

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 28 SEPTEMBER 1976

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

ASSENT TO BILLS

Assent to the following Bills reported by Mr. Speaker:—

Physiotherapists Acts Amendment Bill;
Building Societies Act Amendment Bill.

DISTINGUISHED VISITORS

Mr. SPEAKER: Honourable members, we have with us in the gallery this morning some of the delegates who are present in Brisbane to attend a session of the Third Australasian Parliamentary Seminar. It is my pleasant duty on behalf of all honourable members to extend a cordial welcome to the visitors. I trust that the proceedings of our Parliament will be of interest to them.

Honourable Members: Hear, hear!

PAPERS

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

Reports—

Comptroller-General of Prisons, for the year 1975-76.

Queensland Health Education Council, for the year 1975-76.

The following papers were laid on the table:—

Proclamation under the Acquisition of Land Act 1967-1969.

Orders in Council under—

Industrial Development Act 1963-1975.

Harbours Act 1955-1976.

Beach Protection Act 1968-1972.

The Supreme Court Act of 1921.

Regulations under—

Queensland Marine Act 1958-1975.

Litter Act 1971.

The Nurses Act of 1964.

Hospitals Act 1936-1976.

Auctioneers and Agents Act 1971-1975.

Subcontractors' Charges Act 1974-1976.

By-law under the Pharmacy Act 1917-1972.

Ordinance under the City of Brisbane Act 1924-1974.

Report of the Public Defender for the year 1975-76.

PETITION

AMENDMENT OF UNIVERSITY OF QUEENSLAND ACT

Mr. GYGAR (Stafford) presented a petition from 46 students of the University of Queensland praying that the Parliament of Queensland will amend the University of Queensland Act so as to ensure that students may freely and without coercion choose whether they will financially support the University of Queensland Union.

Petition read and received.

QUESTIONS UPON NOTICE

1. WATER POLLUTION; CLEAN WATERS ACT

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

(1) With reference to his answer to my previous question concerning prosecutions for breaches of the Clean Waters Act that no prosecutions had been launched since the Act was introduced in 1971 because of the generally good co-operation received, how does his answer compare with the report in "The Sunday Mail" of 30 June 1976 which stated that 93 per cent of Queensland water-ways tested by the Water Quality Council had at least one pesticide reading above the council's maximum desired level and that 40 per cent had at least one level above a higher measurement regarded as "water objectionable"?

(2) Has he read the study produced by the director of the Australian Littoral Society and two Griffith University researchers, which concludes that the Act should be urgently reviewed and possibly repealed and that the council lacked the means to do the job properly?

(3) What action has he taken as a result of the study, which suggests that some Queensland water-ways contain bacteria that have been shown to cause eye, ear, nose and throat infections, skin diseases and gastric disorders?

Answers:—

(1) I am advised that all known industrial sources of pesticide wastes have been required to provide control measures through licensing under the Clean Waters Act 1971-1976. It is believed that most of the pesticides in water-ways are derived from the use of pesticides on land by farmers and home gardeners and, as such, cannot very well be controlled by the licensing provisions of the Clean Waters Act. Controls are, however, being imposed by the Department of Primary Industries. The imposition of these controls, of course, is a matter within the administration of my colleague the Honourable the Minister for Primary Industries.

The Government has established an inter-departmental committee to study contamination of foods, and pesticide contamination is one of the matters which will be studied. It can be expected that this committee will recommend further controls over pesticides when they are considered necessary to protect foodstuffs and drinking water.

The Department of Local Government is conducting an investigation into the levels of pesticides in fish from representative areas of the State and is also investigating the effects of the use of pesticides in irrigation areas. Because some pesticides are very persistent, it can be expected that they will be detected in the environment for a considerable period, even if they are removed from sale or their use is stringently controlled.

(2) I am aware of the study referred to and its conclusions. Whilst I do not regard the study as an authoritative one, suggestions contained therein will be given further consideration the next time the Clean Waters Act is due to be amended. The Leader of the Opposition will be aware of recent amendments to the Clean Waters Regulations, which will make administration more effective and streamline the collection of evidence for possible prosecutions. The water quality section of my department, which services the Water Quality Council, is being provided with additional staff, accommodation and equipment, and arrangements are being made for improved laboratory services. The Leader of the Opposition may be assured that administration of the Clean Waters Act is given a high priority by the Government.

(3) Bacterial levels in the rivers should decrease as more sewage treatment plants come into operation. However, land use adjacent to the rivers will always contribute some bacteria and it is unlikely that all the rivers will attain bathing-water standards at all times. I am advised, moreover, that there is no epidemiological evidence known to my officers linking bacteria in these rivers with the diseases referred to. My colleague the Honourable the Minister for Health may be able to advise the honourable member further on this.

2. ROSS RIVER DAM COSTS

Dr. Scott-Young, pursuant to notice, asked the Minister for Water Resources—

(1) What were the original estimated costs for Stage 1 and Stage 2 of the Ross River Dam and what are the revised estimated costs?

(2) What proportions are being contributed by (a) the Townsville City Council, (b) the State Government and (c) the Commonwealth Government?

Answers:—

(1) When originally estimated in December 1968, the costs for Ross River Dam were:—

(a) Stage 1—\$7,790,000,

(b) Stage 2—\$4,620,000 (additional).

The Stage 2 cost was revised in 1973 and increased to \$5,120,000. The Townsville City Council's most recent estimate for the cost of Stage 2 is \$13,715,000. The actual cost of Stage 1 was \$11,638,000.

(2) The Stage 1 costs were shared as follows:—

Townsville City Council—\$6,259,000;
State Government—\$3,879,000;

Commonwealth Government—
\$1,500,000.

In regard to Stage 2 the Commonwealth Government has agreed to provide \$2,560,000 by way of a grant; but it is proposed to make an approach for an additional grant to meet increased costs. If no extra grant from the Commonwealth Government is made available, the estimated Stage 2 costs will be met as follows:—

Townsville City Council—\$7,437,000;
State Government—\$3,718,000;

Commonwealth Government—
\$2,560,000.

3. SUPERVISION OF SCHOOL CROSSINGS

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

(1) Is he aware that the Police Department in Victoria is to employ people part-time to supervise school crossings in busy areas?

(2) In the light of the present uncertainty of the teachers' legal rights in the matter, will he seriously consider instituting a similar system in Queensland?

Answers:—

(1) I am aware that such a scheme has been operating in Victoria.

(2) This matter comes under the control of my colleague the Minister for Transport.

4. VEHICLES EMISSION CONTROL

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

(1) What enforcement powers has the Department of Main Roads with regard to Australian Design Rule 27A for vehicle-emission control?

(2) Is it a fact that, after registration, the Department of Main Roads has no power to stop a person from modifying a vehicle fitted for emission control so that the emission control becomes virtually useless?

(3) What action does he propose to take to remedy this situation?

Answers:—

(1 and 2) Answers to these parts of the question were given by my colleague the Honourable R. J. Hinze, M.L.A., Minister for Local Government and Main Roads, on Thursday, 23 September.

(3) No action is required as modification of a vehicle as suggested by the honourable member would be prima facie evidence of an offence against clause 5A of the schedule to Part 13 of the Traffic Regulations which reads—

“5A. A person shall not remove from a vehicle registered under the provisions of The Main Roads Acts 1920 to 1968, any parts or items of equipment of or fitted to such vehicle in accordance with the requirements of the Australian Design Rules, except for the purpose of repairing or replacing such parts or items of equipment.”

QUESTIONS WITHOUT NOTICE

FUNDING OF QUEENSLAND CONSERVATION COUNCIL

Mr. BURNS: I ask the Premier: Can he explain why the Queensland Government was unable to provide the Queensland Conservation Council with the sum of \$9,000 which it sought this year? Is he aware of the vital work that that council is carrying out in environmental impact studies and the reports from the Co-ordinator-General's Department? Would he concede that his refusal to pay the \$9,000 to the council so that it can continue its work is in complete defiance of his recent interest in the conservation movement in this State?

Mr. BJELKE-PETERSEN: The honourable member is quite aware of what the Government has done in conservation issues and other matters. We in Queensland took the initiative in Australia and handled this matter at Premier level. We co-ordinated under Sir Charles Barton and under myself all Government departments dealing with conservation matters. No other State did that. We took the initiative. We act very firmly and adequately in this area.

We know also that there are very close friends of the honourable member—Jack Munday and others—who, for political purposes, become involved in these issues. No doubt the honourable member would like us to support Jack Munday.

Mr. Burns: Why don't you answer my question?

Mr. SPEAKER: Order!

Mr. BJELKE-PETERSEN: These people are involved in what the honourable member is inquiring about.

As a Government we are doing effective work in this area and we are held in high esteem right throughout Australia for the level at which we treat this matter and the basis on which we deal with it.

RACE-RIGGING ALLEGATIONS

Mr. BURNS: In directing a question to the Deputy Premier and Treasurer, I refer to a report by the turf editor, Mr. Jim Anderson, in last Saturday's "Courier-Mail" newspaper involving allegations of race-rigging on Brisbane tracks, followed by another report in the same newspaper yesterday making similar allegations in relation to the Gold Coast. I now ask: Has he, as Minister in charge of racing, received any complaints in regard to these allegations? Is there any evidence to suggest race collusion by jockeys or other people associated with racing in Brisbane, the Gold Coast or any other Queensland area? In view of the serious nature of the complaint by a very prominent member of the Liberal Party, Mr. Jim Anderson, what is the Minister going to do about it?

Mr. KNOX: Obviously this is a Dorothy Dix question. I was informed that the Leader of the Opposition was going to ask it this morning and I have all the answers here.

Mr. Jensen: Jim Anderson told you.

Mr. KNOX: I presume that Jim Anderson must have given the information to the Leader of the Opposition. I do not disclose my sources of information and no doubt Mr. Anderson does not disclose his, either. Of course, the Leader of the Opposition, who has had a long association with racing, will know a great deal about the lurks that go on behind the scenes.

When this article appeared in the newspaper it gave me some concern, so I made inquiries. The chairman of the Queensland Turf Club issued a statement that appeared in "The Sunday Mail" last Sunday. I intend to quote the article because it will do no harm for members to know the real position. It reads—

“The Queensland Turf Club will investigate allegations of race ‘fixing’ in Brisbane if ‘credible facts’ are placed before it.

“This undertaking was given yesterday by the club chairman (Sir Douglas Wadley).

“Sir Douglas was commenting on reports that there have been ‘one-goer’ races in Brisbane in recent months.

“I have the utmost confidence in our Stewards,’ he said. ‘They are a highly competent body of men.’

“It is expected that representatives of bookmakers, owners and trainers will consider soon making submissions to the Q.T.C. on the allegations.

"The Chief Steward (Mr. Andy Tindall) said yesterday that stewards did not have any evidence of any alleged malpractices.

"We invite any owner, trainer or book-maker to come forward with any evidence which can be substantiated and it will be investigated", he said.

"Because the betting moves take place away from the track, Brisbane track stewards would not have any indication of any race fixing.

"Graham Cook, speaking as President of the Brisbane Jockeys' Association, said he had never heard of any attempted race fixing in Brisbane.

"Cook said the allegations would be discussed at a special meeting of the Jockeys' Association to be held shortly."

If the Leader of the Opposition is in possession of any information of this nature he, too, should give it to Sir Douglas Wadley, the chairman of the body charged with the responsibility of controlling racing in this area.

FACILITIES, DECEPTION BAY STATE SCHOOL

Mr. FRAWLEY: I ask the Minister for Works and Housing: Could he give an assurance that he will pay a visit to the Deception Bay State School at an early opportunity to obtain a first-hand impression of school facilities?

Mr. LEE: Knowing the honourable member's keen interest in his electorate and the numerous letters that he writes to me and the numerous representations that he makes to me, I will certainly make time available to visit the Deception Bay State School and, if necessary, any other schools that he might want me to visit.

ALLOCATION OF COMMONWEALTH FUNDS TO LOCAL GOVERNMENT

Mr. AKERS: I give notice of a question to the Minister for Local Government and Main Roads for tomorrow, 29 September: Will the Minister congratulate the committee which allocated the Commonwealth Government funds for local government on the accuracy and fairness of its division of those funds to local governments in Queensland?

Mr. HINZE: Are you putting that on notice or do you want the answer straight away?

Mr. AKERS: I will ask it without notice.

Mr. HINZE: The honourable member has asked me whether I would congratulate the committee that allocated the funds that have been provided this year from the Commonwealth under the new co-operative federalism policy. Mr. Speaker, two questions upon notice this morning have been worded in the

opposite way by honourable members who are concerned about the allocations to the local authorities in their areas.

What I say is this: with the time available, the committee that has been set up by Cabinet, comprising the Director of Local Government (Mr. Harold Jacobs), a representative of the Treasury and the President of the Local Government Association of Queensland has divided the \$24,200,000 that is available to Queensland this year as equally as is humanly possible. Perhaps some councils will compare the various allocations and will be disappointed. However, if they look at last year's allocations they will find that some of those that have been mentioned this morning represent an increase of 200 per cent or 300 per cent. I ask every member of this Parliament to have a little bit of patience, because it is not humanly possible to provide funds to the State's local authorities in complete equity when every council in Queensland has made its own request on what its allocation should be.

I thank the honourable member for Pine Rivers for his question and for allowing me to answer it immediately. However, as for the other questions that have been put on notice, I will certainly give those honourable members a full answer in respect of their own local authorities.

SCHOOL CROSSINGS, WYNNUM AREA

Mr. LAMOND: I ask the Minister for Local Government and Main Roads:

(1) Does he recall a question I asked of him on 7 September this year about controlled pedestrian crossings at two schools in the Wynnum area, to which his reply was—

"Yes, I will bring this matter to the attention of the Lord Mayor, Alderman Frank Sleeman, again for any further action by his officers that may be seen to be necessary."

(2) Has he yet had the opportunity to bring this matter to the notice of the Lord Mayor and, if so, has any progress been made in the matter?

Mr. HINZE: I believe that the honourable member deserves the highest commendation for the assiduous way that he works on behalf of the constituents of Wynnum. He has raised this matter in the House on previous occasions and, as he said, I undertook to discuss it with the Lord Mayor of Brisbane.

That meeting has been held and agreement has been reached between Alderman Sleeman and the Commissioner of Main Roads and myself. I am pleased to be able to report to the honourable member that pedestrian-actuated traffic lights will be installed at the points mentioned to overcome the problem and to protect the lives of the children in his electorate.

DEFLECTIONS BY PILOTS

Mr. TURNER: I ask the Premier: As two Russian pilots have in recent weeks defected to the Free World, will he indicate on how many occasions pilots from the democratic nations have flown to Russia to seek political asylum and thus live in the so-called socialist Utopia?

Mr. BJELKE-PETERSEN: Honourable members opposite laugh when such questions are asked, because they well know my general attitude to such matters. It is interesting to note that one never hears of Air Force personnel from the Western World flying to Russia to defect.

An Opposition Member: Why?

Mr. BJELKE-PETERSEN: I often wonder why honourable members opposite, and their colleagues and supporters, do not go to live in Russia. They are always advocating the Russian system. It is quite clear that those who have had a taste of it want to get away from it. I do not blame them and I am sure that, given the opportunity, many more would leave the Communist countries in which it is supposed to be so wonderful to live. I fully sympathise with those who leave and I quite understand why they make the attempt.

RACE-RIGGING ALLEGATIONS

Mr. LANE: I ask the Deputy Premier and Treasurer: In respect of recent Press reports by the very experienced "Courier-Mail" turf editor, Mr. Jim Anderson, regarding alleged race-fixing on Brisbane tracks by a ring of at least three jockeys which involves "educated" money bypassing local bookmakers and being channelled to Queensland country and interstate tracks, is he satisfied that there is sufficient liaison, consultation and interchange of information between local betting stewards and those on other tracks in the country and interstate so that a trend in betting can be detected which may substantiate or refute race-fixing allegations?

Mr. KNOX: If anyone is in possession of any information at all suggesting that there is something amiss in the racing world, he should put it before the body that is obliged to supervise racing in this area. The principal club here is the Queensland Turf Club. This body has all the powers required, given to it by this Parliament and by the Australian Rules of Racing, to conduct all necessary investigations. I think it should be said that there have been comments also in the Press on Mr. Anderson's original article. In yesterday's "Courier-Mail" a number of people prominent in the racing world said that they are not aware of the problems. "Sunday Sun" of last Sunday reported that a number of people involved in racing matters were asked for their views and they all claimed that there was no substantial evidence of the nature originally claimed.

Mr. Houston: Do you think Jim Anderson fabricated the story?

Mr. KNOX: Mr. Anderson has his own sources of information and he is not going to reveal them.

Mr. Houston: Isn't he going to tell you?

Mr. KNOX: He does not have to tell me. I do not need to know. The body charged with this responsibility is the Queensland Turf Club. Sir Douglas Wadley has made it quite clear that, if any credible facts are placed before the club, they will be investigated immediately. The club has that responsibility.

HOUSE-BUILDERS' REGISTRATION
AND HOME-OWNERS' PROTECTION
BILL

INITIATION IN COMMITTEE

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

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (12.5 p.m.): I move—

"That a Bill be introduced to provide for the establishment of a House-builders' Registration Board and the registration of persons competent to build houses, and to provide protection to owners of homes and for related purposes."

It is my opinion that the House-builders' Registration and Home-owners' Protection Bill will be one of the most significant pieces of legislation placed before State Parliament. This Bill is important because it provides security for the Queenslanders who desire to have his own home built by a house builder or alterations, renovations, etc. carried out. In the main, the security is provided by a comprehensive insurance scheme which will mean that the owner's worry and stress, associated with any form of house-building activity, will be considerably reduced, if not eliminated altogether.

Before proceeding with the general body of the Bill, I would like to point out that up to the present day the supervision of the registered builder has been the responsibility of the Builders' Registration Board. The board has carried out its work well and has had a great effect on those builders who seek to avoid their responsibilities towards Queenslanders, who look to those engaged in the building industry to construct homes to the satisfaction of the owner.

The Builders' Registration Board, under the chairmanship of Joe Box, has filled a great need in Queensland and helped towards better standards in the building industry. There has been one major problem facing the board. In the past it has been required to impose a general standard on all those who sought registration, whether the person who sought registration was concerned with simple alterations, renovations or home-building or whether the applicant sought to build a multi-million-dollar skyscraper.

The board had a difficult decision to make and, in fact, it was almost an impossible decision. While there is no wish to diminish the standards of those who are house builders in a small way, it has obviously been difficult to apply the same standards of competency and experience and financial capacity to the home builder as if he were seeking to build a multi-storey building.

In many cases the home builder is perfectly qualified to carry out home repairs or alterations or, for that matter, build a home when clearly he may not be qualified or in fact desirous of carrying out much more complex building work, such as would be required in a high-rise building or similar construction, which is usually under professional supervision.

Often the board had no alternative to rejecting applicants, mainly because of the experience which has to be first obtained to ensure the vastly different construction required in large projects. This is another reason why this Bill is being introduced today. This has also had the effect of creating a shortage of registered builders, which has been experienced by many Queenslanders in the past, particularly in the country areas.

The object of the House-builders' Registration and Home-owners' Protection Bill of 1976 is to bring into effect legislation which will provide for registration of those concerned with house building only. The Builders' Registration Board, as such, will concentrate on builders who will not be associated with house-building. In the main, such builders would be concerned with commercial, industrial, high-rise and multi-storey buildings and suchlike, leaving that board to concentrate on this area.

This Bill, therefore, provides for the setting up of a House-builders' Registration Board, which will concern house-building only.

Apart from the major measures of the Bill, such as insurance, the setting up of this board alone must ensure greater protection for those who wish to have a house constructed in Queensland or have renovations or alterations carried out. This, then, is the reason for the introduction of this Bill. The main objectives of this Bill are—

1. To provide for registration of house builders and to establish qualifications for such registration. (Existing registered builders will automatically qualify as registered house builders.)
2. To ensure proper standards of dwelling-house construction (including alterations, repairs, etc.) above \$1,000 in value.
3. To ensure the correct performance of the house builders' obligations to home owners where dwelling-houses have been constructed by registered house builders.
4. To establish further protection for the consumer by the setting up of an insurance scheme whereby home owners will be financially protected, as prescribed by the Bill, against default of registered house

builders, whether there is faulty or unsatisfactory work or non-completion of contracts.

Apart from these all-important insurance provisions, many of the administrative and other provisions of the new Bill are much the same as those of the Builders' Registration Act 1971-1973.

The House-builders' Registration Board will consist of five members, suitably experienced and with appropriate qualifications. The chairman will be a representative of the Government, there will be two nominees of the Queensland branch of the Building Industry Advisory Council of Australia. One of these nominees will be a registered builder engaged in general building construction and the other will be a builder engaged in dwelling-house construction. Another member of the board will represent home purchasers and there will also be a representative from the insurance industry.

Where a house builder is considered for registration, the board will determine—

1. that the applicant is competent to merit registration as a house builder; and
2. that he has reasonable financial resources to carry on such business.

The board will have the power to place a restriction on the number of dwelling-houses which such a registered builder may start to construct in any period. Any such restriction would be subject to review.

The provisions of this Bill, in regard to offences by registered house builders and/or those who are not so registered, will be similar to those in the Builders' Registration Act, except that the limit of building construction which may be carried out by a non-registered person (apart from an owner-builder) has been raised from \$500 to \$1,000 in keeping with inflation and rising costs.

There is also a similar provision for suspension or cancellation of registration, but in this respect an additional immediate action is provided for by way of caution or reprimand or the placing of further restrictions or conditions on registration of a house builder whose failure to comply with a provision of the Act can appropriately be dealt with in any of those ways.

The object mainly is to stop an unsatisfactory situation from arising, as far as possible, but, if it does arise, to correct it as soon as possible without depriving the house builder of his livelihood unless such action is unavoidable. The board will have the authority to require a registered house builder to put right any faulty or unsatisfactory work. It is not anticipated that there will have to be a team of inspectors inspecting work. Action by the board would be taken as a result of complaints made by house buyers or householders during the insured period.

The Bill will provide for a person to build his own home or carry out alterations, extensions or repairs to it to any value. However,

when an owner-builder wants to carry out such work to a value exceeding \$1,000, he must first notify the board of his intention to start such a building. It will not be necessary to forward plans and specifications, but he must notify the board in writing before he starts such construction. This is a most important aspect of the Bill because, without this provision, it would create an impossible situation if the board was not notified of an owner-builder starting construction.

It basically provides much greater protection for a prospective home purchaser, because he will be able to find out from the board whether the house he proposes to buy was built by a registered builder or not at a certain date. It will have the effect of stopping someone who, while being able to build his own home, is not able to sell that house to a prospective purchaser without being required to state that he was not a registered builder and therefore that the house was uninsured at the time it was built. Such notification must be given in writing if the owner-builder proposes to sell that house at any time within six years after completion. Apart from notifying in writing that the house was built by someone who, at the time of construction, was not a registered house builder under this Act, the owner-builder proposing to sell must also indicate in writing that the building construction is not protected by the insurance cover provided by the house purchaser's agreement, which I will be explaining in more detail later.

Another important aspect of this provision is that, where such a house is advertised in a newspaper or similar publication, all the foregoing particulars must be contained in each advertisement. Anyone who contravenes this subsection will be liable to a penalty of \$1,000. It is intended not to have inspectors calling on owners or projects, as it is the owner who will make the complaint to the board. Then the inspector will make inspections with all the power of the Act to assist him. The protection for a home purchaser, because of this provision, is obvious. It protects a home buyer from the "get rich quick" jerry-builder posing as an owner-builder, weeds out such persons, and, in time, it will also ensure that the standards are raised and that those who seek to build a home will have the right experience and knowledge to build a home to a reasonable standard.

I would like to move now to the major provision of this Bill in terms of protection for Queenslanders who wish to have a house built, or alterations or repairs of a structural nature carried out, where the value of these exceeds \$1,000.

1. The House-builders' Registration Board itself will guarantee the performance of every registered house builder in respect of every dwelling-house which he constructs and every alteration, addition, repair, etc. of a structural nature which exceeds \$1,000 in value.

2. This guarantee will cover the initial purchaser for six years after completion. It will apply to houses built under contract and spec-built houses.

3. The guarantee will also cover subsequent buyers if the dwelling-house changes hands within the six years after completion.

In the case of every such building undertaking, the registered builder will lodge with the Board an insurance fee in the prescribed amount, which preliminary estimates show to be about \$30.00 for work up to \$5,000 in value, and \$60.00 for work of any value between \$5,000 and \$25,000. \$40.00 of the \$60.00 insurance fee will be by way of an insurance premium designed to cover the board's guarantee. The balance of \$20.00 will be held by the board as a reserve fund and for administrative purposes.

There will be a house purchaser's agreement at the outset of every transaction, which will set out the board's obligations to the home owner and the conditions which apply. It is the Government's intention to protect the home owner, and under this agreement house purchasers may claim on the board to have major faulty work rectified and for loss or damage caused by specific events. The board will be obliged to meet those claims to the extent to which it is liable to do so under the terms of the agreement.

The board can insure 90 per cent of its liabilities under the house purchaser's agreement with the insurance underwriters. The board will have the right to recover from offending builders all moneys paid to house purchasers under the agreement. However, unless it is blatantly poor workmanship, it is expected that the insurance will take care of the costs. The insurance cover will provide for the first \$100 to be paid by the owner to prevent vexatious and trivial complaints.

Claims for loss or damage which would be made by the board would include, say in the case of construction contracts, liquidation (if a body corporate), bankruptcy (if an individual) or dissolution (if a firm), of the registered house builder and also failure to complete the contract for reasons other than the foregoing.

Other events for which claims for loss and damage may be made to the board will include, in the case of construction contracts, contracts of sale (spec house) defects which appear in the next six years or faulty work by the builder, which would also include subsidence or settlement of foundations (other than by earthquake).

It is important to note that the house purchaser's agreement and insurance cover would not apply where work was carried out by someone (including an owner-builder) who is not a registered house builder. Similarly if a house which was constructed by an owner-builder who was not a registered house builder at the time of construction is offered for sale within six years after completion, every prospective purchaser must be notified

in a manner prescribed that the building is not covered by any warranty or insurance and the house purchaser's agreement and insurance cover do not apply. A person who contravenes this provision is liable to a penalty of \$1,000.

As well, there is a full scale of penalties provided within the Bill for those who do not conform to the other requirements of the Bill. Among these is a fine of \$1,000 for someone who is not a registered house builder but states that he is.

False representations which may be made in order to obtain registration will be punished by a penalty of \$1,000 or three months in jail. A similar penalty is liable where a person makes a false statement or produces false documents at proceedings before the board.

It is my view that the penalties prescribed will be adequate and will act as a sufficient deterrent to protect the public, considering also that the board has the power to cancel or suspend registration.

This Bill is designed to supplement the Builders' Registration Act. It has been presented as a separate Bill rather than as legislation to amend the Builders' Registration Act because it is considered that the special conditions which apply to house builders can be more adequately dealt with within a separate Bill than by complicated amendments to the current legislation. The public will also have more opportunity to become acquainted with this legislation in a clear-cut separate form.

As I said at the outset, this Bill provides very important protection to the Queensland householder and ensures that those builders who are properly experienced and qualified be given the opportunity to provide their service to the public. In my view, it will do much to rid the householder of the fly-by-night builder or jerry-builder.

The provisions of the insurance scheme and the vigilance of the board will very largely remove the hazards and problems associated with the building of a house from the shoulders of the home buyer to the shoulders of the board.

The board will specialise in the specific problems involved with dwelling-house construction, etc. and will be more adequate to deal with the type of complaints which arise during such a construction or at a later date.

The in-built requirements brought about by the insurance scheme will not bother the bona fide house builder who is prepared to do a good job in return for his money. However, as a result of this Bill, the prospective home buyer or owner in Queensland can look forward to a better deal with the provisions which relate to redress against bad construction applying for up to six years after the house is completed.

I commend the Bill to the Committee.

Mr. K. J. HOOPER (Archerfield) (12.26 p.m.): Prima facie, the Bill appears to be a good one. The Opposition, of course, has

not as yet had a great deal of time to study the Minister's introduction. He said that the Bill has been designed to supplement the Builders' Registration Act and that it is being presented as a separate Bill rather than as amending legislation. On behalf of the Opposition I agree with those remarks.

The Builders' Registration Board has legal control over contractors and subcontractors who are registered with it and it does much useful work in the maintenance of building standards, including the rectification of work shoddily done. However, neither the board nor the Industrial Conciliation and Arbitration Commission has mandatory power to control labour-only work or contracts for labour. This is a system used widely in Queensland at present under which groups of building workers form gangs and sell their labour at so much per quantity, size or the like. This system, in my opinion, leads to exploitation of workers. By becoming employees under this scheme, workers are made award-free by the person or company employing them. The labour-only gang doing a back-door deal under which it supplies nails or a quantity of cement becomes, as far as the Building Trades Award is concerned but in no other respect, a gang of subcontractors.

Building unions have tried on many occasions to have such workers classified as employees under an award to ensure that award wages and conditions apply. I point out that the labour-only gang itself suffers by not being under an award because the person making the lump-sum payment for the quantity of work being done—often, I might add, under very dubious circumstances—usually absconds, leaving members of the gang holding the bag. They in turn abscond and then both parties look round for further victims.

It would be in the best interests of the industry and their clients if it were compulsory for labour-only gangs to work under award rates and conditions or for special rates and conditions to apply to such work. This would mean that the employer would be designated and someone could be held responsible for shoddy work performed. I ask the Minister to give consideration to this matter. I think some such action is long overdue to stop the practice of forming labour-only gangs.

The Minister announced in "The Sunday Mail" of 19 September that he was bringing down a piece of legislation that he chose to describe as "far-reaching". Its purpose was, he said, to set up a special Home-builders' Registration Board to protect home owners. As I said in my opening remarks, I agree with the establishment of such a board. However, the Minister had the hide to say that he had been concerned that a "moderate" number of people had been hurt through builders running out of money before houses that they were constructing were finished. If the Minister and his Government had been in the least concerned previously, why did they wait all these years

to do something about it? The legislation does in fact appear to be good, but again, as I have said in this Chamber previously, it is a case of the Government's closing the stable door after the horse has bolted. In fact, why has the Government encouraged crooked builders by turning a blind eye to the plight of thousands of victims who have been robbed of their life savings?

A Mr. Merv Carey made a statement to a seminar of the Australian Institute of Management recently which appeared to upset the Minister because it was too close to the bone. He said—

“Surely people who bought land and never received titles, lost life savings in building societies and had holes instead of swimming pools are entitled to ask where their money was.”

Mr. Carey then went on to say he knew of numerous people who claimed respectability in Brisbane who had been associated with a number of company failures in this State.

No doubt, Mr. Hewitt, he was speaking of the Kratzmanns, the K. D. Morrises and the Alfred Grants of this world. There would indeed be interesting reading if the Fraud Squad's file on Alfred Grant were tabled in this Chamber.

Mr. Byrne: Yours would be more interesting.

Mr. K. J. HOOPER: Alfred Grant's would be much more interesting than mine. Let us look at Kratzmann, a name involved in two huge company collapses. And what of the directors? Every time Kratzmann floats a company he simultaneously books a hearing at the Bankruptcy Court.

Mr. Jensen interjected.

Mr. K. J. HOOPER: That is true. The company goes broke but Kratzmann lives like an Arab sheikh in a penthouse complete with gold-mounted toilet fittings for white-collar crooks' pale bottoms. He has a luxury home at the Gold Coast and a car for which he paid as much as some people pay for a house, yet under Queensland law this can go on time and time again. All it needs is a good book-keeping fiddle, a few of the personal assets in the wife's name and a good criminal can live like a king under the present weak company laws in Queensland. But what compounds the Kratzmann felony is that, just after the company's collapse, the building workers who were stood down were treated to a very interesting article in the fashion pages. There was pictured Mrs. Kratzmann complete with ostrich feather and jewels posing with a glass of champagne beside a bronze statue and showing off the fashion wear she had bought in Italy—bought with the proceeds from white-collar crime.

The CHAIRMAN: Order! I should tell the honourable gentleman and others who participate in this debate that I am not prepared to allow it to be expanded to a discussion on corporate law.

Mr. K. J. HOOPER: This is just a symbol of the way these crooks in the building industry have operated. They can steal and flaunt their stolen wealth by forming a multiplicity of building companies and spreading their interests over several companies. For the record I would like to list some of the Kratzmann family holdings. They are Kratzmann Holdings Pty. Ltd., Kratzmann (Rocklea) Pty. Ltd. Real Estate, Kratzmann Hardware Pty. Ltd.—

Mr. Byrne: What has that got to do with it?

Mr. K. J. HOOPER: It has a lot to do with it.

The CHAIRMAN: Order! I am not convinced either. The honourable member had better relate that argument to the Bill a little better or he will not be allowed to continue.

Mr. K. J. HOOPER: All right, Mr. Hewitt. This is not all. Mr. Kratzmann, a leading light in the building industry in this State—

Mr. Wright: Aren't you making the point that we need to clean up the existing laws?

Mr. K. J. HOOPER: That is the point I am trying to make, and this Government has been very lax in cleaning up the crooks in the building industry.

Mr. Wright: They are inadequate at the moment.

Mr. K. J. HOOPER: Totally inadequate. As I said, Mr. Noel Kratzmann, a leading light in the building industry in this State, was one of seven directors in a company styled Professional Suites Pty. Ltd., a holding company which owned and operated multi-storey office blocks. I could say, “Oh, my, how the money rolls in.” If we asked who was responsible for the situation, we would have to come up with the answer that it is the same white-collar crooks who, if justice were done, would be swapping their pin-stripes for the stripes of Boggo Road.

I would like to mention briefly Mr. K. D. Morris, who was the builders' representative at the first meeting of the Builders' Registration Board back in March 1972. In fact, Mr. K. D. Morris and the then Minister in charge of this portfolio had been involved in talks even before that meeting. This was the same Mr. K. D. Morris who managed to go broke suddenly under the laws of the Government he was having talks with. I do not recall having heard of

Mr. K. D. Morris lining up for unemployment relief. He seems to have managed to stash enough away to see him through in modest luxury.

There is definitely a case for tightening up the laws relating to the registration of builders. There is also a definite case for the registration of swimming-pool builders under the Builders' Registration Act. I point out that recently the New South Wales Government amended the Builders Licensing Act to provide for the licensing of builders of low-level swimming-pools and I think there is a case for it here.

Mr. Gunn interjected.

Mr. K. J. HOOPER: Swimming-pools are built, aren't they? They are being constructed by builders using union labour. Since my remarks in this Assembly on 7 September I have been deluged with complaints of shoddy workmanship and plain deceit on contracts.

The swimming-pool industry has really blossomed over the past few years. As is the case with all types of mushroom growth such as this, it has attracted more than its fair share of crooks. Unfortunately, it is an industry in which there is virtually no control at the moment. That is why I am building up a case for the registration of people who construct swimming pools in this State. As I said previously, the Government of New South Wales has seen fit to license them, and I think that the Government of Queensland should take similar action. At the moment, the pool buyer must take the builder virtually at face value. There is no trade association as such that can guarantee the bona fides of the builder.

The swimming-pool industry is very big business at the moment. Most of the pools seem to be in the \$4,000 to \$7,000 range, plus all the additional pool equipment, chemicals, etc.

The CHAIRMAN: Order! I do not consider that reference to swimming-pools is in any way related to the Bill, and I must ask the honourable member not to refer to them.

Mr. K. J. HOOPER: With respect, Mr. Hewitt—

The CHAIRMAN: Order! I do not intend to debate my ruling. Swimming-pools have nothing to do with the Bill under discussion.

Mr. K. J. HOOPER: If that is your ruling, Mr. Hewitt, I bow to it; but I think there definitely is a case for the registration of builders of swimming-pools in this State.

Mr. Gunn: You ought to tell your writer off.

Mr. K. J. HOOPER: It is not a question of that at all.

The establishment of the House-builders' Registration Board is a step in the right direction. It will do much to protect people who buy shoddy homes from jerry-builders. I have received numerous complaints—so have other honourable members—from persons who have bought homes from jerry-builders. When the home is built, it is given only one coat of paint, the plumbing has not been done correctly and there are many other faults. When the buyer takes the case to court, he has very little chance of getting any redress.

Mr. Wright: Surely there should be some control over any addition to a house, whether it be a swimming-pool—

The CHAIRMAN: Order! I will not have my rulings flouted, either by the honourable member speaking or by way of interjection. There is no reference in the Bill to swimming-pools, and I have said that I will not allow reference to them. I will thank the honourable member for Rockhampton not to try to intrude.

Mr. WRIGHT: I rise to a point of order. The Minister did make the point that he has increased the amount up to which people are allowed to build without being registered. Surely this comes in with the home-construction industry.

The CHAIRMAN: Order! There is no valid point or order.

Mr. K. J. HOOPER: As I was saying, Mr. Hewitt, there is definitely a case for giving the Builders' Registration Board more teeth and far more power than it has at present. I think that the Minister has, at long last, recognised some of the rorts and rackets that are going on in the building industry, and the Bill will go some way towards eliminating some of these problems.

The Opposition also noticed that the Minister, in his Press statement in "The Sunday-Mail" of 19 September, said that he intended to allow the Bill to lie on the table for a certain time so that members would have an opportunity to peruse it. That is a good idea. The effects of the Bill will be far-reaching; but it was very difficult to grasp all its ramifications in the 10 or 15 minutes that the Minister took to introduce it. We will have more to say about it at the second reading.

Mr. AHERN (Landsborough) (12.38 p.m.): The proposal that the Minister has brought before the Committee is, I believe, all that should be done for consumer protection in this field. Indeed, I think it is all that should have been done when the Builders' Registration Act was introduced a few years ago. When the new House-builders' Registration Board is operating and seen to be working, I hope we will question the need for the continued operation of the Builders' Registration Board in Queensland.

In my opinion, we should only be protecting the public home buyer—and the little one at that. As a Parliament, I do not believe that we should be busying ourselves with establishing a huge bureaucracy to protect the buyers or builders of huge commercial premises or even of very expensive houses. Surely in that area the principle of caveat emptor should apply. The small person who goes to buy a small cottage and does not know any better is the one who must be protected. That is the only area in which I think we should be acting to protect consumers, and that is what the Minister is now proposing. Actually, it is the only action that many of us thought would be taken when the original Builders' Registration Bill was introduced.

The details that the Minister has outlined can be studied when the Bill is printed. We can look at the proposal for the initiation of a bond, which seems to be a good idea. It is operating in other States. I believe it will be an excellent proposal and a very worth-while piece of social legislation.

I hope that by introducing this measure we are not creating a closed shop, as has happened in the past, or producing a cartel for the building industry. It seemed to me that that was how the Builders' Registration Board was operating in practice, and I didn't like it. I expected the type of reaction we had from the Master Builders' Association, which sees the Builders' Registration Board not necessarily as a consumer-protection agency, but as an agency to protect itself.

The Builders' Registration Board had problems getting off the ground. As one who was associated with its establishment, I have to say that I was sorry it was constituted as it was, because it did not achieve the purpose which I thought the legislation sought to give it at that time. In my area the great majority of actions initiated in the courts by the Builders' Registration Board had nothing to do with shoddy work. That is what the Builders' Registration Board was all about. That is why we established it, with the support of the Opposition. It was established to overcome shoddy workmanship and control jerry-builders.

Most of the actions taken in the courts in my area had nothing to do with that at all but related to technical breaches of the Act by home builders and so on. Situation A concerned a person in my area, a well-regarded citizen, who owned a hotel close to the electorate represented by the honourable member for Bundaberg. He received some requisitions from the Licensing Commission. He accepted them and went to a registered builder in my town and said, "I want this work carried out." The builder said, "Fair enough. No problem." The builder put his number in to the local shire council and displayed his number outside the building. He completed the work and returned to Caloundra. The Licensing Commission looked at the work and said, "It is perfectly all right.

It is up to standard." The owner was happy. The builder was paid and he was quite happy because he had received a just reward for his work. But the Builders' Registration Board took an action against the owner of the hotel, and as a result he was faced with a fine of \$1,000. I asked the Minister to request the board to reconsider its action. The board reconsidered but said that it intended to proceed with the action.

Mr. Jensen: What for?

Mr. AHERN: Because it said that in its opinion the builder was not fully responsible for all of the subcontractors on the site, despite the fact that he had had a number displayed on the site, and he had put that number in to the local authority. When confronted by an officer of the board—he was a builder who did not think much of the Builders' Registration Board, as a lot of builders don't—he told him that as far as he was concerned some of the subcontractors could look after themselves. That is exactly what happened. The board began to proceed against the owner for completing a building without the approval of the Builders' Registration Board. That happened. But for the Minister asking the board to withdraw the action because in his opinion the public interest was not being served, that owner would have faced a \$1,000 fine.

Mr. Miller: Were any of the subcontractors nominated subcontractors?

Mr. AHERN: I am not aware whether they were or not. In many small jobs nothing is written down, as you would know, Mr. Hewitt. They proceed under shirt-tail arrangements such as have been operating for years, without written undertakings with subcontractors and so on. Probably the subcontractors technically were not nominated. But the public interest was properly served in that situation. The Licensing Commission was happy, yet the board felt that it had to proceed against the owner. He was astonished. I, too, was astonished and very upset at the board's action. But I am pleased that justice prevailed. I hope that the new board is not going to busy itself in situations like that where there is no question at all about the workmanship.

Mr. Akers: Who made the complaint?

Mr. AHERN: An inspector drove past the hotel, saw that some work had been carried out and consulted the builder. No complaint had been laid.

A Victorian came into my area on the promise of Government assistance in the financing of a tourist project. When he got there he realised that he did not meet the terms of reference for assistance under the Government's tourist assistance programme, so he was confronted with the prospect of doing the job himself. He commenced the erection of a small Besser-block building with living quarters at the

back and a cafe at the front. The next-door neighbour, a registered builder, assisted him with the project. Technically speaking, this man was not a registered builder. The board's inspector drove past and saw that some construction work had been carried out. There was nothing wrong with the building; it was A grade. The local authority inspectors had looked at it and said it was all right and passed it. However, the Builders' Registration Board commenced an action against him.

Mr. Yewdale: Isn't the local authority responsible for checking his bona fides before he builds it?

Mr. AHERN: I don't know what the situation was. Perhaps he made arrangements with his next-door neighbour to furnish his number to the local authority. I do not know.

Why is it that the Builders' Registration Board, which this Parliament set up to look after the interests of purchasers of homes—the general public—seems to be grossly absorbed in taking action against people in matters not affecting the consumers? I am very concerned at the operations of the Builders' Registration Board.

I am sure that when we set it up we did not want it to engage in that type of activity. I am certain that if I had referred to these instances during the debate on the formation of that board the legislation would have been laughed out of the place. I am sure that the Minister would have said, "It is nonsense to suggest that those things will happen." But they have happened.

Many owner-builders in my area were lined up before the court. There was nothing wrong with their work. They entered into an arrangement with another builder to do subcontracting and an inspector drove past, noticed something was going on, walked onto the site and asked, "Where is the builder whose number is displayed outside this building? He should be on this job supervising it," to which he received the reply, "We are subcontracting for him." Because of that the board said, "That is not good enough. You are owner-builders. You did not apply for exemption under the Act." They were brought before the court and fined heavily.

How does that type of action on the part of the board serve the public interest? One builder in my area told me that he had received from the board a notification advising him of its dissatisfaction with work carried out by him eight years beforehand. Eight years! He was told that he did not have to fix it up; but what would his relationship with the board have been if he did not go ahead and fix it up? Naturally he fixed it up. That type of situation was not envisaged by us when we set up that board.

The same man told me that he had been paid a visit by an inspector of the board and when he asked the inspector who had complained, and said that he had not

received any complaint from the person for whom he was doing the work, the inspector replied, "We have had an anonymous phone call." The board sent an inspector from Brisbane to my area to investigate the situation and to report to the board.

Mr. Lane: Bureaucracy gone mad.

Mr. AHERN: I am certain it is.

If this Bill works, as I am sure it will, we can certainly get rid of the other board.

Certain action was taken against registered builders in my area whose signs were not properly displayed. Good heavens above! Where are we going? I cannot remember the court dealing with any case that related to shoddy building.

I am asking that this Legislature set up a House-builders' Registration Board to deal with consumer complaints. That is what it is all about. That is what we want such a board to do. Many honourable members have said that there has been a need for a consumer protection agency in this field. I think that this is the best way of going about it. I do not think it is possible to get by without any consumer protection agency in home-building.

It was my pleasure to attend a hearing of the Builders' Registration Board. To my astonishment, it was something akin to the Supreme Court of Queensland—or, indeed, the Old Bailey. All the witnesses had to take an oath on the Bible. The room was so arranged that the accused was over in one corner and had his rights read to him in some long babble or other. I thought what was required was a round-table, informal conference about what the board had found wanting in some work of the builder. I was admitted because the board chairman said that I could be there. It was something special. I was not invited to speak; I was not allowed to speak. How ridiculous that situation is.

I seek an assurance from the Minister that the House-builders' Registration Board's hearings will be informal. I can imagine how a little Italian builder from the Merthyr electorate would react when confronted with circumstances such as those I have outlined. He would be so concerned and so excited that he would have little chance of outlining the true facts.

Another matter that concerns me is that, when the Builders' Registration Board takes action, it is not at all worried about any moneys owing to the builder. Another builder in my area received communication from the board about a particular job he had done. He said, "But the woman owes me \$1,200, and she is refusing to pay it. In fact, she has said that unless I do it she is going to take me to the Builders' Registration Board. So I have let her take me to the board." The board said, "The matter of the \$1,200 is clearly one between you and the other person. We are concerned that

the building is completed satisfactorily." The board forced the builder to complete the task and to incur a great deal of extra expense. He said, "What about my \$1,200? I have no chance of seeing that." They said, "That is no concern of ours." What about that? Is it fair and equitable that the Builders' Registration Board can be used as a form of blackmail against the builder? That has happened on several occasions, and I do not believe that it should. Where a lot of money is owing to a builder, I do not believe that the Builders' Registration Board, the House-builders' Registration Board or any other body should compel a builder to incur extra expense. In these circumstances that is not fair and I do not think we should permit it.

I hope this will not become a closed-shop industry. One of the things that really concerns me about the Builders' Registration Board relates to the "grandfather" clause that we initiated—we insisted on it in this Parliament—which enabled anybody then in the industry to become registered. After that, the iron hand came down on others wanting to enter the industry. In order to construct a simple cottage, they had to undertake advanced building courses and all sorts of other things which took years to complete. That is one of the things the Minister is correcting in this legislation.

Mr. Lane: You hope.

Mr. AHERN: I am certain it will be a lot better than it was in the other legislation. At least a person who feels he can build a home will be able to go to the board, and the board may give him a permit to build one. Before this Bill, that was not possible. It might have looked like it, but it did not work out that way in practice.

Mr. Houston: It was your legislation. You selected them.

Mr. AHERN: I am criticising the board here today; I do not think it worked the way we wanted it to work. I want it to be known that this Legislature is unhappy with the way the Builders' Registration Board has been operating.

A further matter that concerns me is the power of inspectors. It is absolutely ridiculous to have them cruising up and down streets looking to see that every "i" is dotted and every "t" is crossed. They have been intruding when there has been no consumer complaint; nor would there ever be. It is not good enough.

Mr. Frawley: There are too many inspectors.

Mr. AHERN: There are. We have building inspectors and scaffolding inspectors. Local authorities have building inspectors, health inspectors and drainage inspectors. Inspectors tell builders to rake up neatly all of the odds and ends lying around a building. We have electrical inspectors and a great

variety of other inspectors. Certainly we have too many inspectors connected with the building industry.

If there is one thing we can do with, it is rationalisation of the inspection of buildings, because inspections add greatly to the costs of the building industry. There are too many inspectors walking over the same ground and doing basically the same things. I am sure that we could do with half, or even fewer, of the building inspectors. I am certain also that they have too much power. I believe that this Bill is necessary in the interests of the small home purchaser.

Mr. Moore: Don't believe it.

Mr. AHERN: The honourable member says, "Don't believe it."

Mr. Moore: We should chuck the Bill out completely; that's what we should do.

Mr. AHERN: Before the operation of the Builders' Registration Board, members regularly spoke of the serious concern of the purchasers of small homes who suddenly found themselves in the dreadful situation of having bought a pig in a poke. Certainly they had, and this Government could take no action to help them.

As I see it, the only way to overcome the problem is to have some form of registration or cover for the small-home purchaser. If the Bill is thrown out, as the honourable member for Windsor suggested, the small-home purchaser will not be protected, and protection is something that is wanted by all members of this Parliament irrespective of their party. We need some form of registration.

Provided that the board places the accent on consumer protection and really does something to prevent shoddy building, and provided that the building industry is prepared to co-operate with the board—and I think it wants to—there will be reasonable consumer protection. I repeat that the House-builders' Registration Board must give the highest priority to the protection of the public against shoddy building and not to the large number of technicalities in which inspectors of the Builders' Registration Board have been absorbing or busying themselves up to date, which has raised the ire of many builders and the wonder of many consumers in the State.

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

Mr. WRIGHT (Rockhampton) (2.15 p.m.): Before the luncheon recess the Opposition spokesman on housing and the honourable member for Landsborough commented on what I believe is the real issue in this Bill. It is in effect consumer protection legislation. The point has been made that we have an obligation to protect the home buyer and for that reason I believe that the legislation will be welcomed by all in the Chamber.

I personally welcome the idea of insurance cover, because this gives the ordinary home buyer some type of guarantee that if there

are difficulties or poor workmanship he will have some redress. The problem of the shoddy builder has always been with us. I am not quite sure that this legislation will weed him out, but if any problems do arise at least it will provide some comeback for the home builder.

I make the point that the worth of the Act will depend on the efficiency of the board. Whilst criticism has been made of the Builders' Registration Board, I believe that it has done its very best to overcome many problems in the building industry. I have referred to the board a number of complaints and it has done everything possible to overcome them. I note, too, that reference was made to master builders. The Minister himself said that there is a need to overcome the problem of political interference. This may be the real difficulty. It may be that the real problem has been political interference with the Builders' Registration Board. I have often wondered how real estate agents who have never swung a hammer can suddenly become registered builders. I have wondered how certain people in business can set themselves up as builders or use nominee builders and then become involved in building construction.

Mr. Miller: Have you proof of this?

Mr. WRIGHT: Yes. I can name them.

Mr. Miller: Well, name them.

Mr. WRIGHT: Does the honourable member mean to say that he does not know of some of these things?

Mr. Miller: No, I do not.

Mr. WRIGHT: There are two real estate agents in Rockhampton who have never swung a hammer in their lives but who are today registered builders. The honourable member for Landsborough said that there was a "grandfather" clause that covered all such people because of the requirement that they must have been involved in construction work to the value of so many thousands of dollars in the previous year. But they are not in fact tradesmen; they have not gained any trade qualifications. Because they had been involved in the building industry, they were regarded as builders. But the ordinary tradesmen—

Mr. Lane: What have you got against practising builders?

Mr. WRIGHT: A typical comment from the honourable member for Merthyr! We know his involvement in the building industry, especially in the construction of flats. This might stop him; let us hope so.

I return to the problem that I was discussing. The success of the legislation will depend on the efficiency of the board. We have to make sure that the board is given adequate teeth to enable it to act. Whilst efforts have been made to investigate complaints, there still have been long delays.

Whilst the board may say to a builder, "You will carry out some work here" and place an order on him, the builder can thumb his nose at that order. The honourable member for Rockhampton North knows of such a case in Rockhampton. In an attempt to have something done about a builder in our area who simply will not do anything, the local officer had to refer the facts to the Builders' Registration Board. He started a job and took construction so far, and then told the newly married couple for whom the house was being built that he was not prepared to go ahead with it. It seems that at this point there is nothing we can do about it.

Mr. Lee: The Bill will stop that.

Mr. WRIGHT: Let us hope so. Let us hope that the positive aspects of the present Act will be embodied in the new legislation. This is something that the Minister will have to explain, because there are difficulties in forcing builders to carry out or to complete work.

There is also the problem of overcharging by builders. I know of a builder who charged a person for 200 hours of work at \$10 an hour and most of that time, as was discovered later, was worked by an apprentice. The builder seems to have the right to make such a charge. How will this legislation overcome not just poor workmanship but the overcharging and profiteering that does go on? It is also questionable how this legislation will beat the fly-by-night builder to whom the Minister referred. He can be registered as a builder to build houses and he will still race round the State building a house here and a house there.

How, too, will the legislation overcome the problems arising from the activities of home cladders? If a person engages a builder to place masonite or some other type of wood material on the exterior of his home, he has an action against him if the work is unsatisfactory. But it seems that there is nothing that can be done against home cladding firms that put products such as Benlux or Vynlux on homes. In many instances the cost of such application is about \$3,000. There is, however, little that can be done about that poor work. The Minister for Industrial Development, Labour Relations and Consumer Affairs is at present in the Chamber. I have written to him on this matter and I believe that his department is trying to do something about home cladders. But there the problem remains. These fellows give a guarantee for 20 years. Five years later they are out of business and nothing can be done about them. They usually run \$2 companies. What will we do in this legislation to overcome that problem, because it is a very serious one?

We need to look very closely also at how this legislation will overcome the false, inadequate and useless guarantees that are given to home owners who have this cladding

applied to their homes. We know that these companies use unqualified applicators, but it seems that they do not come within the requirements of the Builders' Registration Act. Will they come within the requirements of this new Home-builders' Registration Act? Will a person involved in home-cladding come within those provisions?

I notice that the Bill will overcome the problem of many small tradesmen who today cannot register. I have made approaches to the Minister and to the board to try to get certain persons registered. They have been involved in the building industry for some time, but they have not been able to meet the requirement, which I believe is still \$20,000.

I question some of the aspects of this legislation. How will it affect the problems we have with builders at the moment? How will it overcome the problem of these real estate agents I mentioned who are involved with the building industry? How will it overcome the problem of qualifications? Can anyone be registered as a home builder? The Minister did not go to great pains to explain what qualifications will be required. Can any person simply walk in off the street and apply to become a home builder? Will the building of a home on a previous occasion allow a builder to be registered? How many houses can he build? At the moment there is a requirement that a person must build a home and make a statutory declaration that he will not sell that home for something like two years, and if he does sell it there has to be a good reason for doing so.

Mr. Jensen: He has to have his apprenticeship.

Mr. WRIGHT: That has not been explained. There is nothing here to say that the person who will be registered as a home builder will in fact be a tradesman.

Mr. Jensen: The Minister doesn't know.

Mr. WRIGHT: The Minister might not know, but he has an obligation to tell this Assembly exactly what qualifications those people will be required to have before they are allowed to build houses. How many will they build? Is there to be a restriction? Can a person build one this year and one the next year, or can he in fact contract to build 15 or 20 during the year? This has not been explained to us. It is no wonder that some people already in the building industry are concerned, because as we know something like 82 per cent of people registered under the Builders' Registration Act are involved pretty deeply in the home-building industry. It is their bread and butter. They are not involved in high-rise buildings; they are mainly builders of homes. There are something like 10,000 of these people already registered in Queensland.

I see problems here, especially in the present economic state. There has been a slump in the building industry. We know

that many builders and tradesmen are out of work at the moment, yet here we are opening the gates, or as the honourable member said, the flood-gates, to allow more and more people to be registered. I wonder just whom the Minister is trying to please, because this Bill is not going to please many existing builders. I do not see that it is going to lead to higher qualifications or improve housing standards. It will give us an out and because of the insurance cover will give redress if something goes wrong, but again this will depend on the inspection that takes place and the efficiency of the board.

That brings me to another point, Mr. Hewitt: why a second board? Surely we do not want myriad statutory organisations throughout this State. We have enough of them. We do not need another board here. This new board will be controlled by the same registrar, so why not have the proposals handled by the existing board? For that matter, why not have them covered by the same Act? The reason for not doing so has not been clearly explained.

Mr. Jensen interjected.

Mr. WRIGHT: I do not agree. I do not believe that is so. I do not believe that the board has trieried. I believe it has been politically interfered with and I do not believe it has had the teeth to operate properly.

Mr. K. J. Hooper: By the Government members.

Mr. WRIGHT: This is so, and the Minister even made this comment in a report that he made available to the master housing people when he met with them some time ago. So he is going to overcome the problem, he says. I am not sure the Bill will overcome the problem. I think we need to know why it cannot be introduced as an amendment of the existing Act and why the functions of the proposed board cannot be performed by the existing board. Will the Bill in fact allow more and more unqualified people to enter the home-building industry? Will we have businessmen with surplus cash available suddenly wanting to become involved in the home construction industry because of the profits that can be made?

We need to know more about the inspections that will take place. The honourable member for Landsborough said that there are too many inspectors now. This may be so in some instances if they are not carrying out their duties efficiently. We have only one inspector in my area and I do not believe he has the ability—not in the sense of personal ability but ability under the Act—to carry out his functions properly. So let us give the inspectors more teeth. It comes back also to who is going to pay the over-all costs of the administration of the Act. Will it be the home owner in the end? About \$60 a home will be involved for the insurance cover, and that cost must be borne by the home owner.

So, although I support the legislation in principle, and although I agree with the Opposition spokesman on housing that we welcome anything that will assist the home owner, a number of answers are called for, and I believe that the Minister has a responsibility to give them to the Committee. It is no good bringing in separate legislation to overcome a problem that could be overcome by improving legislation that already exists.

Mr. MILLER (Ithaca) (2.26 p.m.): I support the Minister very strongly in the introduction of the proposed legislation.

The honourable member for Rockhampton was quite correct in saying that this is another form of consumer protection. That is what the legislation is all about. Not only will it protect the consumer to a far greater extent than has been possible under the existing Builders' Registration Board; it will also give a certain degree of protection to small builders who have not been able to build because, for one reason or another, they have been unable to satisfy the Builders' Registration Board.

The Minister in his introductory remarks said that in his view it will do much to rid the industry of the fly-by-night builder or the jerry-builder. We have already begun to get rid of the fly-by-night builder and the jerry-builder; but, as I think I pointed out in 1971, when the Builders' Registration Board was established—

Opposition Members interjected.

The CHAIRMAN: Order!

Mr. MILLER: It is a pity that the Leader of the Opposition is not concerned about the small people. I remind him that it is usually widows or ordinary workers who are affected by the activities of jerry-builders. As I said, I believe that we have already begun to deal with the fly-by-night builders and the jerry-builders. However, under the existing legislation, we have not been able to protect the victims.

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

Mr. MILLER: It was all very well to say to a builder who was found guilty of building a substandard home, "You cannot build homes in the future." But what comfort was that to the victim, who might well lose his whole deposit?

The CHAIRMAN: Order! The level of conversation in the Chamber is not acceptable to the Chair. I ask the Committee to come to order.

Mr. Jensen: Tell them to go outside if they want to talk.

The CHAIRMAN: Order!

Mr. MILLER: I am concerned about the victim and the protection to which he should be entitled. It is a pity that the Leader of

the Opposition did not see fit to stay to hear what I have to say. This is another consumer affairs Bill and what we are doing today will ensure that the victims will be protected by insurance cover.

Mr. Jensen: I agree with you.

Mr. MILLER: All that the proposed Bill says is that we are going to separate the large builder from the smaller builder. We do not want to set up a monopoly. If there are smaller builders who are capable of building a house, they should be allowed to do so provided they can give the consumer the protection that we believe is necessary.

The proposal is that the builder should pay \$60 for that protection. It will give six years' insurance cover on a home which, in most cases, will be bought by the ordinary working man, the family man. That will be the best \$60 of anybody's money ever spent. I do not care whether the builder passes it on to the purchaser or the owner or whether he does not, because if I could get \$60 worth of insurance on any home I build for myself, I would be very happy indeed to take it. A home builder who wants to build his own home and use subcontractors does not have protection of that type. Although he finds the best subcontractors that are available, he is not protected against their bad workmanship.

What the Government is saying today is that the small people will be protected by Government. We will ensure that any home built from now on by a registered builder will have the protection of insurance for six years. Having been in the building industry for a number of years I know that most problems will show up well within that period. I give the Minister full marks for the introduction of this legislation today. He is protecting not only the home owner but also the small builder who has been precluded previously.

I am a little disappointed that the Bill does not extend far enough. In my opinion we should also be considering the building of home units. Who buys home units? Ninety per cent of home units bought in Brisbane today are purchased by widows who, having lost their husbands, do not want the responsibility of looking after a home and maintaining it in a satisfactory condition. They do not want the responsibility of maintaining gardens and lawns. Therefore they sell their home and buy a home unit because they realise that when they live in a home unit a corporate body will look after their interests. Of course, the Bill does not go that far. We have to protect the small home buyer but we also have to go one step further and protect widows who, for one reason or another, sell their home and go into a block of units. Many widows have bought home units in my area, and a lot of them have been caught by unscrupulous builders who promised to fix defects but never did.

I realise that we have to separate the bigger builders from the smaller ones, but I hope that in the very near future the Minister will see fit to look at the larger builders, particularly the builders of home units. If a person wants to build a 20-storey building in the city, he does not need the protection of Government insurance should he pick the wrong builder. There is a big difference between, say, the T. & G. or some other insurance company or large firm and a small widow who needs the protection of the Government. Although such builders at the moment fall into the category of larger builders, I am hoping the Minister will be able to take that type of construction into consideration and bring those builders back into this area. After all, consumer protection is what the legislation is all about. I hope the Minister will look very closely at the whole matter.

I think the Bill will ensure that we do not have a shortage of builders. What we don't want is a small number of builders tendering for the amount of work available in normal circumstances. Certainly there is very little work around for builders at the moment, but we have to look at this in the long term. When things return to normal I do not want the situation where a small group of builders can say, "We have the game sewn up. Let's not cut each other's throats. Let's get the most we possibly can for ourselves, and to hell with the person who wants a home builder." The Bill will ensure that some builders who were previously excluded from registration will be included from now on. It will also ensure that a person who buys a home in the future will be able to find out whether or not that home was built by an owner-builder or a registered builder. A point I made in 1971 was that many of us want to build our own homes, and probably we can do that to our own satisfaction, but a person who is buying a home should be entitled to the protection of knowing whether that home was built by a registered builder or an owner-builder. To me there is a vast difference between the two, particularly if the person concerned has had no experience in the building trade. Only good will flow from legislation of this type.

Some honourable members have suggested that this is socialistic legislation. I totally disagree with such assertions. If it were socialistic, it would provide for an army of inspectors who would visit job sites as the work is in progress.

Mr. Moore: You will have.

Mr. MILLER: I totally disagree. For a start, the Government cannot afford to do that. This Bill will ensure that the Government is not burdened with the huge cost of inspectors' wages, and at the same time it will give to the public the same satisfaction, the same guarantees and the

same warranties as those they would receive if there were an army of inspectors on the job every day.

Having been engaged in the building industry, I know that builders can cover up faults by working at week-ends when inspectors are not on duty. Building inspectors, even those employed by the Housing Commission, inspect particular jobs only one day a week. How can they ensure that what is behind the sheeting on a house is in accordance with the regulations? This Bill provides that a home, no matter what happens during construction, is protected for six years. That provision is far better than having an inspector visit a house under construction only one day a week and not able to view what is hidden behind superficial sheeting.

I cannot understand why the Master Builders' Association should be opposed to this legislation. I heard the comments of the president of the association when he appeared on TV. Either he is not aware of the provisions of the Bill or he is completely out of touch. The Bill will separate the smaller builders from the larger ones. It will give to the smaller builders who are not registered the opportunity of building. Surely the president of the association believes that a man who is capable of building a house and of being registered has the right to be so registered. We certainly do not want to see registered those persons who are not capable of building a house or of maintaining an insurance cover.

This Bill is the greatest thing that has happened since the introduction of builders' registration. During the debate in 1971 on builders' registration, I called for an insurance scheme of the type that is to be introduced under this Bill. The Minister, in his wisdom, has isolated high-rise buildings from small homes, and I can see the wisdom in such a move. Nevertheless I urge the Minister to consider home units, because they are just as important as a working man's home.

Mr. YEWDALE (Rockhampton North) (2.38 p.m.): At the outset I wish to reply briefly to certain of the previous speaker's comments with which I disagree. He expressed his pleasure at the fact that the Minister is separating large multi-storey buildings, the commercial buildings, from dwelling-houses. I do not disagree with that principle, but I do not think that we should disregard the competence of builders and tradesmen engaged on large buildings. Those buildings are, after all, erected for the use of the public, so we should be vigilant and ensure that the workmanship involved satisfies all requirements. I do not think we can separate the two sections of the building industry.

Mr. Miller: They are already protected.

Mr. YEWDALE: It has been found that defects in the construction of large buildings have passed unnoticed until they manifest themselves at times of crisis.

The honourable member also said that the Bill provides six-year protection for the owner of a dwelling and that he is compensated for any defects that arise in that period. To my mind, prevention is better than cure. No-one in North Queensland, an area that is quite often subjected to cyclones, would thank the honourable member or this Government if, after a period three years, it was found that anchor bolts, for example, were not fitted. Such an omission could, during a cyclone, result in damage to property, personal injury and even death.

The honourable member for Ithaca says that there is consolation for them after six years if defects are found. The matter has to be cured at the outset by ensuring that there are no defects. That is what we should be looking at, rather than saying the people are covered when they occur.

The purpose of this Bill is to further protect the person who buys a home or has one built. I commend that principle. After all, one of the major decisions of any couple is to build a home. In many cases it is the only home they have built and the only one they live in during their lives. By instituting this new board, we will afford them some greater protection. But I do not think the matter ends there. I do not think that this board, with all its new power, will solve the problem, because the Builders' Registration Board did not serve its purpose and solve the problems.

Mr. Miller: There was no insurance.

Mr. YEWDALE: What the honourable member is saying is that merely adding \$60 to the cost of the home will solve the problem. That sum will be passed on to the home buyers. Already they are paying upwards of \$425 in extras. The honourable member is saying, "Let them pay another \$60." But it cannot be guaranteed that even that will protect them. We have no guarantee of it whatsoever. Certainly there has been no guarantee under the operation of the Builders' Registration Board.

Personally, I think the best protection to the consumer in the home-building field in this State is to have conscientious, qualified builders to build the houses, and we have to find the most effective ways of achieving that objective. I do not think the Builders' Registration Board, in spite of its efforts, has done that.

What do we do when we find there are unregistered builders? Throughout this State unregistered builders are competing with registered builders. To my mind, that is serious. Very often, the unregistered builder

will not fulfil his obligations. He competes on a quote basis and defeats a registered builder.

Mr. Powell: He can't do it.

Mr. YEWDALE: Yes, he can. He is doing it—illegally. He is competing with registered builders and getting work in this State. Not all these men are being detected.

Mr. Powell: How are they doing it?

Mr. YEWDALE: Some of them are using numbers of registered builders.

Mr. Powell: interjected.

Mr. YEWDALE: Let me continue, and listen to what I am saying.

The standards set down for buildings throughout Queensland—and throughout the Commonwealth for that matter—vary from State to State, from town to town and from shire to shire. Take my electorate. The requirements of the Rockhampton City Council are different from those of the Livingstone Shire Council, yet they have contiguous boundaries. So builders constructing dwellings in those two adjacent areas have to comply with different regulations and requirements.

Dr. Scott-Young: Not under the Building Act.

Mr. YEWDALE: We have a series of inspectors throughout the State. Local authorities have inspectors. The member for Landsborough raised the point that a man constructed a rock-block cafe, I think he said, in his electorate and a neighbour who is a registered builder was helping him out. Along came one of the inspectors from the Builders' Registration Board and decided that he did not have permission to construct that building.

Mr. Miller: Do the local authority inspectors in your area ensure that homes are cyclone-proofed?

Mr. YEWDALE: I feel they should.

Mr. Miller: Do they?

Mr. YEWDALE: I don't know. I can't answer that, because I have not got the time or the know-how to travel around and find out. If I do not get complaints from individuals, I am not able to ascertain that. Basically, what happens is that we find out as a result of complaints.

Mr. Miller: They do.

Mr. YEWDALE: The honourable member is telling me that they do. I can take him to one home in my electorate where it has not been done.

Mr. Miller: That was in the past.

Mr. YEWDALE: It is right now, and it is in the hands of the Builders' Registration Board, which has asked the chief inspector to have a look at it; so it has not been done.

Mr. Miller: Now it is the registration board that is going to protect the person.

Mr. YEWDALE: I would hope so—after a lot of intervention by me. It had not been done before that.

With inspectors at local government level I cannot understand how that chap in the Landsborough electorate was allowed to progress to the stage he did, when the local authority had not given approval for the building in the first place. Perhaps he used the registered number of his neighbour. Even so, the building should still have been inspected and approved. The local authority should have advised that chap that he had to have permission through the Builders' Registration Board—that he had to get exemption.

I agree with what the member for Landsborough said; that should not have happened to a citizen. He was doing what he thought was right, yet he was treated in that manner.

Where in Queensland—I know it does not happen in the metropolitan area—is concrete tested before it is poured and used in buildings, particularly in houses and cottages? It is not being done. Concrete is not being tested. The testing is not taking place.

Dr. Scott-Young: It should be sampled on the job.

Mr. YEWDALE: I ask the honourable member to prove to me that it is and I will retract that statement. I am not saying that in certain circumstances it is not done. In the main, concrete is not being tested. Should it be tested?

Honourable Members: Yes.

Mr. YEWDALE: Well, what happens when it is not?

I should like to outline some of the activities of the Builders' Registration Board. I have taken out some figures. They are not lengthy and I think they will be of interest. In 1974, the Builders' Registration Board received 135 complaints about faulty brickwork and 100-odd complaints about foundations. Any honourable member—for that matter any layman—would agree that the foundations of a home, no matter what the type of construction, are a very important aspect of the building. As I said, the board received 100-odd complaints about foundations. How could we possibly assess the number of justified claims that were not submitted? I say there would have been several hundred justified complaints that were not lodged. The Builders' Registration Board does not act until it receives an official complaint.

What happens when real estate agents develop some of the gullies and watercourses, particularly on the outskirts of towns and cities? They fill the gullies and do not allow time for the fill to become compacted. A builder then puts down his foundations and, because the ground has not compacted sufficiently, there is trouble.

Mr. Powell: That is the local authority.

Mr. YEWDALE: The local authorities are allowing this to happen. The home builder is subject to all of these matters.

Mr. Akers: You must have some terrible local authorities up there.

Mr. YEWDALE: I think that this happens throughout this State. It is not confined to my area. The honourable member is splitting hairs in saying that we have awful local authorities in our area.

I shall continue outlining the complaints received by the Builders' Registration Board. In 1974, it received 90 complaints on structural defects, 90 on applied finishes, 80 on bad roofing, 80 on faulty drainage, 70 on defective plumbing and 20 on electrical work, and it was assessed that only 12 per cent of the complaints were considered to be minor, so over all they were mostly major complaints.

As I said before, the board acts only when it receives a complaint. How do we expect the average person who is building or buying a home to discover these defects? He has no more chance than any of us laymen. He needs to be advised by a qualified person that a wall is not good enough or that some concrete is not good enough and that he should do something about it. He would normally accept the builder's work in good faith and later find himself in trouble.

What happens with unregistered builders? I do not know what we can do about this problem but I am sure that we should be doing more about it. I believe that very often one inspection of a building can save thousands and thousands of dollars in the cost of that building in the long term. The repair work is quite often much more trouble and much more expensive than the initial faulty work. In addition, there is the argument about the quality of goods supplied by subcontractors and all sorts of people involved in the construction of a home. An early and vigilant inspection by a responsible person could save quite a lot of money.

The maximum penalty that can be imposed on an unregistered builder is \$1,000. We all know that very rarely do the courts impose maximum fines. Again the annual report of the board indicates that 73 unregistered builders in Queensland were prosecuted successfully and that the fines ranged from \$20 to \$650. I cannot obtain better figures than those but I suggest that the majority of them would be well under \$100 and certainly not anywhere near \$650. Up till now, no redress has been available against unregistered builders.

I accept that the Bill goes some way towards correcting the situation. It seems to me that hitherto, if an unregistered builder, or a registered builder for that matter, was required to undertake rectification work—in some cases it could cost several

thousand dollars, but I will use the figure of \$4,000—an unregistered or a registered builder would rather pay the \$1,000 fine than undertake the work if the cost of the work required to be done exceeded the fine.

The board is unable to order an unregistered builder to cease work on any building; it still has to take out a Supreme Court writ. To my mind, that is ridiculous. If the board is to have any teeth it should be able to say to an unregistered builder, "Stop work immediately." My information is that a Supreme Court writ must be taken out to have the work stopped.

The use of registered builders' credentials is quite common. This has been banded around the Chamber by a number of members. I heard someone say in effect, "Name some of them." This is in fact happening everywhere. Throughout the State real estate agents who have never driven a nail in their lives have registered builders' numbers and are undertaking building work. The board prosecuted seven unregistered builders and six of them were each fined \$150. So here again we might ask, "What's the use?" The legislation is just not functioning. The provisions have been laid down but we are not doing anything about enforcing them when fines of that order are imposed.

The honourable member for Ithaca referred to insurance figures. On the 1975-76 figures, 19,377 private dwelling units were completed. Of that number 13,629 were houses, 2,000-odd were owner-built homes and 3,733 were units and flats. At \$60 for insurance, on the over-all figure of 17,000-odd, assuming that they were completed in that period, the new board would receive \$1,020,000 in one year. The point that I make is that the new board is going to receive, on those figures, a very substantial bank balance in the first 12 months.

Mr. Lee: It is \$40 for insurance and \$20 for administration.

Mr. YEWDAL: I am throwing the \$60 in for administration.

Mr. Lee: You cannot do that, because it is not a fact.

Mr. YEWDAL: I will accept that but a substantial sum will be received by the board if the number of dwellings remains about the same in the ensuing years.

Mr. Miller: That \$60 is for the whole six years. You appreciate that, don't you?

Mr. YEWDAL: Yes, I appreciate that. There has been a variance of opinion in the Chamber. I have heard Government members say that we are setting up more boards, more inspectors and more regulations. I accept that, but I do not believe we are doing enough to protect the people in the home-building field. What is the answer? Do we do away with registration boards? Do we do away with inspectors?

Mr. Lane: Hear, hear!

Mr. YEWDAL: I am not agreeing with the honourable member for Merthyr.

Do we allow unscrupulous, unregistered builders to continue their shoddy workmanship to the detriment of home builders? If that is not the answer, someone should be coming up with a solution. At the moment, that is what is happening. There are builders who will not comply with the rules. They will do anything to get a quick buck.

Mr. Lane: Brisbane City Council inspectors are the answer.

Mr. YEWDAL: Would the honourable member have them sent to Cairns?

Mr. Lane: Don't they have inspectors in Cairns?

Mr. YEWDAL: Yes, but I am sure I will have a lot of support from other members when I say that building inspectors are not carrying out the job as it should be carried out.

Mr. Lane: Rubbish!

Mr. YEWDAL: Why are complaints constantly coming in? They are being made because buildings are not being inspected at the time they should be inspected. We might as well throw away all the statistics on complaints compiled by the Builders' Registration Board.

Mr. Lane: What about effective prosecution?

Mr. YEWDAL: Effective prosecutions are not being made at the rate at which complaints are coming in. And what about all the complaints that we know of but which remain unseen? Many people do not know their rights and as a consequence they do not make complaints. We have to return to the honesty and integrity of the master builder and his association. They have to get out and see that the public is protected. We have to continue to protect the consumer as long as we have the present situation in the building game in Queensland.

Dr. SCOTT-YOUNG (Townsville) (2.55 p.m.): This is a rather interesting Bill. I think it is the second time that this Assembly has set up some sort of protection agency for home purchasers. The first such agency was the Builders' Registration Board set up under the Builders' Registration Act. This board has become a case-hardened bureaucracy with an ever-increasing staff and an ever-increasing budget. The latest report I have of the Builders' Registration Board is that for the period ended 30 June 1975. I gather that the board has been a bit dilatory in issuing the 1976 report; the 1975 report is the latest one delivered to me.

We note that the income from registration fees in round figures was \$68,000 in 1973-74 while in 1974-75 the figure was \$42,000. In 1973-74 the receipts from annual roll fees were \$301,000 and in 1974-75 they were \$284,000. We find that the staff of the board

has increased to a total of 29, which is an increase of six on the previous year. And there are 11 inspectors plus secretarial and administrative staff. These figures show that the board is a slowly but surely growing bureaucracy. No one can deny it; the facts are there in black and white in the report.

As far as I can see, the board has not done one jot of good to help the building trade in any way. It has created lots of complications and caused a lot of inconvenience to young men endeavouring to gain registration as builders. My first two years in this Assembly were occupied mainly in endeavouring to obtain some form of justice and redress not only for home builders but for home owners, and in those endeavours I met with all forms of frustration and complication.

Before dealing any further with this legislation, I would like to remind the Committee of what the Minister said in his introductory remarks. I cannot remember the exact words but it went something like this, "The home buyer will be guaranteed by insurance except where there is blatantly shoddy or poor workmanship." This is rather interesting. It would appear that the insurance scheme will contain a considerable number of loop-holes. I would like the Minister to explain these loop-holes because I think that not only people involved with this insurance scheme but also many members will not read the small print. They would not expect that there would be small print in policies issued under this scheme. The Government is not offering or providing the insurance cover; it will be done by some insurance company, and if I know insurance companies, they always have small print in their policies. So I hope the Minister will elucidate on some of that mysterious background to the so-called blatantly shoddy and poor workmanship. I would like to hear more details about that because clauses containing small print have always been a problem for those involved in consumer protection.

Those honourable members who have already spoken in the debate have mentioned workmanship. Basically, good workmanship is the moral obligation of every builder. It should be enforced not by inspectors but by the architect, who should be working on the job, and by the local authority inspectors, who should be inspecting the jobs daily. For many years the major portion of the inspection of building jobs has been done by local authority inspectors, and I do not see many houses falling down around our ears. Even in the cyclone belt where I live, the average house stood up to the last three cyclones fairly well, and I think this is due to the fact that our local authority inspectors in North Queensland have been tradesmen in their own right. They were diligent and knew exactly what to do and where the loop-holes were. They knew all the little snide trade practices. As the old builders used to say, "Profit is not by putting in; it is by not putting in."

The problems faced by subcontractors have always been rather acute, and this again is where the local authority inspectors have played a big part in saving the ordinary home builder a lot of money. The inspectors from the Builders' Registration Board are not the ones who get down on their knees and look along pipes and check things; this work falls to the sewerage departments of the various local authorities, the technicians of the Northern Electric Authority and the Townsville Regional Electricity Board who check the lighting and the architects who check the batching. Despite what a previous speaker said, there are a considerable number of architects who do do batching, especially when concrete is poured in bulk by the various ready-mixed groups. In the North everything is batched, checked and sent to the James Cook University for testing. It is a common practice, and I do not see the inspectors from the Builders' Registration Board doing it; it is all done on the job by the architect.

Under the Builders' Registration Act, inspectorial staff were appointed, and it is interesting to see where they are. There is a chief inspector and a senior building inspector, and then there are four inspectors in Brisbane, one at the Gold Coast, one at the Sunshine Coast, one in Toowoomba, one in Rockhampton, and one in Townsville. They also have associated secretarial staff. The board has spread its wings quite well, but there are still problems.

What is the point of having inspectors? Sometimes I wonder what the job of an inspector is. Does he go looking for faults, or does he act only when he receives a complaint? Looking at the report, I find that a considerable number of complaints have been made to the board and that it has acted promptly. Various punishments have been handed out, and it is obvious that the board has done the best it can when matters have been reported to it.

On the other hand, there are certain isolated cases such as the one that I am about to mention. In fact, I have had a couple of cases such as this brought to my attention. A gentleman named Mr. Sacilotto had a great dispute with a builder who previously had been bankrupt but for some unknown reason had been re-registered under the Builders' Registration Act. Probably he knew some of the men on the board, but I am blown if I know why he should ever have been registered. The letter that I have before me is signed by Mr. Nicholson, the registrar, and in it he said—

"Dear Sir,

"I refer to your letter dated 3rd December, 1974, and advise that it is not Board policy to issue to the owner, details of rectification required by the builder."

Is that the way to look after the public? There it is, on the board's own paper. It is the greatest fraud that was ever introduced

into the administrative set-up. Here the Builders' Registration Board is saying that it will not give the owner details of the problem, and I reiterate that the letter is signed by the registrar.

Mr. Jensen: That is probably why the Government has to alter the legislation.

Dr. SCOTT-YOUNG: This legislation will be just as complex.

Honourable members also had before them in this Chamber a massive Bill known as the Building Bill. It was proclaimed as from 1 April 1976, and in section 50 of Part VI and section 31 of Part V there is provision for control of substandard buildings. It is all laid down there, so we do not need a Builders' Registration Board. It should be left to the relevant local authority, with a standard uniform building code. What more is needed? We should ensure that local building inspectors do their work. If more men are employed on the local scene—more building inspectors, more sewerage inspectors—there will be a jolly good set-up. There certainly will not be when every board is run from Brisbane and controlled by a bureaucracy, with one inspector in Townsville, another inspector here and another there. It should be left to the local men. We already have the Act and the teeth. Its provisions are reviewed regularly and the building by-laws are brought up to date. Local men could implement those provisions quite easily. There is no need for this other board that the Minister now proposes to set up.

Let us look at the matter philosophically, Mr. Hewitt. Just because a fellow obtains a diploma, it does not mean that he is any more honest or dishonest than he was before. I remind the Committee that the old man of straw went to the Wizard of Oz and asked him for a brain. The Wizard of Oz said, "I can't give you a brain, but I will give you a diploma." I often feel that diplomas and certificates do not prove that a man is any better or any worse.

I have not heard any reference under the proposed legislation to the education and training of builders. When the Builders' Registration Act was proclaimed, section 19 was thought to be absolutely marvellous. However, when one went into section 19, one found that it was completely and utterly inadequate for the registration of builders. I have documents here from men who, after the last war, were good enough to be chosen by the Commonwealth to train apprentices under the Post-war Reconstruction Scheme. They were refused registration in this State because the Builders' Registration Board said they did not have the necessary qualifications. How ridiculous! It caused me a lot of worry and I had to write many letters to get these men registered. I inform the Minister that I have all the correspondence here.

Under section 19, the board forgot that there were men such as the good Italian tradesmen who can put up a brick house very smartly. As builders those tradesmen are just as good as those who use timber or reinforced concrete. At one stage they could not be registered, but it was decided to amend the Act in 1973. It took two years to do so. The Act was amended to allow bricklayers to be registered. With great condescension the Government reduced the period to two years, if a man had served his apprenticeship and worked as a builder on wooden buildings for two years. He could then apply for registration and practice his trade. On top of it all was one of the most fantastic things I have ever heard. The board started to say, "Boys, you have to pay to join." If ever there was a case of joining an exclusive club, it was joining the Builders' Registration Board and becoming a registered builder.

I will give some figures. It costs \$100 to join or become registered. It cost me nothing to become a Fellow of the Royal College of Surgeons. It costs me \$4.40 a year to be registered as a medical practitioner in the State of Queensland. It costs me \$8.40 a year to be registered as a surgical specialist. It costs a builder \$75 a year to be registered. Just where are we going? I can join the best college in the world for nothing if I have passed the required examination. For registration with the Builders' Registration Board a person does not have to pass any examination but has to join a club, which costs him \$100. In addition he has to pay \$75 a year. No wonder the board is getting a good income every year. I can see another nice big joint account coming up. Can the Minister explain whether the two boards are going to have a joint account? Are the Builders' Registration Board and the House-builders' Registration Board going to have separate accounts? Maybe we will get another report to Parliament next year as a result of it all. The new board will not serve any purpose.

Section 19 to which I referred did not do anything. The Builders' Registration Board decided to start a training scheme of its own, and it set up a cadet-training scheme. It was a shambles. Only four candidates made application in 1974. So much for what was thought of the scheme! Let us face it: we get more than that at James Cook University. Those fellows could not go out on strike as do the students at the university. The results were—

Building practice 1A	..	1 pass
Building practice 1B	..	2 passes
Building practice II	..	1 pass
Elements of supervision	..	1 pass

It is almost laughable to read that in the report of the Builders' Registration Board for 1975.

That cadet diploma course is held in Brisbane. We have a bit of a problem with the training of all apprentices in this State. Unfortunately in the building trade the subby system has started, with the result that apprentices are not being taken on by some of the master builders. Up till recently in Townsville we have had no bricklaying course, and the sheet-metal working, electrical, welding and a few other courses have left much to be desired.

At the moment the technical college system needs a lot of helping and propping up so that we can get better tradesmen. The cadetship course that I was talking about was held in Brisbane. It did not give much help to boys in country areas. That needs to be investigated, and the technical college system should be looked into with a view to producing more young tradesmen.

I was intrigued by what the Minister said about penalties. He talked about misrepresentation to obtain registration and referred to a fine of \$1,000 or three months in gaol. From my discussions with the Minister, I understood that it was to be a period of two months in gaol. Evidently he has changed it. He should seek a legal opinion on that. After all, it involves the forging of credentials. I have no truck with anyone who forges credentials or registration certificates, but I suggest that legal opinion be obtained to bring the penalty for this type of forgery into line with that imposed for other types of misrepresentation.

Another aspect that concerns me is that involving a person who wishes to erect a duplex on his property to provide accommodation for his parents or parents-in-law. From the Minister's remarks it appears that such a person is not entitled to be registered as a home builder. That is totally wrong. If a person is capable of erecting a dwelling himself, why shouldn't he be capable of erecting a duplex, whether it contains two units side by side or is a double-storey building? Some properties in Brisbane are as small as 20 perches, so the only direction a duplex building could take on them is upwards. Restrictions could be imposed on a home builder who erects such a duplex. He could be prevented from selling or renting it within, say, six years. He could be tied up just as builders are tied up. This aspect should be given consideration.

Another penalty provided for in the Bill, and one with which I totally disagree, is that imposed on personal freedom and privacy by requiring a person who wishes to carry out alterations to his home in excess of \$1,000 to write to what will probably be known as the Cottage-builders' Registration Board. If a person fails to write such a letter he pays so many dollars the first time, so many the next time and so many the third time. At one stage the penalty for such an omission was a heavy one, and I do not agree with it. The imposition of such a penalty is an infringement of personal rights.

A person wishing to carry out alterations to his home can go to his local authority before commencing the work to obtain its approval, and he is required to abide by the by-laws laid down by that local authority. Why should he be required to write to someone in Brisbane for permission to erect a set of stairs on the verandah? How ridiculous! Yet that requirement is provided for in the Bill, I would like to see it taken out. It makes a local authority a nonentity. We may as well not have local authorities and building inspectors; we may as well leave it to Brisbane to send building inspectors all over the State. The whole of North Queensland would blow away in 12 months if it had to depend upon inspectors in Brisbane. They do not understand our local cyclonic conditions.

The Bill contains one good provision, that of insurance. Surely, however, it could have been embodied in the Builders' Registration Act. The other provisions in this Bill could be forgotten about and an insurance scheme could be implemented.

Mr. POWELL (Isis) (3.14 p.m.): When this measure was first mooted and I heard some explanations given as to the necessity for its introduction, I considered that probably it would be a good one. Having listened to all the previous speakers, I am not sure whether they are confused or I am. I am not quite sure that they know what the Bill is all about. After the Minister's introductory speech, I wonder whether this whole matter could not be resolved simply by amending the Builders' Registration Act; but I have no doubt that the Minister, in his reply, will explain why that could not be done.

The Minister stated that in order to be considered for registration under this Bill an applicant must prove his competence as a house builder. A question that arises in my mind, and I am sure in the minds of other honourable members, is: how does such a person prove his competence? The member for Townsville quite rightly referred to the way the registration of doctors and other professional people in the community is achieved—by examination or by consideration of the qualifications by a board, which then duly decides whether registration should be granted. Perhaps it will be spelled out in the Bill or the Minister will tell us in his second-reading speech, but so far the qualifications required of a person before he can be registered as a builder have not been listed.

Mr. Jensen: It has nothing to do with the Bill.

Mr. POWELL: It has everything to do with the Bill, because we are talking about registering builders. Surely if we are registering builders we should be considering the sort of qualifications people should have before they obtain registration.

Mr. Jensen interjected.

The **CHAIRMAN**: Order!

Mr. POWELL: It disturbs me that so far no qualifications seem to have been laid down. Doubtless they will be in the Bill or the Minister will outline them.

I suppose most honourable members have had dealings with the Builders' Registration Board—or certainly with the Minister and then the board as a result. I, for one, have been totally dissatisfied with the results following representations I have made to the Minister. On the one hand I have had to approach the Minister and the board on behalf of builders, with unsatisfactory results. I have approached the Minister and the board on behalf of individuals, and again the results have been unsatisfactory. Whether the board regards itself as a body that is beyond reproach and above the law, I do not know. I could cite a few examples that would no doubt be of interest to honourable members.

The member for Rockhampton North made a very sound point about the testing of concrete. I will use that to corroborate what I have been saying about the board and the way it deals with cases that come before it. The owner of a house being built in Bundaberg was dissatisfied with the work. He approached the Builders' Registration Board, which sent an inspector resident in Rockhampton, 320 km to the north of Bundaberg, to have a look at the house. The first thing I question, of course, is having inspectors of the board at the Sunshine Coast, about 320 km south of Bundaberg, and at Rockhampton, 320 km to the north. If the system is to work and there are to be these inspectors, they should be where they can do a job of work without having to cart themselves across the countryside. Be that as it may, the inspector duly inspected the house and agreed with the person who made the complaint that it was a shocking job. He promptly went off to see the builder and, after speaking to him, decided that it was not such a bad job after all! I leave it to honourable members to draw their own conclusions about what happened in the interim. As a consequence, the report forwarded to the Builders' Registration Board was in entirely different terms from the information given by the inspector to my constituent.

The constituent then decided to have the cement tested by the Queensland Cement and Lime Co. Ltd. The test showed that the mortar in the bricks was virtually useless. Blind Freddie could have seen that by scraping into it with his fingernail. It was just like dried mud. It could be scratched out with a fingernail without any trouble at all. However, the Builders' Registration Board would not accept that test. It said that the mortar was perfectly good. I repeat that blind Freddie could see that it is not. Since then the Master Builders' Association has been brought into the matter. It has agreed that it is not very satisfactory. But nobody seems to want to help the poor fellow who had the

house built. As was indicated by the honourable member for Townsville, the Builders' Registration Board would not give my constituent a list of what it found wrong with the house. Another registered builder looked at it and says that the house is unsafe. I would like the Minister to explain to me why the Builders' Registration Board has not used the muscle that obviously it has under the Act.

I have another case almost the converse of that, indicating to me, as I hope it will to everybody else, that the Builders' Registration Board is totally erratic in the way it decides matters. It concerns a constituent of mine who is a registered builder. Some six years ago he built a house in another part of the State. Subsequently, the house changed owners four, five or even six times. The present owner decided that, as the building is in a black soil area, some of the foundations had cracked and something was wrong with the house. He appealed to the Builders' Registration Board. It agreed that something was wrong with the foundations and summonsed my constituent to appear before a court to answer charges on the issue. I repeat that the present owner is the fourth, fifth or sixth person to buy this home. The board demanded that the foundations be renewed completely, which means that the house would first have to be demolished to replace the foundations.

Mr. Moore: You can underpin.

Mr. POWELL: Not a house on a concrete slab.

Mr. Moore: Yes you can; you can tunnel underneath.

Mr. POWELL: I thank the honourable member for his professional advice in the matter. However, major work will have to be done.

The point I make is that on the one hand the Builders' Registration Board did nothing in the case of a brand new and obviously unsatisfactory house whereas, on the other hand, it bent over backwards to summons a registered builder who now has nothing to do with that particular area.

From the Minister's introductory remarks, it is clear that another board will be set up to register people to build plain dwelling-houses whereas now builders are registered for construction in the whole spectrum of building. I wonder why the existing board cannot do this work following an amendment to the Act. The Minister might tell us that in his reply.

I have yet another case. I do not know whether I am the only member who writes to the Minister regularly about the Builders' Registration Board. Certainly, if the other 80 members are doing so, the Minister's file must be very large. My next case concerns a young fellow who was a builder or worked on building projects in Victoria. He came to

my electorate and wanted to build homes in the Hervey Bay area. He applied for registration. The Builders' Registration Board did all of the necessary paperwork to investigate his bona fides. It decided that he was quite competent to build houses but refused his registration because he had had no experience as a contractor. No temporary registration number was issued; he was simply refused. How anybody can gain experience in anything without having a go at it in the first place is beyond my comprehension. He was refused registration on the ground that he had no experience. If the Bill rectifies that stupid situation, it will be a very good measure indeed. I hope the Minister will be able to reassure me on that point.

Other speakers said that the Queensland Master Builders' Association is directly opposed to the legislation. If that is so, I feel that it is because the members of that association do not understand what it is all about. The president of the Queensland Master Builders' Association is a constituent of mine and he talked with me yesterday at some length on this issue. The conversation confused me more than I had been confused before but the Minister cleared up some of the uncertain points today.

The Queensland Master Builders' Association is not opposed to the insurance scheme. There is such a scheme in other States and the association is quite happy to have such a scheme in Queensland, although it is felt that the rate of \$60 a unit is a little too high.

Mr. Miller: \$60 for six years is too high?

Mr. POWELL: I understand that the amount in Victoria is \$15 and that although 10,000 homes have been built under the system the first claim is now, after a number of years, being dealt with. In the light of claims experience, perhaps the amount of \$60 may be decreased. I understand that it is \$40 for insurance and \$20 for administration.

Mr. Miller: There have been an awful lot of claims in Queensland.

Mr. POWELL: Yes, but it was indicated to me by the Queensland Master Builders' Association that the majority of complaints about poor workmanship concerned builders in the under \$800 bracket, which is an area in which the Builders' Registration Board does not operate. If that is so, the new legislation will not change anything, nor will the insurance scheme.

Mr. Miller: That's rubbish.

Mr. POWELL: I am citing only what I have been told; I cannot vouch for the accuracy of the figures. If it is true that most complaints are in respect of work in the under \$800 bracket, I wonder if the people having the work done took sufficient

care in choosing the person to do it. I think the main problem could well be that people do not sort out the poor builders when making their choice in the first place. Will the Bill make the position any different?

The Minister said that an applicant for registration should be competent to merit registration as a house builder, without any qualifications being given. The two criteria mentioned were the one that I have given and the possession of reasonable financial resources to carry on such a business. If they are the only two criteria for registration, I wonder if they are sufficient.

The Minister said that the board will have power to place a restriction on the number of dwelling-houses that a registered builder may start to construct. I disagree entirely with that power. Perhaps I misheard the Minister. Surely if a person is registered as a competent builder he should be allowed to build as many houses as his finances permit.

I question whether this legislation will rectify the many faults that we all know exist in the current legislation. I cannot understand why a person cannot build his own house, commercial building or whatever for his own use without having to refer to a bureaucratic body.

Mr. Jensen: Of course he has to.

Mr. POWELL: I do not see why.

Mr. Jensen: He might want to sell it in a couple of years' time.

Mr. POWELL: If the honourable member had listened to me carefully, he would have heard me say that if a person wants to build something for his own purposes I do not see why he should not be able to do so. On the other hand, if we are going to register builders, then we should not place restrictions on them. Apparently we are going to have two forms of registration—one for those who are going to build houses and another for those who are going to build commercial buildings. I think that is fair enough because there are different sorts of specifications needed for multi-storey buildings and normal dwelling-houses. But the House-builders' Registration Board must be certain that the person they are inflicting upon the public as a registered builder has the necessary qualifications.

I want to come back to the question of qualifications. I hope that the Bill will rectify many of the problems that have been created by the existing legislation. The Minister verbally assured me before that this is so, and no doubt when we get hold of the Bill and are able to read it carefully we will either be reassured or we will be regularly asking questions of the Minister to find out exactly what this means. But it is my impression that once the Bill is introduced it will quell many of the doubts that people have. I look forward to reading the Bill and further discussing the matter.

Mr. LANE (Merthyr) (3.32 p.m.): This legislation seems to me to be divided into two parts, and for various reasons I am opposed to both. The first part—probably the less obnoxious part—of the legislation is that which pertains to an insurance scheme whereby people must pay a compulsory premium of \$60 into an insurance fund. It is the compulsory nature of such a premium which brings me to oppose this provision. I know that it is supposed to be a popular provision and that many honourable members are attracted to it. I think superficially it does have some attraction, but I believe that the truth of the matter is that the more attractive part of this legislation—the insurance scheme—is merely a sprat set to catch a mackerel; it is the public relations section of this legislation. It is something that is quite deliberately inserted in the Bill to make it saleable to the general public and saleable to honourable members, most of whom are attracted to it because they have not yet had any experience with the administrative detail contained in the second part of the Bill.

On the other hand, those of us who have had experience with the second part of the Bill—that establishing a new board—and have had some day-to-day experience with the administration of a similar board will know that it is in the administrative detail that we get caught. If one accepts these matters of compulsion in terms of an insurance policy, one would agree with that part of the legislation; but as a Liberal and a person who believes in freedoms and as little compulsion as possible, I am opposed to it. There are those in the Committee who believe in the maximum amount of compulsion and in telling people what to do as much as possible, but I do not believe in that and that is why I am opposed to the first part of the Bill.

But it is the second part of the Bill which I would like to deal with in greater detail and perhaps make some more specific criticism. The Bill with which I had some experience was introduced in this Chamber in December 1971—the year I became a member of this Assembly. Although I was a new member of Parliament, I had rubbed shoulders over the years with a number of people engaged in the building industry and I understood one basic thing about it—that it was a very informal industry, and that any attempt to formalise it under an Act of Parliament and spell out a system of ground rules that were to prevail from one end of a vast State to another and across an industry that was very diverse and had many variations in size and scale would create administrative problems. I said so in the debate when the former Minister for Works and Housing brought that legislation forward to his committee.

When I said I was opposed to it on that occasion, other members of the Government parties shared my view. It is probably only a coincidence that both of those people now occupy positions on the front bench

in the Chamber today. One of them was the present Minister for Works and Housing (Mr. Lee), who opposed the original legislation and stood shoulder to shoulder with me. The other was the honourable member for South Coast (Mr. Hinze), who at that time was opposed to the administrative conditions contained in the Bill and who also stood shoulder to shoulder with us. The three of us voiced some criticism in the councils of our parties on the question whether the legislation would work. We were persuaded by the Minister for Works and Housing at that time (Mr. Hodges), who also occupies a seat on the front bench today, that the legislation would in fact work. That was in 1971.

It did not work, as all honourable members know, and in 1973 the Minister was forced to admit that it was not working, and was forced to relax certain provisions, embrace suggestions put forward by Mr. Hinze, Mr. Lee and me, and ease the requirements for registration. There was a great influx of people who became registered almost overnight—thousands of them, in fact—and the building industry once more relaxed its muscles and pressed on to construct houses and important industrial buildings throughout the State.

Then the board that was set up under the supervision of Mr. Arch Nicholson, a very capable public servant of some 24 years' experience, began to construct its bureaucracy. It began to employ staff and to study the provisions of the Act more carefully and to look at the regulations to see how the letter of the law could be applied to people who plied their trade in the building industry and who conducted their business in what had hitherto been a very informal area of business activity. The building industry began to feel the pinch and all the complaints that honourable members have detailed today—and I am sure that more will be detailed before the motion is agreed to—began to come forward.

Those who were opposed to it—and some of us are still opposed to it—began to try to live with it. We thought, "If we can make this Act work, if we can do something to stamp out the shoddy builder and have him deregistered by enforcing a standard of workmanship on builders who are not measuring up, perhaps we can salvage some good from the legislation." I was one of those who managed to put forward some complaints to the Builders' Registration Board at that time and ask it to take action. Once again, for a third time, I was disappointed, because the board never seemed to be able to get off the ground in terms of taking action against those who deserved to have action taken against them. In many instances they were not the small-house builder—the humpy builder, as he is called; the man with a labour-only gang or a gang of his own—who could throw up a house within a few weeks and provide some young couple with a roof over their heads. In many cases they

were people who also built just above that level, who built multi-storey buildings but not the major ones. Apart from Lutwyche Shopping Village, I must say that I have no detailed or personal knowledge of malpractice in the major building construction industry.

I should like to be amused, as the Minister seems to be, by this proposed legislation. He smiles and laughs on the front bench. I think his chooks will come home to roost in due course when some electors of Yeronga who are builders say, "Why is this happening to me?" I hope they will go back through "Hansard" to see just who was responsible for setting up this other wicked bureaucracy.

Mr. Moore: And read his old speeches.

Mr. LANE: And read his old speeches on the previous Bills passed.

Mr. Ahern: Are you opposed to it?

Mr. LANE: Yes, I am. I am pleased that the honourable member asked me that. I am completely opposed to a Builders' Registration Board. I believe that the building industry comes under sufficient supervision from other quarters and that such a board is therefore unnecessary. In fact, it is superfluous. All it does is employ more public servants and provide jobs for more people. It creates prestigious positions with which the Government can reward its friends and perhaps pay off some of its enemies, like Tommy Chard.

Someone mentioned Parkinson's law before. If ever there was a perfect example of that law, it is the growth of the Builders' Registration Board, which has been quite ineffective. I wanted to deal with the ineffectiveness of the board before I dealt with the growth of the bureaucracy, but I was distracted by the honourable member for Landsborough.

If one looks at some of the actions over the years of the Builders' Registration Board, including some of the cancellations—and we were promised that the licences of shoddy builders would be cancelled—one can see from "Hansard" that in September 1974, at a time when there were almost 9,000 registrations, there had been a total of 98 cancellations. From that one might say, "Very good. The board has tracked down 98 shoddy builders and put them out of business. That's what it was all about. That was the great benefit we derived from it." But in fact the 98 who were deregistered by the board were deregistered for what reasons? For the non-payment of the 1974 roll fee, 91 were deregistered. They were deregistered for not paying their tribute to the board. Other reasons for cancellation were: company in liquidation, 3; individual bankrupt, 2; taking advantage of the laws relating to bankruptcy, 1; nominee deregistered, 1. There were no cancellations for anything other than those simple administrative reasons, the largest number of which was not paying tribute to Caesar.

That has been the record of the board. We had one infamous case when the board, with its battery of inspectors and experts, backed by the stout-hearted Minister who championed the legislation, dared to go out and take on Ferro Constructions, the biggest home-unit builders in Queensland. It dared to take on Luigi Ferro for his standard of workmanship on a block known as Ilya Lodge at Rossiter Parade, Hamilton. That block was surrounded on two sides by a spraycrete concrete wall. When the spraycrete concrete wall started to collapse, what did Mr. Ferro do? He propped the spraycrete concrete wall against the first floor of the building with r.s.j. steel beams at the first floor. He applied a sideways pressure against a 7 or 8-storey building. When he was told to remove them and to shore up the wall (which, by the way, encroached 18 inches on Crown land), he refused to do so. So our champions of the building consumer, that is, the Builders' Registration Board—the same people who will administer this Bill—took Mr. Ferro to court. He beat them hands down. He wiped the floor with them. They never got to first base. That was the effectiveness of the previous board. I venture to suggest that the new board will be no more effective.

At about the same time the same gentleman was taken to court by the Lands Administration Commission for erecting a building that encroached 18 in. onto Killara Avenue. What did he do then? He took on the Lands Administration Commission and killed the Lands Act. In it his lawyers found a legal loop-hole, with the result that no-one can be prosecuted and convicted for encroaching on Crown land. That may be of interest to some members in rural areas. They need not worry where they build their fences in future; they can take five acres of their neighbour's property—thanks to Luigi Ferro, who beat the Lands Administration Commission a few years ago. No-one has succeeded in beating him.

It is a sham to suggest that this legislation is good because it gets at the bad builders. It is aimed at the little builders—the humpy builders—and I wonder why.

Mr. Moore: You are making my speech.

Mr. LANE: I apologise to the honourable member for Windsor. I know that he will corroborate my remarks.

I wonder why this Minister sees the evils committed by the small builders and says—I shall not go into where, when and how he says it, unless I have to—there is no need to be concerned about multi-storey buildings, such as the new Parliament House block and the buildings erected by Watkins, Watts, Civil and Civic and other big companies around town, the ones with real financial muscle, real lobbying strength and real social know-how. This Bill is not aimed at those people, and that is why it is nothing more than a fraud and a sham.

While the Minister and his Government are getting their pound of flesh at their end, the public servants are getting theirs at the other end by building their bureaucracy. In 1973 the Builders' Registration Board had two inspectors on its staff, and by 1975 the number had grown to 11. It also employed two administrative officers, one registrar and 12 clerks and typists. All of them are sitting in the office of the board out at Sherwood Road, Toowong.

By the end of June 1975, over 12 months ago, the board had collected by way of fees from persons who must pay tribute to it the sum of \$1,763,508 and a few cents. What return have the public received for the outlay of that sum?

The annual report of the board for that year shows that at the end of June 1975 the board had investments totalling \$640,000. That sum is in addition to the money channelled off in administration expenses, staff expenses and other expenses, including the astounding sum of \$22,056 for printing and stationery. If that amount of money is not evidence of a paper war and unnecessary bureaucracy, I do not know what is.

Who administers the staff of the board? Its first chairman was forced to resign following a liquidity problem in one of his companies. We all know about Keith Morris's liquidity problems.

Mr. Moore: He's only a bricklayer, but he wanted to keep the rest out.

Mr. LANE: I would not wish to criticise Mr. Morris personally, but he was forced to stand down.

I recall a question asked in April of last year by my colleague the honourable member for Belmont concerning the legal-administrative officer of the board, a Mr. Letizia. I understand that he is still on the staff of the board. The Minister's answer to the question revealed that that gentleman had served a term of imprisonment, apparently for fraudulently converting trust funds. That offence was committed while he was an employee of a building company, yet he is employed out there by the board as administrative officer.

I have never met this gentleman. He may very well have reformed, but I find it very odd in principle that he should be holding down a position involving responsibility for the supervision of builders, one of whose qualifications would surely have to be good character. Obviously, they have to be able to produce references of their good character, yet he himself has a history of this kind. I do not think that many builders would gain registration if they had convictions of that nature. I would be surprised if any of them had.

As I am running out of time, I would like to refer quickly to a couple of matters. I may be able to expand on them at the

second-reading stage. The first relates to the prohibition on owner-builders. They shall only be allowed—and a heavy penalty is provided in the Bill for contraventions—to construct a single-unit dwelling for their own use, and they must keep it for two years. I do not mind placing it on record today that several concerted attempts were made to persuade the Minister to accept our point of view on this. I do not think it is unreasonable to allow them to build a duplex or a maisonette, or attach a flat to their own homes (thus making it a multi-unit dwelling) for the purpose of housing an aged relative—perhaps a pensioner or an aged grandmother.

I do not know what the Minister has against anyone building a flat onto a house to accommodate an aged grandmother. But he has prevented it in this legislation. Despite the fact that we put this to him and endeavoured to persuade him privately on many occasions to amend the Bill in this manner, he has ignored our requests. In fact, when last I discussed it with him, he endeavoured to hide behind the draftsman and say, "Oh, you can't. It is a drafting problem." If the Minister cannot spell "grandma" in the Bill, I invite him outside, where I will tell him how to do so.

(Time expired.)

Mr. JENSEN (Bundaberg) (3.52 p.m.): I am very interested in this Bill, the title of which is "House-builders' Registration and Home-owners' Protection Bill", and I think that is what it is. It is, as it were, a consumer affairs Bill. It is designed to protect home owners. The only person who has spoken some sense on it has been the honourable member for Ithaca.

Mr. Houston: That is, on the Government side.

Mr. JENSEN: Yes, I am talking about the Government side. He got down to the facts. Most of his colleagues criticised the Minister. They weren't able to get around him in the caucus room, so they have come in here to criticise him.

The honourable member for Isis asked how the builders were to be registered. The Minister said that this Bill was to stop fly-by-night builders. The Builders' Registration Board laid down qualifications. An applicant must have passed all the examinations and have had so many years' experience. I think the same requirements would be listed in this Bill, because it is to stop fly-by-night builders.

Mr. Powell: I merely wanted to find out what is going on.

Mr. JENSEN: The honourable member knows what is going on. He just wants to do a lot of damned talking about it. If he had gone in to get a builder registered, as I have done a few times, he would have been

told, "He didn't complete his apprenticeship and he hadn't so many years' experience, so he cannot be registered." They were the qualifications—and they will be in this Bill, I hope.

Mr. Powell: I wanted to assure the people I represent.

Mr. JENSEN: All the honourable member for Isis wants to do is talk a lot. That is all he did. The qualifications will be listed. The Bill has one purpose, and I am pleased that it has been introduced as a separate Bill. It is not an amendment to the Act governing the Builders' Registration Board. Everybody who has spoken in this debate has shown that that board has been a racket and useless in the industry. It has been protecting only the master builders, and the people know that. It has been no good whatsoever. This Bill will do something for the person who buys his home, or I hope it will.

I know that some Government members have attacked the Minister on this measure. He has said who the representatives on the board will be. If the right men are chosen, the board will be an effective one. The Minister said that there will be a Government representative, two nominees of the Building Industry Advisory Council (one a registered builder and the other a house builder), a representative of home purchasers, and a representative from the insurance industry. That seems to me to be quite a good board of five members.

Mr. Frawley: Who wrote that out for you?

Mr. JENSEN: I made a note when the Minister was speaking. I do not know if he is wrong. I took these notes as he was speaking and wrote them on this Press statement that he has handed out.

I think that this will afford protection for the consumer. It is about time we had protection for the consumer. The honourable member for Ithaca commented on that aspect. He spoke about the fly-by-night builders but he did not speak about the fly-by-night painters. He belonged to their organisation. Something should be done about the standard of a lot of the painting.

The Minister said, "The House-builders' Registration Board itself will guarantee the performance of every registered house builder in respect of . . . alteration, addition, repair, etc. of a structural nature which exceeds \$1,000 in value." If a person has an alteration made to his home at a cost of \$400, he cannot complain about it unless he goes to the Consumer Affairs Bureau or the Small Claims Tribunal. I hope that the minimum of \$1,000 means that people who have work done below that figure can go to the Small Claims Tribunal. If the work costs more than \$1,000, he will be covered by insurance. I don't care if it is \$200 or \$300; if an extension or an alteration is made to my house and the work

is crook, I expect to get some compensation. It is all right if, in that case, I can go to the Consumer Affairs Bureau or the Small Claims Tribunal, but if I cannot I should be covered under this legislation. But the minimum of \$1,000 is being set. As the Minister said, he is hoping to stop the fly-by-night builders.

I know that the honourable member for Townsville is a builder in his own right, but he is probably not a registered builder. I suppose that he has built flats that are as good as any in Townsville. His main complaint concerned the Builders' Registration Board and what it has and has not done.

Mr. Houston: To him.

Mr. JENSEN: No, not to him, but to certain people. The honourable member will not be allowed to build any more.

He is a builder and he was quite right in what he said. He said that the only good thing was the \$60. I agree with him because that is only about 0.3 per cent of \$20,000 and a person would not get much of a home these days for less than that figure. The \$60 is practically nothing to pay for the guarantee.

Mr. Lee: Over six years.

Mr. JENSEN: Even over six years it is practically nothing to pay for the guarantee.

In Bundaberg, I have read many letters over the years complaining about the Builders' Registration Board. I have two with me and shall read a little of them to indicate what goes on. The first was published on 16 September and reads—

"When anyone gets into difficulties with faulty workmanship, when building a new dwelling, I would advise them to think twice before calling in the Builders' Registration Board. I have been a victim. They state all work on our dwelling is completed and has been passed by the inspector. For me to have the dwelling brought up to standard will cost us about what we paid for it new.

"All correspondence with the Minister for Housing failed, because he will not, or does not, want to believe opinions of experienced men outside the Builders' Registration Board. Attempts to have an inspection with the Registrar, a representative from the Master Builders' Association and one for us, have been fruitless. They say it is not warranted.

"I think what is going on within the Builders' Registration Board, should be looked into thoroughly instead of this side-stepping all the time. With what experience I have had with the board, their aim is to protect the builder not the buyer. We, the people, were made to believe the board was formed to protect us. Any genuine person or home purchaser who is in the same situation as I am is at liberty to inspect our dwelling."

Mr. Powell: Who signed that?

Mr. JENSEN: One of the honourable member's constituents. He did nothing to help him.

The second letter was published on 20 September and reads—

"If 'Home Buyer' (News-Mail, September 16) thinks he has home problems he should see my 'engineer-designed home'. The Builders' Registration Board also approved my house as 'case closed and completed'. However, I can add some blame for the bad workmanship and contracting on the City Council . . ."

I think it was the honourable member for Townsville who said that we should rely on the council. The letter continues—

"When I found I had a problem with my home I went to the City Council and explained the problem to the inspector, who claimed that being unduly busy prevented him from having a look. When I asked that an inspection be undertaken in the interests of public safety I still did not get an inspection.

"After all, we do pay a fee to the council to ensure that Bundaberg has cyclone-proof homes built to the Queensland minimum standards. Every night I pray for a cyclone to blow my troubles away so that I can collect the insurance and leave this town."

That's very nice, isn't it! That has been the situation for a couple of years; those are two recent examples of it.

I think it was the honourable member for Townsville who said that we have to rely on the honesty and integrity of builders. The Queensland Housing Commission advertises for tenders for homes in Bundaberg but no builders respond. Why? Because builders do not want to have to meet the stringent conditions of the Housing Commission. They want to build to their conditions and it is those conditions that are found in the homes that the people are now getting. I repeat that they do not apply for Housing Commission contracts because they would then have to comply with the commission's stringent conditions.

Mrs. Kyburz: So they should!

Mr. JENSEN: Yes, but what about the consumer who has to get a home built and has no protection from the Builders' Registration Board? This legislation should give that protection. I have been approached by people who were having homes built with finance obtained from the Commonwealth Bank. I have advised them to have the building work inspected by a person whom I know. I have told them, "This will cost you \$30 but it will give you three checks on the building. The Commonwealth Bank will do its checking. This fellow is competent to inspect your home. It is well worth paying him \$30 to have three checks

on the home before it is completed. He will look at it as it is going up." I have advised people to go to this person and pay him that amount because builders will get away with anything if they can. If they can put some timber with notches where it is covered by the time the inspectors arrive, they will do so. There is this man in Bundaberg who will inspect homes and both the Commonwealth Bank and the Housing Commission have their inspectors. But many builders do not want Housing Commission contracts. The Minister knows that; he has said it himself.

Mr. Lee: Me?

Mr. JENSEN: Yes. The Minister has said that no-one has applied for contracts for the construction of Housing Commission homes in Bundaberg. No-one will convince me that all the builders in Bundaberg have so much work that they do not want these contracts. If they can get good money by building outside the regulations, that is what they will do.

I want to bring up these points after hearing Government members say, "We don't want this legislation." They do not want it to protect the people. They want to protect the large builders, such as K. D. Morris, who ran the board, protected the builders and then went broke. The Government would rather protect them than consumers who have to pay \$20,000 for their houses and cop what they are given. After a few years the deficiencies show up. The Bill gives protection for six years, which is a good point.

Mr. Powell: We are trying to make sure that they will be protected.

Mr. JENSEN: We hope they will be protected. I am not like the honourable member; I did not want amendments to be made to the Builders' Registration Act. The honourable member wanted the same old situation to continue. He wanted these activities to remain under the Builders' Registration Board, which has provided no protection at all. The Bill is likely to give protection to home builders.

Mr. Powell: I want to stop your constituents worrying me about it.

Mr. JENSEN: My constituents have never worried the honourable member for Isis. In fact, his constituents come to me because they cannot get any satisfaction from him. That's why I have to look after both his area and mine.

I will not delay the Committee any longer, but I had to enter the debate after listening to some of the rubbish from Government members. I just wanted to put the facts straight. From what I have seen in the Minister's introductory remarks about the composition of the board, I think the

Bill is quite sound. I expect that the new board will do what it is supposed to do. I think, Mr. Miller, that you thought along similar lines. After all, having been a contractor, you have a bit more nous on these matters, although you might have been only a painting contractor. I hope that this board looks at all aspects of home construction—not just the building itself, but the painting, the electrical fittings and things like that. The home buyer is paying \$20,000 for a house and I hope that he is fully protected in painting and electrical and plumbing work.

The standard of the plumbing work is pretty bad at times, and yet we have plumbers in Queensland wanting another \$45 a week because that is what plumbers in Victoria receive. Why don't they go to Victoria? They can go to Weipa or Bougainville if they want more money. This is Queensland and we do not live under the conditions which apply in Victoria or anywhere else. If they think they can get more money in Victoria, let them go there; if they don't want to go there, let them do their job in this State because this is where they are living.

Mr. Gibbs: The best State in Australia!

Mr. JENSEN: That is right, with the best conditions in the world. If these plumbers want better conditions, let them get the hell out of it and see how many jobs they can get down in Victoria.

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

Mr. JENSEN: I just wanted to say that, Mr. Miller.

If there are contractors who can build houses, let them put their workmanship into houses in Queensland. I hope that the consumers are protected, because, after all, that is what the Bill is designed for.

Mr. MOORE (Windsor) (4.7 p.m.): I will not keep the Committee very long, but in discussing this legislation to introduce a House-builders' Registration Board I would like to comment on the change in attitude that occurs when a back-bencher is elevated to the Ministry. I can recall when the Builders' Registration Act was introduced and the Builders' Registration Board was being set up that the Minister (the honourable member for Yeronga) and I fought it tooth and nail because we saw clearly the shortcomings that have now shown up in the Act. There is no doubt that the Minister saw them clearly, as did I and many other honourable members. Our misgivings at that time have been borne out. He does not seem to have similar misgivings now.

My main concern with this Bill is that under its provisions there is a lack of freedom. I did not mind if a builder was

deregistered because of shoddy workmanship, but quite early in the piece the Builders' Registration Board was so restrictive as to keep virtually everybody out of the industry. After all sorts of overtures from members and the public in general, the situation was reversed; entry was thrown wide open and virtually anybody who could show that he could wield a hammer, make a straight saw-cut, knew how to cut a few creeping rafters and things like that could be registered. How many builders have been deregistered for shoddy work? I think there might have been one, so shoddy work has not been the problem; we have no worries there.

Mr. Jensen: They were protected by the board. What's wrong with you? There's tons of shoddy work!

Mr. MOORE: They have not been protected. The board has not deregistered anybody, so what would registration have to do with it? That would achieve nothing. We have a standard building code, and if builders did not abide by it they would have the local authority to contend with and under those circumstances it would be fair enough to get rid of them.

The only good thing about the proposed legislation is the provision of insurance cover, and I wanted that introduced in the first instance. However, the figure mentioned is \$60 and the insurance is to be for six years. Out of that \$60, \$40 goes in administrative costs, so it is really only \$20 over six years. Blind Freddie would know that that is not enough money to do anything with.

Mr. Lee: No, \$40 for insurance and \$20 for administration.

Mr. MOORE: Well, let us assume that it is \$40 for insurance. If the insurance is to be effective—and no doubt it will be looked at by the actuary of the insurance company that provides it—in common with all other charges, it will increase greatly. It will not be \$40; it will probably be more like \$400 to insure against faulty work that may occur.

Mr. Ahern: Can't the insurance company proceed to recover moneys from builders?

Mr. MOORE: If it is going to proceed to recover moneys, it is not necessary to have an insurance cover. You can do that yourself; anyone can do it. There is no worry about that.

The ability to do the job is the only test. If a person can do the job, that is all that is necessary. I built my own house and it is not falling down.

Mr. Lee: You are competent.

Mr. MOORE: I am no more competent than any one else.

Mr. Lane: You'd do a better job than the Minister on building a house, anyway.

Mr. MOORE: I don't know. The Minister seems to be more worried about the bigger builders—the multi-storey builders.

Mr. Lane: The tycoons.

Mr. MOORE: Yes, the tycoons. He is not concerned about the little fellow; I am.

I notice that on the board there is to be a chairman (a Government nominee), a couple of members from the Building Advisory Council, a registered builder and a representative of the registered house builders. As the honourable member for Merthyr said a short while ago, what is really lacking is a representative of the subcontractors. I agree with him.

John Citizen who wishes to build his own home may have the ability to do it. However, because he did not write a letter to the Builders' Registration Board—this is for work over \$1,000—in the first instance he was to be up for a fine of \$1,000. But after a few knock-em-downs, throw-em-outs, in the joint-party room, that was reduced. I do not know what the final figure is—it might be up to \$1,000 again—but it was reduced to about \$300. It might be down to about \$30 now; it should be. It should be everybody's right to do his own thing, as long as the construction is all right. I am not talking about shoddy work. If a person does shoddy work, a ban should be put on him, whether he does it for himself or anyone else, because houses are sold eventually.

Mr. Jensen: How do you know he is doing shoddy work if nobody knows he is building a house?

Mr. MOORE: Well, I built mine and nobody inspected it. It has not fallen down yet.

Mr. Jensen: We don't know that it is not shoddy work.

Mr. MOORE: When the honourable member has finished making my speech for me, I will continue.

The test is whether the building is properly constructed. If a home is of brick construction, a person should not be able to proceed beyond the foundation stage before inspection. A check should be made that the foundations are deep enough and that the steel reinforcement is in place. Someone should be there for the pour to ensure that the reinforcement is not taken out and put into some other building, or that concrete is not poured without reinforcement.

If a person chooses to cheat in building he can do many things to put it over the inspectors. Walls can be slapped up and cladding applied without the inspector knowing what has been done. All sorts of things can be done and never detected. I have seen buildings erected by so-called reputable companies which have no problem with registration, but a horse and cart could be driven

through the gaps between bearers and plates in those buildings. I have seen splits in the studs, skew-nailing and all sorts of things. When the building is completed it looks O.K., but registration has not done a damn thing to avoid shoddy work of that sort.

Someone talked about the multitude of inspectors. Probably one inspector could inspect carpentry work, sewerage installation, sullage disposal and all the rest of it. Perhaps the electrical installation would be a different matter. Apart from that, probably everything could be covered by the one inspector. Look at the work an architect does. It is not his architectural training that gives him competence in so many fields. A course could be provided to train inspectors to inspect everything in the construction of a house.

Mr. Lane: You don't need a university degree to inspect a house.

Mr. MOORE: Of course not. Anybody could do it after a reasonable amount of training.

I am not going to make a long speech. The honourable members for Merthyr and Townsville made my speech for me and I had to throw all my notes away. I completely agree with them.

The Builders' Registration Board is a flop, and the Home-builders' Registration Board is going to be another flop. The right of John Citizen to build his own home is being taken away. He will be penalised simply because he does not write to somebody to say that he is building it. What in hell is the difference whether he writes a letter or not? When the board gets that information, what does it do? It will not send an inspector out. What would be the difference if it did send an inspector out? When he got out there the owner would say, "I am an owner-builder. Buzz off." or, "I am an owner-builder. Have a cup of tea." He would say whatever he liked to say to the inspector. But the Minister is saying that this whole Bill will collapse unless the fellow notifies the board that he is building his own home. What difference does it make? It is ridiculous in the extreme. If a person who is not a registered builder builds his own home I suppose it is fair enough that somebody should know about it, but why should that home be classed as something second rate? There are no faulty saw-cuts or anything like that in my home, and everything fits, but because I built it myself why should I have to say, "Here is an inferior house."? It won't blow down. It is the quality of the work that we should be talking about instead of creating a bureaucracy.

Mr. ELLIOTT (Cunningham) (4.20 p.m.): At the outset, I refute some of the comments made by the honourable member for Bundaberg. He can speak for himself; he certainly does not speak for me. I am here to represent not the big builders but the small

builders in my electorate. The provisions relating to insurance are good ones and have my support.

Mr. K. J. Hooper interjected.

Mr. ELLIOTT: The honourable member for Archerfield should insure his mouth against accident. He is known as the "hired mouth", and it would be tragic for him if he lost it.

Honourable Members interjected.

The TEMPORARY CHAIRMAN (Mr. Miller): Order! Persistent interjections will not be tolerated by the Chair.

Mr. ELLIOTT: To get back to the motion before the Committee—as I say, the insurance provisions in the Bill have my support, because many people have been caught by jerry-builders.

I thank the Minister for certain action taken by him over the past couple of years in relation to what I might term bush carpenters who were applying for registration to erect slaughter-houses, sheds and so on in my area. They were confronted by some ridiculous attitudes on the part of the Builders' Registration Board. We simply cannot afford to get carried away with technicalities when we are dealing with buildings such as slaughter-houses and sheds. They are totally different from complicated structures like high-rise buildings. Eventually, however, thanks to the Minister's efforts, the problems were ironed out, and for that I thank him.

I hope that the House-builders' Registration Board will not get bogged down in technicalities as did the Builders' Registration Board. Many competent builders of long-standing would have no hope at all of passing an examination on technical drawing. Let us be practical and not confuse the issue of complicated homes with basic structures. There must be a line of demarcation.

I question the bureaucratic move of setting up a second board. Surely the original board could be enlarged to perform the duties that it is proposed will be carried out by the new board. I suggest that the new board will be top-heavy, and I am looking forward to the Minister's comments on it in reply.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (4.24 p.m.), in reply: First of all, I thank all members for their contributions.

Mr. Lane: That's all right.

Mr. LEE: I will answer the incorrect comments of the honourable member for Merthyr later.

I do not intend to answer all members at length, for the reason that the Minister for Mines and Energy wishes to introduce a Bill this afternoon. At the second-reading stage

I shall answer all honourable members in detail. That is fair and reasonable. This afternoon, however, I wish to comment on a few of the remarks made by some honourable members, including the member for Archerfield, who spoke on matters that have nothing to do with the Bill.

Mr. K. J. Hooper: I was not nasty.

Mr. LEE: For a change, he was not nasty; there is no doubt about that. Another thing I must say about him is that he was not like some of the speakers who, from the way they spoke, must have had a vested interest in building houses. If they did not have, they certainly would not have said what they did.

The member for Landsborough made an excellent contribution. He is totally aware of the principle behind the Bill. After all, honourable members have not yet seen the Bill. I intend to let it lie on the table for some time so that all interested people—honourable members, building organisations and other people outside—can study the Bill and then make submissions or lead deputations to me. If we have made some mistakes, we will endeavour to rectify them.

As the member for Landsborough said, it is the best consumer protection for the building industry that Queensland has ever had. I can assure the Committee that that is true. We are trying to do something for the small builder. That is the specific purpose of the Bill. I have been accused of being in cahoots with the Master Builders' Association. However, on most occasions when there has been any statement in the Press, that association has attacked me violently on it. Therefore, I do not think that argument holds water.

I do not want us to reach the situation where inspectors are running around, as the member for Landsborough said, going to a shire, finding out where all the buildings are being erected and then going to see if something is wrong. I do not want to see an inspector use his authority just because a sign is crooked, or something like that. This Bill is not for that purpose. It is for consumer protection.

The main provision of the Bill is for the complaints to come from the home owners, who are not restricted to the time during which a house is being built, or just after it is completed. They have a period of six years in which to lodge a complaint. I am sure the honourable member for Pine Rivers, who is an architect, would say that most of the faults in a house would become evident within six years. He is on my committee. I discussed that with him. In fact, some criticism has been directed at the provision holding a builder to be responsible for a six-year maintenance period. I do not expect a builder to guarantee his work for six years. This is where the insurance factor will enter into it. The insurance is there to be used if it is necessary.

I think it was the member for Rockhampton who spoke about the \$60 having to be passed on. I do not deny that at all. However, I will bet him \$5 to whatever he likes that one of these insured houses when it is resold will fetch at least \$1,000 more than a house that is not covered by this insurance. As far as I am concerned, that \$40 insurance premium, which is not much over six years, is money well spent for protection of that sort.

The honourable member for Ithaca fully realised that the purpose of the Bill is to try to gather in all the small builders. He was worried about protection for the widow, protection for the consumer, protection for the victim. It was encouraging to me that he had such a good grasp of what the Bill is all about. Last session I endeavoured to amend the Builders' Registration Act to incorporate these provisions. However, we found that it was impossible. On all the advice that we could get, my officers and I thought that, with the major amendments that were required, it was far better to introduce a new Bill. That is one of the reasons it is being introduced as a clean Bill. The people will be able to understand it far better than a whole heap of amendments made to the Act. I think that is quite reasonable.

The honourable member for Ithaca mentioned home units. That means high-rise construction. We have considered this matter and I give the honourable member the assurance that I will watch the situation very closely. If there is shoddy work in high-rise building, I will have it covered. At present, home units and any other high-rise construction are covered by the Act. Therefore there is that much protection afforded in the meantime.

The honourable member for Rockhampton North referred to the unregistered builder. He will be fined up to \$1,000 or be sent to gaol for three months.

Mr. Yewdale: That is the maximum.

Mr. LEE: It is the maximum. I do not believe in prescribing minimum penalties. That decision can be made by somebody else—probably a judge. It is up to us as legislators to provide maximum penalties. I will never introduce a minimum penalty. Under this legislation the maximum fine prescribed is \$1,000. If a judge sees fit to impose a lesser fine, that is his judgment. He is the person who should do that. The fact that the builder can be fined is a further protection to the home owner.

I challenge anybody to try to find a better deal than protection for six years against major defects for \$40. I think that in Victoria the premium has just gone up to \$34; but Victoria has more houses and, of course, the more premiums that are paid, the lower they become. In this regard I did not contact only the S.G.I.O. I have brought all of the

insurance companies into this scheme so that they can share the risk and possibly reduce the premiums. That is one of the reasons why an insurer should be a member of the board. He can in fact watch this situation closely to see whether it is possible to reduce the premiums.

An Honourable Member interjected.

Mr. LEE: I mentioned \$60, with insurance premiums being \$40 and administration costs \$20.

In reply to the honourable member for Townsville—an insurance scheme is like any other scheme. He asked why the insurance policy should not cover all work. Let us be honest. If an insured person does something blatantly negligent, it is entirely his fault and is not covered by the code of ethics in the building industry. Surely it would then be fair to ask the builder to correct the defect at his own expense. If every little fault was covered by the insurance policy, the premiums would be higher. This would happen simply because the builders would be allowed to do shoddy work. This is unfair.

The honourable member for Isis asked about qualifications. The applicant has to be competent to merit registration as a house builder. That is what it is basically. I have left the matter pretty wide so that the board can exercise reasonable discretion and so cover a lot of builders. If the board finds that it has to tighten up a bit, it will do so. At this stage I want it left wide open so that small applicants can be registered.

He said that under the Act a builder can only be deregistered and that this was one of the faults, and that under the Bill it is possible for a builder to have a series of registrations for one house, 100 houses or 1,000 houses a year. The amount of building work undertaken can be reduced rather than put a builder completely out of work. I think that is quite a good point.

The honourable member for Merthyr opposed the first part of the Bill. That is fair enough. He also said that I was opposed to the original Act. I agree, which is why I am bringing down this legislation. I believe that it cures some of the ills of the present Act. He was very sarcastic and caustic in his remarks about me and he said that he hoped the people of Yeronga read this, that and the other thing. At least I have seen the light and I am now bringing down better legislation.

Mr. Lane: What about permitting duplexes?

Mr. LEE: I know the honourable member has an interest in this matter.

Mr. Lane: I have 12,000 interests in it.

Mr. LEE: I do not have a vested interest in it. I do not think that we can insure flats.

Mr. Lane: Why not?

Mr. LEE: Because they become a commercial proposition.

Mr. Lane: What difference does that make?

Mr. LEE: So far as I am concerned, they are protected under the present Act. The honourable member spoke about "granny" flats. They are permitted. The honourable member said that the Minister "flatly denied" that granny flats could be added. It is provided in the Bill that these flats can be added.

Mr. Lane: It is not.

Mr. LEE: Has the honourable member seen the Bill?

Mr. Lane: You've changed it from last week, have you?

Mr. LEE: Has the honourable member seen the Bill?

Mr. Lane: You give us that assurance?

Mr. LEE: I have been asked to conclude the debate very soon and I will do so. The honourable member also spoke about Ferro Constructions and said that the Builders' Registration Board did nothing in that case. I signed the deregistration of that firm about two weeks ago.

Mr. Lane: On the ground of bankruptcy, not shoddy work.

Mr. LEE: No; so far as I am concerned, it was because of workmanship. As I said, an owner-builder can build a granny flat, and so can an ordinary builder.

Mr. Lane: We will look for that in the Bill.

Mr. LEE: The honourable member for Bundaberg agreed with the honourable member for Ithaca and said that he has a lot of common sense. It is good to see that the honourable member for Bundaberg realises that the members for Ithaca and Landsborough have really got on top of this situation and that he is not so one-eyed that he would never agree with a Government member.

The honourable member for Windsor also made a contribution. He is a very good man. He will argue his point till he is black in the face, but he is very sincere in what he says. He has every right to express his opinions even though I may not agree with all of them. He spoke about electrical and plumbing work. I believe that this is an area in which the local authority should play its part. I do not think that the Bill should be concerned with some of those things. If a fault does develop in work of that type at a later date, perhaps the insurance will cover it. That is a point that I shall have to consider. I have no objection to the honourable member's expressing his views.

I appreciate the situation concerning slaughterhouses referred to by the honourable member for Cunningham. I assure him that

I will be having a long discussion with the Builders' Registration Board, which will still cover this field of work, and I will bring up with it the points made by the honourable member.

I propose to send to the Builders' Registration Board a full set of "Hansard" pulls of this debate and ask the registrar and chairman to read them. If the debate has done nothing else, it at least shows that the legislators in this Chamber are not completely satisfied with the Act.

I shall possibly reply in greater depth at a later date.

Motion (Mr. Lee) agreed to.

Resolution reported.

FIRST READING

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

MINING ACT AMENDMENT BILL (No. 2)

INITIATION

Hon R. E. CAMM (Whitsunday—Minister for Mines and Energy), by leave, without notice: 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 Mining Act 1968–1976 in certain particulars."

Motion agreed to.

INITIATION IN COMMITTEE

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

Hon R. E. CAMM (Whitsunday—Minister for Mines and Energy) (4.42 p.m.): I move—

"That a Bill be introduced to amend the Mining Act 1968–1976 in certain particulars."

In introducing this Bill I would like to explain to members that its primary purpose is to prevent unauthorised mining and control the method and size of mining operations in particular areas of the State where it is in the public interest to do so.

In the past, unauthorised mining has taken place in certain areas and honourable members will recall that earlier this year I introduced measures that it was hoped would put an end to this practice. However, it was later discovered that interpretations which had always been placed on sections of the Act were open to legal challenge and one of the objects of this Bill is to close any possible loop-hole in regard to the prevention of unauthorised mining.

In expanding on the other purpose of the Bill, I would mention that over the years a multitude of regulations and amendments thereto have been made to govern the

administration of gem-fields throughout Queensland. These had grown to such an extent that they were becoming unworkable from the point of view of all parties and in some instances doubts were being cast on their legality. In an endeavour to provide reasonable, balanced guidelines for both small and large-scale miners as well as the tourist, these regulations were repealed recently and administrative procedures introduced which it was hoped would provide equitable administration of the gem-fields in the short term. However, it has now been found that these procedures should be backed immediately by legislation and this is the urgent purpose of this Bill.

Provision is made for the Governor in Council to declare by proclamation with respect to one or more mining districts, or parts thereof, what type of machinery, mechanical devices, etc., if any, may be used for mining purposes on Crown land where the land is used by virtue of a miner's right. This closes the door on unauthorised operators of machinery in mining operations.

It often appears that, in the public interest, certain areas of the State should be exempt from mining lease or that there should be a restriction on the area and the purpose of leases granted, as well as the number of leases in which a person may hold an interest at any one time. The Bill gives the Governor in Council power to impose such restrictions by proclamation.

A subclause has been added to the section of the Act dealing with unauthorised mining to give strength to the current provisions, and also the obligation is now placed on the holder of a miner's right to produce evidence that he held such a document if a complaint is lodged concerning his activities in this regard.

Finally, the Bill strengthens the provisions of the Act determining what matters may be covered by regulation to permit regulations to be made allowing the Minister or the warden to impose working conditions on mining tenements generally.

The effect of the Bill is to introduce amendments which will ensure that the tourist and the small miner will be catered for in the specification of what machinery may be used on areas occupied by them. Similarly, areas may be declared for use by the large operator.

The over-all effect is to provide various areas for all concerned in the mining of the gem-fields and to prevent the fields from being mined illegally, particularly by operators of large machinery.

I consider these amendments are most necessary, and I commend them to the Committee.

It is my intention later today to move also for the second and third readings of the Bill. As many honourable members are

aware, the Government endeavours to control the use of machinery on claims in the gem-fields by regulation and by ministerial direction. For many years this was accepted by miners in the gem-field areas, especially in the Anakie area, but now it is found that miners are taking advantage of the provisions of a miner's right, under which they can take up a claim and have the right to work it for seven days and use all the machinery that they desire before registration is necessary. Honourable members can visualise what happens to a small claim in seven days with the heavy machinery that is in use today.

The Bill is being introduced specifically to protect the small operators and keep the gem-fields viable, on the one hand for the machinery operator and on the other for the small operator and the tourists who come into the area.

Mr. MARGINSON (Wolston) (4.48 p.m.): This is about the 12th sitting day of this session of Parliament, yet this is the fourth occasion—excluding the Appropriation Bill, the third occasion—on which honourable members have been asked to pass a Bill through all its stages in one day. Here we are, Mr. Hewitt, at 12 minutes to 5, knowing that the House is to rise at 6 p.m. according to the orders that we have received from the Minister in charge of the House, being asked to put this important Bill through its first, second and third readings within that time.

I am raising my voice in objection. As you probably heard, Mr. Hewitt, I called "No" when leave was sought to introduce the Bill at this late hour. However, I understand that there cannot be any debate on such a motion, so I register my protest now not only against the Bill's being introduced today but also against its being passed through all its stages today. I am aware that the matter is very important, but this is the third time honourable members have been asked to do it during this session. I register a protest on behalf of the Opposition and indicate that we will divide the House if similar action is again taken this session.

The Government is getting a reputation for using the institution of Parliament to patch up its various blunders and general gross incompetence. The first Bill of the session was one designed to circumvent the law and save a member of this Parliament from being in breach of the Officials in Parliament Act. This time the Minister is asking honourable members to patch up, cover up and undo his own mistakes.

The functions of this Legislative Assembly could broadly be described as legislative, financial, representational and judicial. They have evolved over many centuries, historically from the Westminster Parliament, and in their present form they chiefly comprise legislation, consent to taxation, control of public expenditure, debate on Government

policy, scrutiny of Government administration and appellate jurisdiction; but nowhere do they provide a mechanism for the Government to undo its own mistakes.

This Minister is guilty of allowing a serious leak to take place, a leak that has jeopardised not only the economy of the Anakie gem-fields but also the peaceful law and order of the miners that are on them. A serious leak has taken place over the last few weeks about the Government's proposals for the gem-fields in Central Queensland. On Thursday, 16 September, many of the miners of the gem-fields welcomed the new controls that the State Mines and Energy Minister had announced at that time. Those controls were purported to be aimed at avoiding monopolies and prolonging the life of the gem-fields. These changes were to be published in the Government Gazette and were to become operative immediately. They related to amending regulations governing the administration of the gem-fields in Anakie and other areas. The Minister was reported as saying that these changes were necessary because of the existing regulations which had proved to be unworkable and were not preventing illegal mining, particularly in the Anakie and Sapphire fields. The Minister said his aim was to look after the interests of the large and small miners, as well as the tourists, and he also said he would consider halting operations on the gem-fields if problems arose. Very good sentiments, I agree.

The miners were of the opinion that it had been decided that in the areas set aside for the small-scale miners and the tourists a person could take up only two claims, with each claim to measure 30 square metres. No machinery could be used before the registration of the claim was made. After the claim was made, certain conditions were to apply, including the rehabilitation of the land, and the only machinery allowed would be that related to hand-mining operations. Outside of the specific area set aside for the small-scale mining, no more than two leases of up to 5 acres for mining and 10 acres for treatment work could be taken out by any person. Once again there was a limit on machinery that could be used, and the rehabilitation provisions applied.

In the Rockhampton "Morning Bulletin" of 17 September 1976 the reaction was that some miners feared that there would be a flood of people staking claims leading to over-production of stones and a drop in prices. Many gem miners feared that the new Government regulations would bring doom to the gem-fields in Queensland, which are a multi-million dollar industry and a great asset to the State. Of course, the large commercial miner of the Rubyvale-Sapphire gem-fields supported these reforms of the Minister, and the President of the Queensland Sapphire Producers' Association, Mr. Adrian Inray, came out in favour of them.

However, what eventuated, as we all know, was a claims rush. As the Rockhampton "Morning Bulletin" of 17 September reported, anarchy had broken out at Anakie. The mine-fields were supposed to have gone mad with people running everywhere and pegging claims. Unfortunately, we were told, there were fist-fights and violence. Violence had broken out not only in the streets but on the fields themselves. One caravan dweller was given 24 hours to get off newly pegged claims because he was on a new lease. A Mr. Brunne, a small miner, was reported as having said that there was an absolute panic, with everyone running around pegging out dirt. "It's just madness what's going on", he said. Another Anakie resident for the past seven years, and a former publican, Mr. Bruce Gregory, said that information had leaked from the Mines Department, and that that was what had caused the strife.

I must add here that it was strange that it was the big miner who got the leak. The big miner was out there at 4.30 a.m. on the Thursday with a truckful of pegs and staking out his claims. The small miner, on the other hand, was unaware of what was happening. What we want to know is how this information got out. We do know that one of the big miners was in Brisbane on the previous Monday and Tuesday and that his agents were driving around with a truckload of pegs, pegging claims on what they thought was the new field. While they were doing that, the small miner was left wondering what was going on.

The media reported that some people had said they were prepared to protect their claims. There can be no doubt that the State Government's incompetence led to miners arming themselves and threatening each other with serious harm if their illegal claims were touched by other people. This state of affairs, which has existed on the gem-fields during the past few weeks, is due entirely to the fact that somebody had got the information that the Government proposed to do certain things.

Opposition members regret the fact that because of what will happen this afternoon we will not be able to give the Bill as much thought as we would like. We will be presented with the Bill and almost immediately will be required to debate its clauses.

We do not like what has occurred. We want to see the small miner protected. If the Bill is aimed at preventing the introduction of certain machinery onto the gem-fields—machinery that will destroy them—we are right behind it. We do not want to see the gem-fields ruined, nor do we want to see the jobs of many persons placed in jeopardy.

I am told that, other than the large machinery miners, approximately 700 small miners and other persons rely on mining on the gem-fields for their livelihood. The larger miners, totalling about six in all, employ approximately 30 persons. We want to ensure

that this Bill will not lead to further unemployment. We also want to ensure that harmony prevails on the gem-fields.

We will look at the Bill as closely as we are able to in the short time available to us. I repeat that it is regrettable that, because the Minister wishes it to pass through all stages today, we will be forced to look at it hurriedly.

Mr. AIKENS (Townsville South) (4.59 p.m.): This measure is being introduced superficially as the result of recent incidents on the gem-fields in Central Queensland. Basically, however, it is being introduced because of the two things that create what is known as a rush on a gem-field or any other mineral field. Those two things are greed and cupidity.

I feel sure that the honourable member who has just resumed his seat knows something about coal-mining. He has, after all, been a worth-while representative of a certain section of the coal-mining industry for some time. But he has not the wide experience of mining that would give him a complete understanding of the need to introduce a measure such as this.

What is occurring is a repetition of what has occurred on every mineral field in Queensland since this State was founded. The moment the word gets around that a certain mineral has been found in payable quantities in a certain area, the rush to that area is on. The rush takes with it people of all types. It takes genuine miners who are prepared to work, to suffer and to endure privations in order to make a strike and earn some money for themselves. It also takes with it all the riff-raff, all the scum, all the wise guys, and all the chaps who go along simply to make money out of somebody else; all the most unsavoury aspects of human nature bubble to the surface.

I suppose the biggest strike in Queensland in recent times was the strike at Mt. Isa in the early 1920s. I was involved in that, though I did not become involved in the rush. I was on the council of the Cloncurry Shire. When Miles came in and told us that he had found silver lead in the Mt. Isa area, we laughed at him. We said, "There is no silver lead in this area, old fellow. This is copper country." But when the samples were taken up to old Jim Tregenza, the local Government assayer in Cloncurry, and he gave the most astounding assay of the silver content and the lead content, the rush started.

When they talk about a rush to the gem-fields at Anakie and the areas covered by this Bill—that was only a school picnic compared to what happened at Mt. Isa. They went out in all sorts of conveyances, armed with all sorts of lethal weapons—all determined to get in for a cut on the newly found Mt. Isa silver lead field. Consequently, mines were pegged everywhere.

I was then very prominent in the A.L.P. It was a party in those days that one was proud to belong to. There were no crooks, no go-getters, no shake-down men, no careerists and no opportunists in the A.L.P. in those days. Consequently, I was proud to belong to it.

We got in touch with the Government of the day—a Labor Government—and it imposed on the Mt. Isa field a 10-acre maximum. Ten acres to the average man means nothing, except 10 acres. If I remember rightly, it is 7.7 chains to the north, 7.7 chains to the west and so on. However, that is 7.7 chains flat. They were walking 7.7 chains up a hill and 7.7 chains down a hill. By the time all the applications for leases in Mt. Isa were on the warden's table—hundreds and hundreds of them—they resembled a pack of cards that had been thrown onto a small table. The applications overlapped and there was terrific confusion. So the Government of the day sent a very fine mining surveyor named Deighton out to Mt. Isa to try to solve the insoluble. He sat down in his tent at night with a carbide lamp trying to work it out. They were taking pot-shots at him with a 32.40. Around the corner they were drinking overproof rum out of great big demijohns in wicker baskets. They were drinking the rum from tin pannikins.

Mr. Casey: No water with it, either.

Mr. AIKENS: There was no water anywhere. The chairman of the shire and I went out to try to get a balance between the number of people and the water, sanitary and various other facilities that had to be established on a new-found field. We were lucky to escape with our lives.

Mr. Casey: Did you get a rum?

Mr. AIKENS: No. I didn't drink rum. That is the only thing that I couldn't drink. I have drunk anything that was brewed, distilled or concocted—and I have drunk some of it in quantity—but I couldn't keep rum down. However, that is just by the way.

There we saw in all its nakedness the greed and cupidity of people. They came from everywhere. There were some genuine workers among them. Luckily, I finished up with half a 10-acre lease because I sent a mate of mine out to peg and he pegged it. When Deighton solved the whole lot, I think only about one-seventh of those who pegged a lease got one. The Minister can look up his official records if he likes.

Then in came the big go-getters. In came the Russo-Asiatic people. In came prominent A.L.P. politicians like Edward Granville Theodore, who went out and pegged all the leases to the west of what was then the known field. He made a fortune out of it. In also came that sterling A.L.P. politician of the day, Randolph Bedford. He went out and pegged Mt. Isa South. Goodness knows how much he made out of that. On a train

to Cioncurry one night he tried to talk me into buying shares in Mt. Isa South; but anyone who knew Randolph Bedford wouldn't buy his hat off his head, because he would be afraid that Randolph didn't get it by legal means. So all of these things happen and they are all actuated by greed, cupidity and fear.

Although I was not there, I can understand what happened at Anakie. It is true that someone spilt the beans, that someone got the idea that something was going to be done about the allocation of leases on the Anakie field. I will be quite honest and say that I do not know what area a gem-mining lease embraces. The Minister was faced with the serious problem of people—some good, some bad, some mediocre and some who should have been shot—walking around and threatening to shoot other people. He had to act quickly and this Bill is the result of his quick action. I only hope that it solves the problem and that in the long run it gives a fair, square go to the genuine, small gem miner.

I know of course that the big companies will move in with their bulldozers and, what is more shocking and frightening, they will move in with their bank accounts. I do not know of any bulldozer that can stand up to a bank account if its owner is prepared to throw money around with the reckless abandon of a drunken sailor. That is not going to be the end of it for the Anakie field. As the honourable member for Wolston would know, the real trouble is coming.

If it is going to be a good field and a lot of gems are found, trouble even worse than this will come with the illicit gem-selling. I do not know whether the Minister for Mines has control over gem-selling. A person would only need to go to the Coober Pedy opal fields in South Australia—I almost made a trek to it—and he would see murder, mayhem, bribery, graft, corruption, knock-em-down, drag-em-out and all sorts of things. The race for a mining lease is nothing compared with the race for gems after they are found. I understand that the Federal Government has some sketchy control over the sale of gems. But I am concerned about the illicit gem buyer, particularly these days when people with a knowledge of spiralling inflation are prepared to pay anything for gems and other things—no matter how they were got, whether legally or illegally—that will not feel the icy blast of inflation.

If the Minister can spare us the time—he is a very knowledgeable Minister—he might tell us what he proposes to do about illicit gem-trading on the Anakie fields and what he proposes to do about the smart alec, the wise guy or the small-town smarty with a pocketful of money and the morals of an Afghan dog. He goes to the mines and uses the family, any argument, any form of persuasion or any form of blackmail to get the miners to sell their gems. He never asks whether the gems were won by the

man selling them or whether he pinched them or got them by some other devious means.

Let me assure the Committee that when we are talking about mining and the fruits of mining—gold, copper, silver, or particularly gems because they are easily concealable—we are getting into quite a lot of trouble based, as I said, on greed and cupidity.

I say without reservation that I have known some gem buyers who would make Al Capone look like a babe in arms when it comes to standover tactics, blackmail, extortion and bluff. Yet they go to the fields and reap their profits from the unfortunate miner or thief, whichever he happens to be, who sells them the gems. He is satisfied with his few thousand dollars and the other fellows duck away and make hundreds of thousands of dollars out of the purchase.

Purely and simply for the benefit of some honourable members who I feel sure will be interested to hear about it, I suggest that the Minister for Mines tell the Committee the ramifications of the illicit gem-trading and how much money is involved in it as well as the shady and unscrupulous principles and tactics that are involved in it. I know some of them and I feel sure that the Minister knows more than I do. I feel sure that the Committee and the people of Queensland would be happy to hear about them.

Mr. WRIGHT (Rockhampton) (5.10 p.m.): This is a very serious issue as the honourable member for Wolston made quite clear. The legislation has wide implications for the gem-fields of Central Queensland. Although the Minister said that the new regulations will create some stability on the fields, on information given to me by small miners who live and work in the area the future of approximately 1,000 people is now at stake. The stability of the industry is now at risk; it will not in fact be assured. Monopolies could be created by the new areas that will be allowed for the big machinery miners.

In the last 10 days in particular we have read in the newspapers reports of violence of all types. Violence is not something new—it has been going on for a long time—but it has certainly escalated in recent days. There have been allegations, which have been substantiated, of illegal pegging of claims. There have been threats against persons and property. Police have gone in force to the Central Queensland region. Telephone wires have been cut. So we did have anarchy in Anakie, as the Rockhampton "Morning Bulletin" expressed it. I believe that was a very fair assessment of the situation at the time.

The new regulations were to be gazetted on Saturday, 18 September. It is now well known, and it has not been denied by the Minister, that as early as Wednesday, 15 September, the information was leaked. It amazes me that we have not been given some

explanation in the Chamber of how this occurred. I believe that it helped only a few people.

It is interesting to note from the various Press releases that it is the big miners who have backed the Minister in what he has done. It is Adrian Imray and a few others who have said that what the Minister has done is in the best interests of the field. But we have to keep in mind that these are the fellows who had the information prior to the gazettal of the regulations. These are the men who went out at 4.30 a.m. on Thursday and pegged claims. They are the ones who must have known previously to get their pegs ready. It has been stated to me, and also to the honourable member for Wolston, that these pegs were fully prepared and in trucks early that morning, and that the big miners raced around pegging out claims in the new areas. They must have known exactly what was going on. They must have known the very details of the new regulations. It was not simply that they were told that there would be new areas. They must have known, for instance, that there were to be restrictions on the number of claims. We are now aware that Mr. Imray, with others, pegged out claims not only for himself but for his family. He knew that he would be confined to two claims a person, so he overcame that restriction by bringing in all his family.

We have had no explanation, and no action from the department, and the pegs are still there despite representations to the Minister to have them removed. Wardens and the police have been asked to do something about them but nothing has been done.

I wonder who in the Mines Department gave out this information. What has been the relationship between Mr. Imray and certain members of the Mines Department? What was the consideration given? It must be remembered that we are dealing here with gems worth hundreds of thousands of dollars. A lot of money is at stake, and this information would not have been given out unless some benefit was to go to certain persons. We know the benefit to Mr. Imray and we know that he stands to gain tremendously from these new areas. We know that with his new claims he has grabbed many of the rich gem-bearing areas. What have been the benefits to those Mines Department members?

The Minister for Mines has an obligation to this Assembly and to the State of Queensland to find out who leaked that information and then to do something about that person. He is the one who has created the violence. Had someone been killed rather than just bashed up, things would have been very different. Perhaps then there would have been some action.

The future of the whole area is at risk and it is not good enough for the Minister to stand up here and say that certain problems will be overcome. He said that his action is to protect the small and large miners alike.

That may be so in theory but I do not believe it will work that way in practice. He said that it is to overcome the illegal mining that is taking place. Again, I do not believe that it will. He said that it is to bring stability to the field and to protect the future of the area, but again it will not.

None of these aims will be achieved; I believe that the opposite will be the case. The big miners will be given a monopoly of these areas. The future of the small miners will be destroyed. It is no wonder they are up in arms. It is no wonder they said in our office downstairs that they will stand and fight. They are not going to be ridden over by the machines of these big fellows or by new departmental laws.

I said the new regulations are supported by the large miners. There are about six really large miners and they employ around 40 people, but at a meeting held on Sunday 400 small and large miners met and reformed the United Sapphire Mining Association, and the vote on that occasion was something like six to one against the new regulations. Yet we read in a Press release that the miners in the area were supporting what the Government was doing. They had good reason for opposing this because they know it is their future that is at stake. It is their investment, though it might be small in some instances, that is at stake.

Under these regulations—or this new law, because it has to be done through legislation— we are opening up 350 square kilometres or 135 square miles of new areas. The honourable member for Wolston said, and I agree with him, that this could cause over-production. The small miners say it will cause over-production. They also say that prices will plummet because more gems will be produced.

The big miners were in the know, and this is what the small miners were angry about. It was not a fair go. It was not a case of all the miners starting off at the one time and "May the best man win". It was a case of certain people having privileged information that gave them the opportunity to make many hundreds of thousands of dollars because of this foreknowledge. It is said that the claims were pegged very early in the morning. The large miners must have known beforehand, and yet this matter was not raised in the Assembly.

It is not a coincidence that Mr. Imray and some of these others support what the Minister has done. It is not a coincidence that they support the action of the department in freezing the area; they know that they have had these claims pegged out. Imray has claims everywhere. He has gone out and pegged claims in every new area. He must have had the maps or he must have had very good detailed information. Moreover, after he pegged his own claims he was then a very good guy and tipped off the other big miners. How generous of him! He made sure he had his pegged first. He

did not tell the small miners. They found out in the morning when they suddenly found these pegs on their own claims in the restricted areas. They suddenly found these pegs all over the place, and when they questioned it they were told there was every right for them to be there because new laws and regulations were coming into force.

The restrictions are supposed to be in everybody's interest, and yet we notice that, although 90 square miles have been set aside for the restricted areas—for the small miners—far more than that will be set aside for the big miners. As before, the small miner will be restricted to 100 ft. by 100 ft. or 30 metre by 30 metre claims and he will be restricted to two claims. He will not be allowed to have machinery on these claims; he has to operate on the small hand-mining basis. But the other area will be open to big machinery miners. I have heard it said, "Look, that is not going to affect anybody because, after all, the big miner can't go into the restricted areas but the smaller miner can go into the big mining areas." I put this to some of the miners in the region and they said that they could do it, but at risk to life and limb because they have been warned, "Don't come near. You come into our area and we will bulldoze you out." So it is not fair at all—

Mr. Dean: They could sabotage the machinery.

Mr. WRIGHT: There's more than that, but that is true, too.

It has been claimed that there has been a wholesale opening up of the area. The Minister denies this, and he denied it in a Press release, but he should clarify it further. Why should this area have been opened up as it was? Why in fact is this area required at this time? All it will do is make the whole area totally unstable. It must put the future of the fields in jeopardy. It must create unemployment for many people who work out there—and these people could number up to 1,000. If they are forced to leave the fields, it will affect the total economy not only of the small areas such as Sapphire, Anakie and Tomahawk Creek but the nearby areas like Emerald. It will affect the school populations of towns such as Anakie. In fact, it will affect the whole economy of this region.

Further, there will be an effect on tourism. This is an important aspect because many people go to these gem-fields simply to have a go for themselves in case they are lucky. They are welcomed by the small miners, and I must say that they are not exactly deterred by the big miners. But once these areas are tied up—once there is a monopoly on the region—we will not get the tourist trade. Not only will we not see tourists going to these regions but they will not go through the central region—out through Blackwater, Emerald and so on. There will be no reason for them to go there; certainly they will not be wanted.

This legislation will only create further violence because the small miners have told us that they will stand and fight. They are not going to give up what they have. They are going to fight regardless of what happens and regardless of what the department does. It is a powder keg out there which only needs a spark to set it off.

Last year I raised the matter and spoke of the violence that was taking place. It was denied by the police, and it was denied by the Minister himself; yet even in the Police Department at Rockhampton there was evidence that two police officers had to drive through a fence to get away from miners who were after them, that shots were fired, and so on. I spoke of a machine gun in the area. I have now been told that two machine guns have been confiscated. What I said earlier has been confirmed; it was true.

It has happened; it is happening again. It is going to get worse because the Bill will allow big companies, southern interests and outside interests to take over the gem industry in Queensland. Claims will be up for sale. They will be pegged illegally, as they have been already, and the pegs will not be removed. They will be up for sale to the highest bidder. Southern interests will come through—there is already some indication of their being there—and the gem industry of Queensland will be in the hands of a few.

That is serious, and I do not believe that the Minister wants to see it happen. He has been concerned about the problems and I believe that, personally, he wishes to do the right thing. The point is that it has not been done before. He has been undermined by his own departmental officers, or officer—whoever leaked the information—and he is not going to get the support of the ordinary miner on the Anakie field if this legislation goes through.

There will be very severe restrictions on the small miners. They are allowed only two claims, as I said, and they are only to be allowed to mine by hand. They just will not be able to compete with the big miners, especially when the big fellows have claims 300 metres by 300 metres—in some instances they will have 5 acres of land, or 10 acres if it is for a treatment works.

If we want to overcome the problems, Mr. Hewitt, let us do it properly. Let us first get rid of all the pegs that are illegally there. We have not heard one word about what is going to happen to them. Let us freeze the area until we come to some common-sense decision about it. Let us introduce some stability to protect the small miner; he is the one whose interests we should be considering. We are dealing with about 1,000 people as against 400 people.

Finally, I wish to refer again to the question of the leak. This Assembly should be told what action the Minister has taken, because it is a very serious issue. Lives could have been lost; I believe that lives still could be lost if the problem is not overcome.

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Energy) (5.22 p.m.), in reply: I appreciate the concurrence of the Opposition in my endeavour to get the Bill through all stages this afternoon, because it is important that stability be brought back to the gem-fields.

I make it clear that the Bill will govern not only the gem-fields in the Anakie area but also gem-bearing areas throughout Queensland—Agate Creek, the opal fields and even little amethyst fields that are now being prospected.

Mr. Jones: Agate Creek?

Mr. CAMM: Yes, Agate Creek will come within the provisions of the Bill.

As I indicated in my introductory remarks, the main problem is that a miner's right gives an operator the right to mine for seven days before having to register his claim. I think that the honourable member for Rockhampton was confused about claims and leases. The big operators do not take up claims.

Mr. Wright: No; they will be taking out leases—5-acre leases.

Mr. CAMM: They will be taking out leases. The honourable member for Wolston spoke about mistakes that he said the Government has made. No mistakes have been made. An endeavour was made to control these activities by regulation and by ministerial direction, and that has been successful for the last seven, eight or even 10 years. However, it has now been made known to the operators in the area that there is a loop-hole in respect of claims that are held under the privilege of a miner's right.

There has been talk of a serious leak, and I have heard a great deal about leaks from the department. When the department decides to bring in regulations, how many people in the department know about it? The regulations are taken to Cabinet. How many people in Cabinet know about it? How many officers associated with various Ministers know about it? Hundreds of people know about the regulations before they come into force. Who is it suggested that I should attribute the leak to? I have the utmost respect for the officers of my department.

History will show that very few, if any, of the people on the gem-fields knew exactly what was in the regulations; they were pegging leases on areas that were not available for lease and in areas in which there are no gem-stones. I make it quite clear that all known shallow gem-bearing areas on the Anakie field are reserved for the small miner and the tourist. I asked one experienced miner who came to see me last week, "What area do you think can be mined by the small miner?" He said, "About 3,000 acres." I said, "We are reserving 65 square miles for him." We are reserving every known area of shallow gem-bearing land. In the larger areas, of course, the machine

operators can take up their leases. They can apply to the Wardens Court the same as with any other mining lease.

The honourable member for Rockhampton wanted to know how much area we were giving to the machine operator. We are giving him the whole of Queensland, the same as we are doing for any other mining enterprise. The known areas of sapphires are being reserved for the small operator. The big miner can apply for leases anywhere in Queensland. The only restriction on him is that he cannot go in and take up leases on the reserved area. I indicated earlier that the reserved area will be over 60 square miles in extent. If the honourable member can say there are 65 square miles of shallow-gem-bearing land in that field, well then he knows more about the gem-fields than anyone I know, because even our geologists say that the whole area has been adequately covered.

The honourable member for Townsville South spoke about the behaviour of miners when a rush occurs. Two areas in this field—Goanna Flat and Tomahawk Creek—have been available for machine miners for some years. We released them, but there was no rush. I think one claim was taken up. Some prospecting was done in the area, but there was no rush. That is where the honourable member said the land had been all pegged. He specifically mentioned Tomahawk Creek. That area has been available for large miners and machine operators for many years, so I cannot see why there should be a rush all of a sudden.

Mr. Wright: The small miner has been proving the areas but the big miner—

Mr. CAMM: No; the small miner has not been out there. It is deep land. The deep areas where machinery has to be used are available now for the machine operators.

There has always been a problem on the gem-fields because we have three distinct groups. There are the machine operators who desire to make a business of gem-mining. Those operators have the blessing of the Emerald Shire Council. I have spoken to that council on many occasions. It says, "These are the people who bring trade to Emerald. They bring employment. They buy their machinery, their fuel and everything else that they need." They are not really big operators to the extent of the size of the machinery they use; they are big compared with the small operator. They are a stable force in the area and enjoy the favour of the Emerald Shire Council.

Then there are the small operators who desire to mine by hand. Those operators have been there for years, and always will be there. They are the men who are prepared to go out and dig a shaft. Years ago when the miner's right first came in, the only machinery they had was a pick and shovel. Are we to deprive them of the right to use jackhammers, small compressors

and other machinery that could make their work easier? Under this Bill we are going to do that. We will indicate what machinery can be used on the claims.

Then, of course, there are the tourists, who go into the area throughout the year. The honourable member for Rockhampton indicated that the big man was on our side. I had a telephone call this morning from a man who has represented the tourist side of the gem-fields for many years. He congratulated the department on what it tried to do. Of course, we were stopped from doing it because of a condition in the miner's right. This Bill will allow it, but not by regulations. By amendment to the Mining Act it will give the Minister and the Governor in Council power to enforce the regulations we have been unable to enforce since last Saturday.

Motion (Mr. Camm) agreed to.

Resolution reported.

FIRST READING

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

SECOND READING

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Energy) (5.31 p.m.), by leave: I move—

“That the Bill be now read a second time.”

I can only reiterate my earlier remarks that the Bill is being introduced to bring stability to the gem-fields of Queensland, particularly the sapphire-bearing areas of Rubyvale and Anakie. The Bill gives adequate protection to the small miner and tourist in the mining of shallow bearing grounds on the gem-fields.

Mr. MARGINSON (Wolston) (5.32 p.m.): I have nothing further to add to my comments at the introductory stage. Like the Minister, I hope that what he envisages will happen, that the small miner will be protected and that there will be no further violence on the gem-fields of Central Queensland. We hope the Minister succeeds in what he is endeavouring to do.

Motion (Mr. Camm) agreed to.

COMMITTEE

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

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

Bill reported, without amendment.

THIRD READING

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

The House adjourned at 5.34 p.m.