a lot of other things involved with that subdivision, but I will not deal with them now as they have nothing to do with the Bill. The Bill has its good points, but I predict that it will create problems in certain rural areas of the State.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (11.54 p.m.): Did I understand the honourable member for Mackay to say somebody was fleeced of $500?

Mr. Casey: $500,000.

Mr. HINZE: Who did the fleecing?

Mr. Casey: It is not the Local Government Department. This is under investigation by the Minister for Justice.

Mr. HINZE: I misunderstood the honourable member. I thought he said a local authority was fleecing people.

Mr. Casey: No.

Mr. HINZE: I would not be so cruel as to suggest the honourable member would say anything like that against a local authority.

Mr. Casey: They can't; the law stops them.

Mr. HINZE: I am informed that the suggestion is that "constructed" should mean sealed for all areas other than rural, and full gravel construction to a width of 18 ft. 9 in. in rural areas or zones.

The term "constructed" is not defined. The new subsection (12E) being inserted in section 34 closely follows the corresponding provision contained in most local authority subdivison of land by-laws. The question of whether practicable access is available to a proposed allotment of land in a subdivision is one to be considered by the local authority. There could be circumstances where access to a formed road that has not been sealed would be adequate access in the eyes of the local authority. The matter is one to be considered in the circumstances of a particular application, and it is thought that it would not be practical to attempt to define the word "constructed".

Clause 15, as read, agreed to.

Clause 16, as read, agreed to.

Clause 17—New s. 49AA; Power to establish and maintain function room as a function of Local Government—

Mr. JONES (Cairns) (11.56 p.m.): The clause seeks to empower any local authority by its nominee, who shall be either its clerk or one of its senior officers, to hold a function room licence under the Liquor Act. As this is Cairns's centenary year, I am sure that the Cairns City Council has already made overtures to the Licensing Commission for such a licence. I know that the Minister has attended receptions held by the local authority in the civic centre in Cairns, so he is familiar with the surroundings. Although the local authority has first to obtain the permission of the Governor in Council, I am sure that the Cairns City Council will be one of the first applicants under the new provision. It already conducts functions at the civic centre on some occasions, and I am certain that liquor has been served there under a special licence. I am confident that evidence furnished by the Cairns City Council will satisfy the Licensing Commission that its nominee is a fit and proper person to hold a function room licence under the Liquor Act.

This is a very good provision, and I am pleased to see that it is embodied in the amendments. I am sure that it will be of benefit not only to my area but also to many other areas in the State. A civic centre is usually the centre of social activity in a town, and the provision in the Bill will enhance the standing of the council by allowing it to carry out activities of this type in local authority buildings.

Clause 17, as read, agreed to.

Clause 18—Amendment of s. 50; Expenses to be a charge on land—

Mrs. KYBURZ (Salisbury) (11.59 p.m.): At the introductory stage the Minister was asked about the amendment of section 50 that is included in clause 18, which empowers the local authority to sell land in respect of which expenses have been incurred. That pertains to clearing for groundsel. The Minister became most perturbed at another honourable member's mention of the word "fleecing". I have the feeling that this is precisely what the Beaudesert Shire Council intends to do with groundsel eradication. The previous Beaudesert Shire Council—it may be better now—fixed charges for such work on the hearsay of private contractors. It sent bills to landowners and, if they were dumb, they paid. If they were not so dumb and questioned the bill, and went to the land and showed a council inspector that there was no groundsel there, or could produce a contract, they did not have to pay those charges. I do not think it is fair that a council should have the power to sell land to recoup the cost if the owner can prove that there was no groundsel on it. I realise that the amendment was brought in to apply to foreign landowners and absentee landlords. Of course, the council has to eradicate groundsel. The previous Beaudesert Shire Council seemed to me to be doing precisely what we do not like, namely, fleecing the landowners.

[Friday, 9 April 1976]

Mr. AKERS (Pine Rivers) (12.1 a.m.): At page 13, line 12, the words "unlawfully assaults an officer" appear. I should like the Minister to define the meaning of the words "unlawfully assaults", and tell us whether that only means physical abuse or whether the clause affords some protection to officers of local authorities from the kind of impolite words that could be used by people who have no idea of what they are talking about. Quite often a complaint is legitimate, but the point is forced home in an uncivil manner. I should like to know whether the clause affords some protection in this way to council officers.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (12.2 a.m.): I think the only thing that has kept me awake until this hour of the morning is the appearance in the Chamber of the beautiful member for Salisbury, and the comments she has made about the Beaudesert Shire Council and groundsel! I am looking at the beautiful member for Salisbury and thinking of the wonderful contribution she made on behalf of her constituents. I really hope she is returned with a resounding majority next time. I will be out on the stump helping her.

Getting back to this matter of unlawful assaults, I point out that section 245 of the Criminal Code states—

> "A person who strikes, touches, or moves, or otherwise applies force of any kind to, the person of another, either directly or indirectly, without his consent, or with his consent if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without his consent, under such circumstances that the person making the attempt or threat has actually or apparently a present ability to effect his purpose, is said to assault that other person and the act is called an assault."

Mr. Jones: What does that mean?

Mr. HINZE: I don't know what it means.

Clause 18, as read, agreed to.

Clauses 19 and 20, as read, agreed to.

Bill reported, with an amendment.

THE CRIMINAL CODE AMENDMENT BILL

Second Reading

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (12.5 a.m.): I move—

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

The provisions of this Bill were explained in some detail when it was introduced, so that honourable members when perusing the Bill would be well aware of the reasons for amendment.

The Bill seeks to increase the jurisdiction of magistrates in respect of the indictable offences they may deal with and the punishments they may impose. These amendments will enable Queensland magistrates to exercise a jurisdiction comparable to that presently enjoyed generally by their brethren elsewhere in Australia.

The clarifying provision relating to extra-territorial operation of our criminal laws is based on the Croft v. Dunphy principle, which provides that, so long as there can be some connection between the legislative enactment in question and the territory of the State, the courts will uphold its validity even thought it may have some extra-territorial application. The connecting link with the State is set forth in the Bill to include persons normally resident or domiciled in Queensland or operating from a vessel or other structure licensed or functioning pursuant to Queensland law.

At the introductory stage it was apparent that most of the comment on the proposals centred on the adoption of the recommendations of the Youth Commission in relation to the age of criminal responsibility and the age for unlawful carnal knowledge of a female person. These proposals seemed to receive general support.

Amendments updating the present rules of joinder of charges in criminal trials are based on the recommendations of the Law Reform Commission of Queensland and bring our laws in this respect in line with those applicable in the United Kingdom and most Australian States.

The Bill departs from the Law Reform Commission recommendations in two respects. Firstly, charges may be joined where those charges form part of a series of offences of the same or similar character in addition to, and not in substitution for, those charges which form part of a series of offences committed in the prosecution of a single purpose.

Secondly, the amendment omits the provision which does not authorise the joinder of a charge of murder or manslaughter with a charge of any other offence. There seems to be no good reason why there cannot in Queensland be a joinder of murder and robbery charges or murder and arson charges, for example, as there can be in the United Kingdom and in Victoria.

Mr. WRIGHT (Rockhampton) (12.8 a.m.): At the introductory stage I spoke mainly on the recommendations made by the Commission of Inquiry into Youth. I now wish to confine my remarks to the amendments relating to the various offences referred to by the Minister.

One new section relates to offences committed on the high seas. This extends the

existing provisions dealing with offences committed outside Queensland. Section 539 and sections 12, 13 and 14 cover some aspects of this. It is important that the law cover every possible aspect. Offences on the high seas were not previously covered.

In May 1975 this Parliament approved amendments to strengthen the existing law relating to the unlawful use or possession of motor vehicles, aircraft and vessels. Eleven years before that, section 417A was introduced to combat the problem of persons taking control of an aircraft. Three types of penalties were provided for. The first was imprisonment with hard labour; the second was imprisonment for 14 years if passengers were aboard; the third was life imprisonment if the person charged was armed or violently took over the aircraft. Section 408A, which was introduced last year, included the additional provisions relating to (a) the use of an aircraft for the purpose of facilitating an indictable offence, for which the penalty was 10 years' imprisonment, and (b) wilful destruction or damaging of an aircraft, for which the penalty was 12 years' imprisonment.

These provisions are being further expanded to cover specific offences committed by persons between the ages of 12 and 17 years. The penalty is a fine of $1,000 or two years' hard labour. We all agree that incidents in respect of aircraft and vessels involving young people would be isolated, but that is certainly not so with motor vehicles. I took out figures for offenders who appeared before the Children's Court. In 1974 there were 881 males and 25 girls and in 1975 there were 1,141 males and 47 girls. Even that is not a true indication of the prevalence of the offence. It is far worse than is indicated by those figures, because fewer people are caught or brought before the courts than in fact commit offences.

The problem has to be stamped out. It is no longer just a matter of joy-riding, as it was years ago. Vehicles are being damaged or destroyed. They are being stripped, because young people today realise that the stripping of vehicles can be a big money-spinner. I have even heard of hub-cap rackets and battery rackets. The property they are dealing with is sometimes worth $4,000 or $5,000. It is wrong that that sort of property should be at risk. Owners have to take all types of precautions, but there must be deterrents to would-be offenders.

The new section also enables such offences to be dealt with summarily. This further increases the jurisdiction of the Magistrates Courts—and, therefore, the over-all workload. We have to watch this trend very carefully. I have raised this matter in the Assembly before. We all realise the workload in the District Courts. However, whilst we are by this amendment relieving the District Courts of some pressure, we have to make sure that we are not over-burdening the Magistrates Courts.

It is worth mentioning, too, that the offence of taking or using a vehicle without the consent of the owner is covered in section 29 of the Vagrants, Gaming and Other Offences Act. When I found that, I wondered why we have a provision in two different Acts covering essentially the same offence. Under that section a magistrate can deal with any person charged with the offence, regardless of age. The fact is that we have these two avenues, and therefore it may be said that an accused is subject to the whim of the prosecuting officer. The law needs to be made clear. Although a magistrate needs to have the extra power to deal with offences relating to the unlawful use of motor vehicles, we have to be very careful about provisions relating to age. I wonder whether section 408 should apply.

The power of the Magistrates Courts is also being extended to deal with indictable offences relating to breaking and entering. That is in the amendment to section 443. Fortunately, the accused's right to elect to be tried by jury has been retained. Again there is an increase in the work-load of the Magistrates Courts. Admittedly, section 443 allows many indictable offences to be dealt with summarily by the Magistrates Courts. The list is already rather substantial. It was increased in May last year to include the stealing by a person employed in the Public Service of anything that is the property of Her Majesty or that came into his possession by virtue of his employment. Other offences related to bringing stolen goods into Queensland and obtaining from any person any chattel, money or valuable security by passing a cheque not paid on presentation. The quantum was also increased to cover property the value of which does not exceed $500.

We are now to include offences such as house-breaking and burglary. There are conditions, however: at the time of the commission of the offence the offender is not to be "armed with a dangerous weapon or equipped with an instrument of safe-breaking nor in company with a person so armed or equipped" and the value of the property is not to exceed $500. The reason for that is understandable. We realise that it is not as serious as one when the offender is armed or in cahoots with a person who is armed.

I note, too, that we intend to include any offence defined in section 425, which covers persons found armed. There seems to be a fine line drawn here. The magistrate cannot summarily deal with cases of stealing if the offender is armed with a dangerous weapon, but he can in the event of his—

> "being armed with any dangerous or offensive weapon or instrument or being so armed with intent to break or enter a dwelling-house and to commit a crime therein".

I accept that it is a lesser crime and a lesser penalty is provided. This is still drawing a fine line. The way we are increasing the jurisdiction of the Magistrates Courts, it would not surprise me if we amend the Code again shortly to allow the Magistrate Courts to deal summarily with all stealing and house-breaking offences.

Other amendments relating to joinder of charges and separate trials have the support of the Opposition and our stated attitude on previous occasions requires no elaboration.

There is no need to recanvass the matters I raised earlier about the age of consent or the age of criminal responsibility, because they were well covered.

The time has come to consolidate the Criminal Code. Major amendments were made in March 1964, December 1968, October 1971, October 1973, December 1973 and May 1975 and are now being made again in April 1976. We are gradually destroying the advantages of having a Criminal Code. It has always been said that we led the way here and that this was something special that we had on our Statute Book. Anybody could turn to the Criminal Code and find the offence and the penalty. Today, when we—and no doubt lawyers and the police—are dealing with this legislation, we cannot take the Code for what it is. For instance, we might have to refer to the new section 408A or 417A or we might have to go back to the offences that can be dealt with summarily, which are now not only A, B and C but A, B, C, CA, CB and so on.

Mr. Greenwood: It may be fairer to say that most people would use Mr. Justice Carter's book.

Mr. WRIGHT: The last edition I saw was 1974. Is that the latest?

Mr. Knox: A new one was published last year.

Mr. WRIGHT: The Code still requires consolidating. This should be done particularly for members of Parliament who have to keep checking amendments. It is important that the Code be updated because, apart from the Local Government Act and the Traffic Act, it is probably the Act that is most used. This task should be given priority and I hope that something will be done about it.

The Opposition supports the amendments proposed by the Minister in every respect.

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (12.18 a.m.): I thank the honourable member. The Criminal Code is being consolidated and the proofs are being checked at the moment. That shows how quickly the honourable member's request has been met. As he said, it is a matter of some importance to a tremendous number of people that the Criminal Code be put into a form for easy reference. This will be done and it will be available shortly.

Motion (Mr. Knox) agreed to.

COMMITTEE

(Mr. Miller, Ithaca, in the chair)

Clauses 1 and 2, as read, agreed to.

Clause 3—New s. 14A; Offences committed on the High Seas—

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (12.19 a.m.): In the printing of the Bill words were inadvertently left out. They probably became apparent to anybody who read the Bill.

I move the following amendment—

> "On page 2, line 21, insert after the words 'Law of' the words—
>
> "Queensland and afterwards comes into'."

Amendment (Mr. Knox) agreed to.

Clause 3, as amended, agreed to.

Clauses 4 to 19, both inclusive, and schedule, as read, agreed to.

Bill reported, with an amendment.

INVASION OF PRIVACY ACT AMENDMENT BILL

SECOND READING

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (12.22 a.m.): I move—

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

At the time when this Bill was introduced the honourable member for Rockhampton made several comments and raised certain matters concerning credit reports, the requirements for persons to answer questions put by inspectors, the right of an individual to take civil action for the invasion of his privacy, and computer-based data banks. The honourable member will by now have had the opportunity to peruse the Bill and will appreciate that the matters raised are outside the scope of the amendments contained in the Bill. However, if he wishes to forward to me a detailed submission on the matters he has raised, I will certainly examine his submission.

I have already explained in some detail the main provisions of this Bill. Its principal objective is to strengthen the rights to privacy of the individual in his own home. These provisions are the result of a very thorough examination of the various aspects concerning the intrusion by private inquiry agents, repossession agents and others, of the privacy of people in their dwelling-houses.

It will be noted that the new Part being inserted in the principal Act dealing with the invasion of privacy with respect to dwelling-houses will create two separate offences. The first offence is concerned with entering a dwelling-house without the consent of the person in lawful occupation or, where there is no one in lawful occupation, without the consent of the owner. The offender will be liable to a rather severe penalty of $1,000 or to imprisonment for 12 months.

Where the offender gains entry by force, by threats or intimidation, by deceit or any fraudulent trick or device or by false or fraudulent misrepresentations as to the reason for entry, the offender will be liable to a fine of $1,500 or imprisonment for 18 months.

It will be a defence for a person to show that his entry upon the dwelling-house was authorised, justified or excused by law. Similar defence provisions also appear in the Criminal Code with respect to certain offences. Any rights of entry sanctioned by law—for example, powers of entry by police officers, inspectors and landlords—will not be affected.

The second offence is directed against persons who are found in the yard of a dwelling-house or in the dwelling-house itself without lawful excuse. The onus of proving that a person had a lawful excuse is upon the accused. The burden of proof, in the sense of the obligation to adduce evidence that he had a lawful excuse, shifts on to the accused as soon as the complainant by his evidence has raised a substantial probability that the accused had no lawful excuse. It is not necessary that the accused should establish that he had a lawful excuse beyond a reasonable doubt. He is entitled to an acquittal if he discharges the civil onus of proof—that is, proof on the balance of probabilities. These provisions are designed to strengthen the law and the penalties against prowlers, peeping Toms and the like.

The other amendments contained in the Bill are designed to provide for the more efficient administration of the Act.

Mr. WRIGHT (Rockhampton) (12.25 a.m.): This is the first amendment we have had to this Act for almost 4½ years and from the comments that were made during the introductory debate it is obvious that the amendments have been brought forward because of changing social circumstances and because of some deficiencies that have now been shown to exist in the present Act. Concern has been expressed for some time that the wrong type of element could enter, or has even entered, the credit reporting and private inquiry field. Section 9 of the principal Act allows the Commissioner for Corporate Affairs to inquire into the fame, character, suitability and qualifications of persons applying for licences to carry out the business or functions of a credit reporting or private inquiry agency. It is vitally important that the commissioner can properly undertake such investigations and, to enable him or his office to do this effectively, the additional provision is now proposed to empower the Commissioner for Police to provide information relating to the terms I have already outlined.

Another amendment restricts applicants to those of 21 years and over. This is inconsistent with the Age of Majority Act, but I feel that most members would say that we need to accept this restriction because of the type of occupations involved here.

I note, too, that corporations involved now have to be registered under the provisions of the Companies Act 1965–1975 and be a recognised company within the meaning of the Act, having a place of business and carrying on a business within the State. These provisions are supported by the Opposition, as is the tightening up of the provisions relating to the registered address of the applicant or licensee.

The major improvement of the Act pertains to the unlawful entry of dwelling-houses. As I mentioned before, in his Press release the Minister gave credit to the honourable member for Merthyr for bringing this forward. It would seem we will now be able to combat the prowler, gate-crashers at parties and the peeping Tom, and we are going to give the proper protection to citizens. There is a penalty of a $1,000 fine or 12 months' imprisonment, and this at least should be a deterrent to the peeping Tom and the prowler.

I note, too, that there is a stiffer penalty for those who gain entry by force, deceit, threats of intimidation, fraudulent trick or device or false and fraudulent misrepresentations. The penalty here is a $1,500 fine or 18 months' imprisonment. I have considered this, and I wonder if the penalties could be increased. If we compare the offence with housebreaking, for which the penalty is 14 years' imprisonment, and with breaking into buildings with the intent to commit a crime, for which the penalty is seven years' imprisonment, we find that in this instance the penalty is only 18 months' imprisonment. Perhaps we could tie this offence more closely to the offence of a person who is found armed, which is a lesser offence than burglary or breaking and entering. It does seem to me that 18 months is insufficient here. We will just have to see if it is the deterrent the Minister hopes it will be. The provision overcomes difficulties in obtaining prosecutions because of the problems of interpretation of the Vagrants Gaming and Other Offences Act and the Enclosed Lands Act of 1854.

There is another important clause here which I only noticed when I went through the Bill a second time. It allows for restitution or compensation to the home owner if the offender damages or destroys property. It is good that we have this provision because we do need to give consideration to the

aggrieved person. After all, the householder suffers a loss and that loss is not compensated for simply by knowing that a person has been found guilty of some offence. There is need for some restitution.

We note too that the Bill clearly caters for a citizen's arrest without warrant. This is very necessary because it is extremely difficult for the police to be on the spot in every neighbourhood, especially when we are dealing with prowlers and, in particular, peeping Toms. This will allow the neighbours to arrest such a person as the circumstances arise.

The final amendment is also a new provision in that it gives indemnity to the Minister, the Commissioner for Corporate Affairs, the Minister for Police, inspectors and other officers appointed under this Act, members of the Police Force and other persons acting with the authority of the Commissioner for Police. We note that it clearly says that they do not incur liability for anything done for the purposes of the Act or done in good faith or purporting to be for the purposes of the Act. It is necessary to have a "no liability" clause, but it certainly broadens the rights of law-enforcement agencies.

At present police require a search warrant except where drugs are suspected to be involved or where there is reasonable suspicion of the commission of an indictable offence. I see some dangerous characteristics here. I do not believe that the police should have special protection unless it is clearly linked with the performance of their duties, and this could be open to some abuse. Earlier the Minister used the term "Big Brother", and it often worries me that we are giving special protection to our law-enforcement agencies. A situation could arise where police officers could abuse their authority and have this defence because of the new section. They could claim it was done in good faith or that it purported to be for the purposes of the Act. It is something we will have to watch very carefully.

The final matter that I wish to raise pertains to what Opposition members believe is an omission from the Bill. I raised it at the introductory stage, and I am glad that the Minister has said that he will accept a submission on it. It relates to the additional right that an American citizen has, that is, the right of civil action for the invasion of one's privacy, or in legal terms "a tort of infringement of privacy". It allows for a remedy of damages in terms of hard cash rather than just a criminal conviction for the offender. This is related very closely to the clause in the Bill under which a person is going to be given restitution if the offender damages the house in his invasion of that person's privacy.

It is important to note that the Parliament of South Australia pioneered similar legislation in Australia. A Bill was introduced there and is now being circulated for public comment. It clearly defines the right of privacy, which I think is an improvement on the present Act. It states—

"'right of privacy' means the right of a person to be free from a substantial and unreasonable intrusion upon himself, his relationships or communications with others, his property or his business affairs, including, without limiting the generality of the foregoing, such an intrusion by—

(a) spying, prying, watching or besetting;

(b) the overhearing or recording of spoken words;

(c) the making of visual images;

(d) the reading or copying of documents;

(e) the use or disclosure of—

(i) confidential information;

or

(ii) facts, including his name, identity or likeness, likely to cause him distress, annoyance or embarrassment, or to place him in a false light;

(f) the use of his name, identity or likeness for another's advantage;

or

(g) the acquisition of confidential, industrial or commercial information:".

That is an improvement on Queensland legislation, and I think we can gain something from it.

The legislation goes on to give a person a civil right to sue for damages. Clause 5 says—

"(1) Every person has a right of privacy.

"(2) An infringement of the right of privacy of a person shall be a tort actionable as such at the suit of that person.

"(3) An action shall lie without proof of special damage."

The remedies laid down are also worth noting. They appear in clause 8, under which the court can grant exemplary damages. It is not only pecuniary compensation for the loss actually sustained by the plaintiff, but also a kind of punishment to the defendant with a view to preventing similar wrongs in the future. It is obvious that this matter has been clearly thought out because it specifies what is the citizen's right and, so that it will not break down, goes on to provide defences that a person who is accused of invading one's privacy might have. One would expect a number of these things to be in the Act, but it says—

"In any action it shall be a defence for the defendant to show that—

(a) the infringement was unintentional and without negligence on his part;

(b) where the infringement was constituted by the publication of words or visual images, or by activities comprising research or inquiry undertaken in good faith with such publication in mind, the publication or activities were in the public interest;

(c) where the infringement was constituted by the publication of words or visual images and took place in such circumstances that, had the action been one for defamation, there would have been available to the defendant a defence of absolute or qualified privilege or of fair comment on a matter of public interest;".

The other important point here is that frivolous actions would be prevented by the normal power of the court to award damages.

I believe we have an excellent Act in Queensland. We pioneered the legislation, and credit has been given to the Minister for it. It is apparent now that there is room for further improvement. I will make a personal submission to the Minister on this matter and other points, but I believe that the inclusion of the tort of infringement, with the right of civil action, would really make the legislation complete. It would give total protection to the individual. It would make the individual's right of privacy paramount. It should be considered. I will be happy to forward a submission as suggested by the Minister.

Mr. GREENWOOD (Ashgrove) (12.36 a.m.): There is one aspect of the Bill I wish to refer to, namely, the amendment which changes the previous provision which restricted to enclosed yards the protection which is now being extended to all yards whether enclosed or not enclosed. The protection against peeping Toms was defined in those terms for many years. A complainant had to prove that the yard was enclosed, and then it rested on the accused person to prove that he had a lawful excuse. Nowadays when more and more people are dispensing with fences and many are relying on hedges or even have only grass from the footpath to the front door, a protection against peeping Toms which depends on proving that there was an enclosure is not a very effective protection. There has not been a great deal of authority on it in Queensland but Mr. Justice Lucas has held that an acalypha hedge is not the same thing as a fence.

Mr. Wright: That is strange in view of what the Dividing Fences Act has provided is a fence or a dividing line. It can be even a mound.

Mr. GREENWOOD: A mound apparently is not sufficient to enclose in this sense. It is pretty old law. Anyway, we are bringing it up to date and this change is going to be quite important. It is one that should be noted.

The aspects of the Bill referred to by the honourable member for Rockhampton are also extremely interesting. The ideal he referred to of completely protecting people's privacy by means of amending the law of torts is a nut that is not easily cracked. We are fortunate in this State, as in many other matters, in having with us Sir Zelman Cowen whose work in this field provides a very useful starting point. It may be that with his assistance in the future the Queensland profession will be able to improve this aspect of the law.

There is much in the Bill which provides practical amendments to improve the situation a great deal, and I commend it to the House.

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (12.39 a.m.), in reply: I thank honourable members for their interest and support. The definition of "privacy" is extremely difficult. The Bill circulated by South Australia seeking comments, and the Morison report published at the behest of the Attorneys-General two or three years ago, raised these questions of definition which become so difficult that one hesitates to be too finite for fear of creating problems of exclusion. This is one of the difficulties that arise when we presume that people have privacy anyway, that they have it as of right. That is the presumption we have all made, and that is the basis of a lot of this legislation. But when we try to define it we may find that one person's privacy is an infringement of another person's liberty. This is one of the areas that still have to be determined.

In the United Kingdom and in some parts of the United States of America attempts to protect people's rights by definition invariably lead to injustices in other quarters. I am not going to rush into this area, nor is South Australia going to rush into it. We will be interested to hear the comments that are made and to see the ultimate report in South Australia on that subject.

Motion (Mr. Knox) agreed to.

Committee

(Mr. Miller, Ithaca, in the chair)

Clauses 1 to 7, both inclusive, as read, agreed to.

Clause 8—New Part IVA; Invasion of Privacy With Respect to Dwelling-Houses—

Mr. WRIGHT (Rockhampton) (12.42 a.m.): I seek clarification on one point here. The Minister has said that landlords would not be affected. Whilst owners of the house are mentioned in the new section 48A—Unlawful entry of dwelling-houses—one would imagine that the landlord would have lawful excuse for being found in a dwelling-house. But I see some difficulties if the landlord enters the dwelling-house that he owns but does not have lawful excuse in that he did not advise the tenant in writing as required by the Termination of Tenancies Act and, furthermore, the extenuating circumstances do not prevail. Could it be that some person could lodge a complaint and the landlord could be convicted under this Act? The definition of "lawful excuse" would certainly seem to indicate that he would not be there lawfully unless he met the provisions of the Termination of Tenancies Act. We do not want to be imposing additional burdens on landlords, nor do we want unnecessary court hearings. I would ask the Minister to clarify that point.

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (12.44 a.m.): I do not have a copy of the Termination of Tenancies Act with me, but I do recall the five or six conditions under which landlords may enter the property, sometimes in an emergency, sometimes on notice, and also when they believe there is some reason for concern. They would be lawful occasions on which the landlord could enter, and it would be very easy for him to indicate that that was so. But when a landlord is acting as a peeping Tom, the situation would be different.

Mr. Wright: That does arise, when a landlord might keep coming to a house.

Mr. KNOX: There was a very famous case in Queensland not so long ago, which was the matter of some comment in this Chamber. If the landlord is there without lawful excuse, he is not given that protection. He gets the protection not because he is the landlord, but because he is acting lawfully.

Clause 8, as read, agreed to.

Clause 9, as read, agreed to.

Bill reported, without amendment.

REAL PROPERTY ACT AMENDMENT BILL

Second Reading

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (12.45 a.m.): I move—

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

Most of the debate during the introduction of this Bill revolved around the subdivision of land on the islands in Moreton Bay. It is interesting to note the history of legislative

control over the subdivision of freehold land in Queensland. This involves a consideration of the Real Property Act 1861-1974 (particularly section 119), the Local Government Act 1936-1975, the Local Authorities Act of 1902 and the Undue Subdivision of Land Prevention Act of 1885.

From 1861, upon subdivision of land, plans have been required to be lodged in accordance with section 119 of the Real Property Act. This section remained in its original limited form until it was amended in 1952. From 1885 to 1923, subdividers were required also to comply with the Undue Subdivision of Land Prevention Act of 1885. This latter Act was repealed in 1923 when certain amendments were made to the Local Authorities Act of 1902.

Seen in its original form in 1902, section 76 of the Local Authorities Act of 1902 had limited application to towns and shires so far as it bore on subdivisions and roads therein. Section 37 had a wider application in relation to opening of roads and was further amended in 1923 with the repeal of the Undue Subdivision of Land Prevention Act of 1885, after which it contained provisions not greatly dissimilar from those found in section 34 (6) of the Local Government Act 1936–1975.

However, the islands in Moreton Bay were not within an area of a local authority. The Registrar of Titles was therefore of the opinion that there was a right to subdivide such land into whatever shape, size or area a landowner desired without any restrictions or restraint whatever, the only requirement being that his plan be "correct" within the meaning of section 119 (3) of the Real Property Act.

As the islands in Moreton Bay prior to 12 May 1973 were not included in any local authority area, a subdivider of freehold land was not obliged to observe any of the usual requirements of a local authority leading to subdivision such as road formation and drainage. As far as it was possible the Titles Office endeavoured to keep subdivisional work in line with the minimum requirements of local authorities or the Brisbane City Council in regard to areas of lots and widths of roads.

Before any plan of subdivision on Russell Island where lots were bounded by the foreshore was registered, the staff surveyor carried out an inspection on the ground. If it was evident that any lots were affected by tidal influence, the attention of the subdivider was drawn to this fact, and in a number of instances the lots were withdrawn from the plan. If the definition of the foreshore differed materially from the original as shown on the plan in the Survey Office, the opinion of the Land Administration Commission or the Surveyor-General was sought regarding the acceptance or otherwise of the definition.

It is considered that everything that could reasonably be done by the Titles Office in

the control of subdivisional work on these islands, which were not under the control of any local authority, had in fact been done. The fact that a large number of lots had been created in such a short space of time without any supervision by any local authority is a matter which was outside the function of a registry. As plans have been registered, new title deeds issued and transfers to new registered proprietors have been registered, it is considered the state of the register should be confirmed by legislation.

The Bill also provides for the appointment of deputy masters of titles, formalises a practice in the Titles Office relating to withdrawal and re-entry of plans for priority purposes and amends section 41 relating to the assurance fund fee.

Mr. WRIGHT (Rockhampton) (12.50 a.m.): The Bill has a general narrow application. It is required in order to break an impasse that has resulted from difficulties that have arisen following the restructuring of a local authority area and therefore a change of control.

The Minister has also taken the opportunity to try to tidy up some out-of-date terminology by substituting the words "Registrar of Titles" for "Registrar-General". I realise that that interpretation is covered by section 4 of the Registrar of Titles Act of 1884. One would have thought that this would have been an ideal opportunity to go through the whole Act and replace the words. It raises the point that we need to start tidying up the real property law and consolidating it.

I shall make one general comment about some of the problems. During the debate on the Invasion of Privacy Act Amendment Bill I expressed some concern about computer data banks and pointed out that they were a potential menace to the rights of citizens. But it would seem that they would be an answer to the growing conglomeration of bureaucratic documentation.

A lot of praise has been paid to the Torrens system that is used in Queensland. A suggestion has been made by Professor Douglas Whalan. He suggests the use of land data banks and points out that they have exciting potential. He wrote an article entitled, "Conveyancing, an Odyssey" in which he lists what he terms the disparate collection of land information and goes on to include other things besides title and tenure that should be listed. He refers to land use, urban and rural planning, future land use, urban renewal, natural resource planning, rating, taxing, occupancy, building locations improvement, car-parking facilities, public health, transportation, flood control or emergency, soil characteristics, valuation, vegetation and so on. It would seem that this is something that the Minister might look at later.

The problem arose because of some difficulties within the system and maybe if we were to have some type of land data bank these problems could be resolved. There will be a growing number of registrations of land in the future. A lot more information will be required about land use now that we have the Beach Protection Authority. I can see the advantages of having all of this information on hand in some type of land data bank.

I have one other matter to raise but shall leave it until the Committee stage.

Motion (Mr. Knox) agreed to.

COMMITTEE

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

Clauses 1 to 9, both inclusive, as read, agreed to.

Clause 10—Repeal of and new s. 41; Percentage in the dollar to be levied for assurance of title—

Mr. WRIGHT (Rockhampton) (12.53 a.m.): The point here concerns the bottom of page 3 and the top of page 4. On page 3, the valuation of land at one point is required to be assessed by the Valuer-General's Department or by an approved valuer, yet in all other cases, and I instance gifts, the clause provides on page 4—

> ". . . be ascertained by the oath or solemn affirmation of the applicant or person deriving the land by transmission."

In one instance it would seem important that an objective test is made because of land valuations, market values and so on, yet in the other instance it is a subjective test by a person who can virtually put his own value on it. This is not a serious matter because it goes on to say—

> "Notwithstanding the foregoing, the Registrar of Titles may require a person referred to in paragraph (b) of this subsection to produce a certificate of value under the hand of a valuer registered . . ."

It would seem that there is no need for this difference between one which must be an approved value and the other in which there is an assessed value not based on the actual sale price of land. I wonder if there is any reason for this change in the second part of this clause.

Hon. W. E. KNOX (Nundah—Minister for Justice and Attorney-General) (12.55 a.m.): I cannot give an answer offhand. I shall have to send the honourable member a letter on it.

Clause 10, as read, agreed to.

Clause 11, as read, agreed to.

Bill reported, without amendment.

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 12.56 a.m. [Friday].