Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 23 NOVEMBER 1976

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

AUDITOR-GENERAL'S SEPARATE REPORT

CERTAIN DEPARTMENTAL ACCOUNTS

Mr. SPEAKER announced the receipt from the Auditor-General of his separate report on certain departmental accounts for the year 1975-76.

Ordered to be printed.

PAPERS

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

Reports—

State Electricity Commission of Queensland, for the year 1975-76.

Net Surplus Profits of the State Government Insurance Office (Queensland), for the year 1975-76.

State Government Insurance Office (Queensland), for the year 1975-76.

Insurance Commissioner, for the year 1975-76.

Air Pollution Council of Queensland, for the year 1975-76.

The following papers were laid on the table:—

Proclamation under the Mining Act 1968–1976.

Orders in Council under—

State and Regional Planning and Development, Public Works Organization and Environmental Control Act 1971–1974 and the Local Bodies' Loans Guarantee Act 1923–1975.

Mining Act 1968–1976.

Industrial Development Act 1963–1975.

Factories and Shops Act 1960–1975.

River Improvement Trust Act 1940–1971.

Water Act 1926–1975.

Regulations under—

Mining Act 1968–1976.

The Petroleum Acts, 1923 to 1967.

Construction Safety Act 1971–1975.

Factories and Shops Act 1960–1975.

Inspection of Machinery Act 1951–1974.

Weights and Measures Act 1951–1972.

Accounts of the State Government Insurance Office (Queensland), for the year 1975-76.

PETITION

MOORING CHARGES IN BOAT HARBOURS

Mr. LAMOND (Wynnum) presented a petition from 46 citizens of Queensland praying that the Parliament of Queensland will reduce immediately the exorbitant charges which are levied against mooring holders in boat harbours.

Petition read and received.

DEATH OF MR. I. MARSDEN

MOTION OF CONDOLENCE

Hon. J. BJELKE-PETERSEN (Barambah—Premier) (11.7 a.m.), by leave, without notice: I move—

"1. That this House desires to place on record its appreciation of the services rendered to this State by the late Ivor Marsden, Esquire, a former member of the Parliament of Queensland.

"2. That Mr. Speaker be requested to convey to the widow and family of the deceased gentleman the above resolution, together with an expression of the sympathy and sorrow of the members of the Parliament of Queensland in the loss they have sustained."

I am sure all members were saddened by the sudden death last Wednesday of Mr. Ivor Marsden. Quite a number of members will remember him very well. He was held in high esteem by me and by many others. He was aged 73 when he died in the Ipswich General Hospital following a heart attack.

Mr. Marsden, who was widely liked for his friendly nature and outgoing concern for others, was the son of a Welsh coal miner. Before entering this House, he was an Ipswich City Council alderman from 1943 to 1949. He was elected to Parliament in 1949 in a by-election for the seat of Ipswich following the death of the sitting Labor member.

In 1966, for medical reasons, he decided to retire from active politics. He led an active life and took a keen interest in community affairs. He was a keen player of the game of bowls.

He began his working life in a solicitor's office. During the depression years he worked on the roads and assisted in the relief office of the Ipswich Police Station.

It is with deep regret that I extend my own personal sympathy and that of the Government together with that of all honourable members to Mrs. Marsden and her family and to all those who loved him and enjoyed his company.

Hon. W. E. KNOX (Nundah—Deputy Premier and Treasurer) (11.9 a.m.): In seconding this motion moved by the Premier, I wish to associate the members of the Parliamentary Liberal Party with it.

The late Mr. Marsden served in this House for some 17 years, first as the member for Ipswich and latterly as the member for Ipswich West. He entered the House in a by-election made necessary by the death of the late Honourable David Gledson, who was Attorney-General at the time.

The late Mr. Marsden first became well known and highly regarded for his work in Ipswich during the depression. He worked for a considerable time as a clerk in the relief office at the Ipswich Police Station. Those who can remember that period have told me that his humanity and sincerity in a job which at times must have been heartbreaking held him in good stead in the city of Ipswich throughout the remainder of his life.

It is not surprising that he subsequently won public office, first as an alderman of the Ipswich City Council and then as a member of this Legislature.

There are not very many members of this House who can remember Ivor Marsden. He retired some 10 years ago. He served while I was here and I always found him to be a very friendly and sociable gentleman, one who was always available to give advice and to tell a story to lighten the burden of the day. He was one of the popular members of the House and his company was

always sought. He was a quiet but conscientious member who served his electorate and party as well as the Parliament in a dedicated way.

He was here at the same time as the former member for Merthyr, Mr. Ramsden. It was a source of considerable concern to both the Liberal Party and the Labor Party that quite often Mr. Ramsden's mail used to go to Mr. Marsden and Mr. Marsden's mail used to go to Mr. Ramsden. For some reason or another typists used to transpose the letters in their names. There were occasions when confidential documents, because they were addressed incorrectly, were circulated in the wrong circles. I am sure that those honourable members who were here at the time will remember that.

My colleagues join with me in supporting this motion of condolence to his family and all his close friends and relatives. Judging by my own personal experience, I am certain that Ivor Marsden will be very much missed.

Mr. BURNS (Lytton—Leader of the Opposition) (11.11 a.m.): I associate the Australian Labor Party and members of the Opposition with the motion moved by the Premier. As you know, Mr. Speaker, Ivor Marsden was a member of the Labor Party. As has been said by the Premier and Deputy Premier, he was a very kindly man. When I first met him as an organiser, I remember his saying to me, "Don't worry about Parliament, lad; it's the people who count. If you look after the people, you will always be in Parliament."

My first knowledge of Ivor Marsden was gained as a young man in the Air Force. On going through Ipswich I saw a sign on a hotel in the centre of Ipswich reading, "Vote Marsden A.L.P." That was just prior to the 1956 election. At the time I had not heard of him. I asked someone how he would go and I was told, "If anyone beats him, he will be a magician—a Mandrake." That was obvious when the voting figures were announced.

Ivor did not make many speeches in Parliament, but he was known as a member who could always be found in Ipswich. He was always available there to talk to people who wished to see him. In the election following the 1957 split in the Labor Party, Ivor's remarkable majority was a tribute to him in those very difficult times.

Those of us in the party who on occasions argued with him found that, although he was a quiet man, he could be stubborn and determined and would stand up for the things in which he believed. As an officer of the party, I was involved with him in plebiscites in the area and I was also involved with him in a number of other ways on behalf of the party.

On behalf of A.L.P. members here, and on behalf of those in Ipswich and throughout the State whom he supported over the years, I join with the Premier in offering condolences to his widow and children and to those people who were his mates in Ipswich. No doubt they will miss him for what he was—a good, honourable and decent man who fought hard for the things in which he believed.

Mr. MARGINSON (Wolston) (11.13 a.m.): It was with great sorrow that I learned early last Friday morning of the death of Ivor Marsden. He and I worked together in the middle 1920s as law clerks. I got to know him very well. The friendship we formed then continued over the last 50 years. I express to Mrs. Marsden and the family my sincere condolences.

Ivor was a very strong family man. As other speakers have said, he was quiet in Parliament but he was well respected in the electorate. Everyone in Ipswich knew Ivor Marsden and almost all of them respected him. He endeared himself to them by his very friendly disposition. I join with the Premier, the Deputy Premier and my leader in this motion of condolence and I express to his wife and family my personal sympathy with them in their loss.

Mr. CORY (Warwick) (11.14 a.m.): I, too, wish to be associated personally with this motion. Although I was in this House with Ivor Marsden for only three years, I had a great affection for him and we had a close friendship.

He was one of the older members who befriended me when I came here. I appreciated his wise counsel and advice. Many of the older members still here will recall our happy association.

He never learned to drive a car and always travelled by train. As I had to drive through Ipswich on my way home, I gave him a lift on many occasions and I dropped him off either in town or at his home. It was through those trips and that association with him that I struck up a great friendship with both Ivor and Mrs. Marsden. We became very firm friends.

Ivor Marsden was one of nature's gentlemen. He never did anybody a bad turn, but he did many, many people a good one. He was genuine; he was honest; he was sincere. As I say, he was one of nature's gentlemen, and that is the way this Parliament will always remember him. It is certainly the way I remember him. I am very pleased to have the opportunity of joining with the Premier and the Deputy Premier in this motion of condolence to both Mrs. Marsden and her family.

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (11.16 a.m.): I desire to be associated with the motion of condolence to Mrs. Marsden and her family moved by the Premier and

seconded by the Deputy Premier. I got to know Ivor Marsden very well indeed when we attended a Commonwealth Parliamentary Conference in Tasmania. My wife and I and Ivor and Mrs. Marsden became very firm friends. I remember that when we got off the plane in Hobart that day I was handed a telegram advising me of the sudden passing of Ernie Evans. Ivor was as shocked as I was. During the conference and for the seven or eight days that we were together in Tasmania mixing with members of Parliament from other States, Ivor really grew on all those present.

As other honourable members have said, he had an infectious personality. I believe that he carried out his job as his constituents would have expected. The passing of such a good old friend has saddened me, so I associate myself with the resolution extending sympathy to Mrs. Marsden and her family.

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (11.17 a.m.): I, too, wish to join in this motion of condolence for the late Ivor Marsden. At the commencement of this the Third Session of the Forty-first Parliament, the Parliament paid tribute to the late Jim Donald, who also represented the seat of Ipswich in this House for many years. I am sure that honourable members realise that the late Ivor Marsden was one of Jim Donald's colleagues. Together they represented the city of Ipswich and district very faithfully over many years.

I first met Ivor Marsden in 1949, when my father and he were members of the Ipswich City Council. Although they were on different sides of politics, my father respected him and held him in high regard. Ivor Marsden was well respected in the Ipswich area because, as the honourable member for Wolston has said, he did a tremendous amount of work in the relief office during the depression. The kindness and compassion he displayed in his duties there earned him great respect in the Ipswich area.

During his career in public life, Mr. Marsden always displayed a very real concern for the people he represented, and his loss has indeed been very widely felt throughout Ipswich. I was in Mt. Isa when I received word that he had passed away, and some Ipswich people who now live in that area commented to me that he was a well-respected man.

He was, as the honourable member for Wolston also said, a very keen family man who was extremely interested in people. He was fair-minded and tolerant of the viewpoint of everybody in the Ipswich district. As the Premier and the Leader of the Opposition have said, he did not make a great number of speeches in the House; but his contribution to the community was in caring for those who came to him with problems and for whom he showed real concern.

On behalf of the electorate of Ipswich, which he represented, I express my deepest sympathy to Mrs. Marsden and her family on the loss of a man who devoted so much of his life to helping his fellow man.

Mr. HALES (Ipswich West) (11.19 a.m.): As the incumbent member for Ipswich West, I wish to associate myself with this motion of condolence. It is perhaps 22 years ago that I first met Ivor Marsden. I needed help in a problem I had with a Government department, and Ivor was able to straighten out that problem for me. I was grateful for that, just as I believe many other citizens of Ipswich were grateful for the work that Ivor did during the depression years to alleviate the grievous circumstances that they found themselves in. Because of that work, he was supported at the polls not only in the Ipswich City Council but also in this Parliament by those people who remembered his kind deeds.

Last Friday I attended his funeral and was saddened at the loss. I place on record my sincere condolences to Mrs. Marsden and her family. I believe that, either consciously or unconsciously, Ivor lived by the creed: "I expect to pass this way but once. Any good I can do, let me do it now, for I shall not pass this way again."

Motion (Mr. Bjelke-Petersen) agreed to, honourable members standing in silence.

FINANCIAL ADMINISTRATION AND AUDIT BILL

INITIATION

Hon. J. BJELKE-PETERSEN (Barambah—Premier): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to consolidate and amend the law relating to financial administration; the management, control, collection and expenditure of public moneys and other moneys; the investment of public moneys; the accounting for public moneys, other moneys, public property and other property; the audit of the public accounts, departmental accounts and certain other accounts; and for purposes incidental thereto."

Motion agreed to.

NOISE ABATEMENT BILL

INITIATION

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

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

excessive noise, to repeal s. 35A of the Vagrants, Gaming, and Other Offences Act 1931–1971 and for related purposes."

Motion agreed to.

ALBERT SHIRE COUNCIL BUDGET ADJUSTMENT BILL

INITIATION

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

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to enable the Council of the Shire of Albert to recast its budget for the year ending 30 June 1977 in relation to the separate rating for Woongoolba flood mitigation scheme works and for purposes connected therewith; and to amend the Local Government Act 1936–1976 in certain particulars."

Motion agreed to.

MINING ACT AMENDMENT BILL

INITIATION

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Energy): 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.

COAL MINING ACT AMENDMENT BILL

INITIATION

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Energy): 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 Coal Mining Act 1925–1974 in certain particulars."

Motion agreed to.

LIQUOR ACT AMENDMENT BILL

THIRD READING

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

QUESTIONS UPON NOTICE

1. STATE SUBSIDY SCHEME FOR THE LOAN WORKS PROGRAMME

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

(1) Has any investigation in the last three years been made of the State subsidy scheme for the loan works programme? If so, what were the results?

(2) If there is any continuing investigation into the subsidy scheme, which departments are involved?

(3) What involvement have the 131 local authorities throughout the State had in the investigation?

Answer:—

(1 to 3) I suggest that the honourable member direct his question to my colleague the Honourable the Deputy Premier and Treasurer, who administers the State subsidy scheme.

2. PAYMENT BY BUILDING SOCIETY CHEQUE AT AUCTIONS OF STATE GOVERNMENT VEHICLES

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

(1) Is he aware that, for the auction of State Government vehicles, the only forms of payment acceptable are cash or bank cheque and that cheques made out to the Public Curator and drawn on respective building societies are not acceptable?

(2) Can he give an assurance, as an expression of confidence in building societies, that he will make the appropriate arrangements to have such cheques drawn on building societies accepted as a suitable method of settlement?

Answer:—

(1 and 2) It is regretted that the Honourable the Leader of the Opposition has chosen to misconstrue the situation concerning the mode of payment adopted in Government vehicle auctions by attempting to introduce an extraneous element relating to building societies.

The point in question is not one of confidence in building societies, which I, unlike the honourable member, do have, but rather what is accepted commercial practice.

The honourable member should be aware that it is a legally recognised and acceptable commercial practice in the settlement of commercial transactions to offer legal tender or bank cheques. Parties to the

transactions are not bound to accept payment in any other form. Where a dispute was likely, it would not normally be prudent to consider accepting another form of payment.

It is not within my province to seek to extend this practice beyond the legally accepted bounds, particularly where it relates to business transactions involving a Government department obliged to operate within such bounds.

3. GOVERNMENT DEPARTMENTS OCCUPYING LEASED OR RENTED PREMISES

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

(1) What departments and/or subdepartments within the portfolios of the Ministers for Justice, Survey, and Education are located in premises not owned by the State Government, where are they situated and what is the anticipated rent or leasing costs for the current financial year?

(2) How many officers of the Public Service are working in these departments and/or subdepartments?

(3) How long have the departments and/or subdepartments been situated in these locations, how long will they continue to operate in rented or leased accommodation and on what dates do the rent or leasing agreements for the buildings come up for review?

Answer:—

(1 to 3) I lay on the table of the House the information sought, excluding—

(a) the number of officers accommodated at each location, which matter is outside the ambit of my portfolio;

(b) the period the departments concerned will continue to operate in the rented or leased accommodation, as this is a matter which I am not in a position to forecast.

Whereupon the honourable gentleman laid the document on the table.

4. ADDITIONAL "K" WAGONS FOR RAILWAYS

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

(1) Did the Hughenden Branch of the Graziers' Association of Central and Northern Queensland on 5 November last, after hearing a report from its chairman, Mr. John Barr, adopt a motion as a matter of urgency "that the National-Liberal Party Government be asked to build sufficient wagons to adequately handle the movement of cattle in Queensland"?

(2) As there is widespread unemployment and threats of sackings in the metal trades involved in building railway wagons in Queensland, will he make urgent representations to his Cabinet colleagues to have contracts let to provide the "K" wagons so necessary for our hard-pressed beef and metal-trade industries?

(3) If he has already made these representations, what was the result?

Answer:—

(1 to 3) Executive Council approval was given on Thursday last, 18 November, to the acceptance of the tender of Perrin Engineering Industries for the manufacture and supply of 125 "KL" cattle wagons.

QUESTION WITHOUT NOTICE

CRIBB ISLAND/NUDGEE BEACH BUS SERVICE

Mr. MELLOY: I ask the Deputy Premier and Treasurer: In view of the cessation, on 24 December 1976, of the private bus service serving Cribb Island and Nudgee Beach and as the burden of providing an alternative service for this area apparently will fall on the already depleted resources of the Brisbane City Council, is he prepared to indicate whether the Government will make a financial contribution to the cost of this alternative service?

Mr. KNOX: The honourable member, of course, is concerned about this service because it goes through his electorate. The Commissioner for Transport has the matter in hand and I suggest that the honourable member make his representations to him.

PHARMACY BILL

INITIATION IN COMMITTEE

(Mr. Gunn, Somerset, in the chair)

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (11.58 a.m.): I move—

"That a Bill be introduced relating to the qualifications and registration of pharmacists and for the regulation of the practice of pharmacy and for related purposes."

The Pharmacy Board of Queensland sought a revision of this legislation as it considered that numerous amendments to an old Act had resulted in an Act that was very confused, fragmented in its provisions and difficult to interpret.

The Pharmacy Board advised that it considered the entire Act should be revised and that consideration should be given to the introduction into legislation of certain new concepts relative to the practice of pharmacy.

Following consideration of the Pharmacy Board's submission, it was determined that it would be more prudent to repeal the existing legislation than to attempt to amend it. This Bill gives effect to that decision.

The principles of the previous legislation are retained in the Pharmacy Act 1976 in that its purpose is to ensure that persons wishing to practise as pharmacists are adequately qualified and that the practice of pharmacy continues to be of a high standard.

The aim of the Government in this legislation is to try to encourage a stronger professional attitude in the pharmacy profession—a view which I believe is supported by pharmacists throughout the State, and every effort will be made by the Government to establish guide-lines by which the board can operate. To assist this development the Bill provides that from the expiration of the term of office of the present members, at least five pharmacists will be appointed as members of the Pharmacy Board. The present legislation has no specific requirement for pharmacists to be appointed to the board.

It is not my intention at this time to talk at length about the minor modifications to previous legislation incorporated in this Bill, but rather to highlight its major provisions.

Together with the registration authorities of the other Australian States and Territories, the Pharmacy Board of Queensland has become involved with the Commonwealth Committee on Overseas Professional Qualifications. As a result of this involvement, the board has become aware of the need to have clearly established standards by which to assess applicants from overseas who seek registration as pharmacists.

This Bill establishes clear guide-lines. A schedule detailing qualifications from Australian States, New Zealand, the United Kingdom and Ireland, which are acceptable for registration in Queensland, is provided. Procedures whereby applicants with other than these qualifications are to be assessed are included and provision is made for the board to require these applicants to undertake such additional training as it considers necessary to qualify them to practise pharmacy in Queensland.

I would stress that this revision of registration procedures will not in any way bring about a migration of pharmacists to Queensland, as the persons eligible under the registration procedures in this Bill were eligible for registration in Queensland under previous legislation. A pharmacist could be registered in several States at the same time and the Bill provides authority for the Pharmacy Board to remove the name of a pharmacist from the register of pharmacists where it ascertains that his name has been removed from a register maintained by the relevant authority in another State. No provision existed in previous legislation for this procedure, and the alternative method for the board to deal with a person deregistered interstate for an offence would be to institute its own proceedings and to incur the legal costs that could eventuate from such proceedings.

Provision is also made for the board to review the medical fitness of a pharmacist to continue to practise pharmacy by having him appear before a committee of assessors composed of medical practitioners who may or may not be members of the Pharmacy Board. This committee will issue a certificate to the board as to its findings and, in the event that the committee certifies that the pharmacist is medically unfit to practise pharmacy, the Pharmacy Board will then call on him to show cause why his name should not be erased.

The Bill provides for the development and publication of a code of professional conduct of pharmacists by the Pharmacy Board as a guide for pharmacists to the standard of professional conduct expected of them. This code could be utilised as a guide in any disciplinary action taken by the board for unprofessional conduct.

The previous legislation contained provisions relative to the ownership of pharmacies. This Bill maintains the principle of that legislation that a person who is not a pharmacist cannot own or have a pecuniary interest, direct or indirect, in a pharmacy practice. Certain exemptions relative to established practices and friendly societies are carried over from the previous Act.

To reduce the possibility of pharmacies being taken over by monopolies, the Bill provides that, apart from practices established before the commencement of this Act, no pharmacist shall have a pecuniary interest in more than four pharmacies. The Bill also will allow friendly societies to continue to operate existing pharmacies under present conditions but, as such societies were established with the charter for service to members as the basic and foremost purpose, the legislation will include proposals which will outline principles upon which the Minister can receive advice from the board for further expansion of such activities.

Provision is also made in the ownership section of the Bill to prevent pressure being brought to bear on a pharmacist, in the operation of his business, by the operators of a supermarket complex or retail store in which his pharmacy is located.

In addition to a revised section relative to the continuation of the practice of a deceased pharmacist, the Bill introduces provisions for the continuance of a practice of a pharmacist who is suspended for disciplinary reasons or whose registration is suspended owing to his medical unfitness to practise pharmacy. Subject to the board's approval and the practice being operated under the complete supervision and management of a pharmacist, exemptions are provided from the provisions of the Act which would otherwise require these businesses to close.

While many provisions of the Bill could be regarded as administrative matters, the Bill seeks to equip the Pharmacy Board of Queensland with clearly established guidelines relative to the registration of pharmacists and the practice of pharmacy in Queensland.

I commend the motion to the Committee.

Mr. MELLOY (Nudgee) (12.5 p.m.): It is always desirable to have Acts consolidated and brought up to date. We have a problem today in that most of our Acts are hard to follow. Most of our Acts have been amended on so many occasions that it becomes a hopeless task to try to fathom out precisely what is meant by any of their provisions. As I said, it is always desirable for a Minister to bring Acts under his jurisdiction up to date. We see many Acts where no attempt has been made to do this and where amendment after amendment is piled onto the original Act, which makes it very difficult, not only for members but I imagine for people concerned with the legislation, to understand what a certain provision means.

The Minister has dealt rather broadly—too broadly, in fact—with just what is in this Bill. He stated that it was not his intention to talk at length about the minor amendments to the Act but rather to deal with the major amendments. I think this is a pretty dangerous attitude, because we are always warned to read the fine print in any document, and I think we are going to have to look very closely at the fine print of these amendments to the legislation.

Dr. Crawford: Are you worried about Greeks bearing gifts?

Mr. MELLOY: That could be so. Ministers can be very nice and persuasive when introducing Bills and encourage us to look just at the major points and not the minor details, which they use to slip in a few features which could be undesirable in a Bill such as this.

There are important provisions in this Bill, particularly those which affect the conduct of pharmacies and group pharmacies, and also the registration of pharmacists.

The Minister has said that the Bill provides for the Pharmacy Board to deregister any pharmacist who has been similarly dealt with by a board in another State. I would like the Minister to explain whether this will be automatic or whether an inquiry of any kind will be conducted into the affairs of a pharmacist who has fallen foul of the Pharmacy Board in another State. Perhaps the Minister could explain what will happen in the case of a pharmacist who is registered in two or three States and who falls foul of the Pharmacy Board in only one of those States, whether this will be taken into consideration in the over-all picture, and whether he will retain his registration in this State because he retains his registration with a State other than the one in which he has been deregistered. This might bring up the subject of residential qualifications. The Minister might explain whether pharamacists who are registered in two or three other States are subject to action similar to that taken in one of the other States or whether they can dissociate themselves from that action and retain their registration in Queensland. I would like the Minister to be very clear about the situation regarding registration in another State.

The Bill restricts to four the number of pharmacies in which any person may have a pecuniary interest. I will deal with the matter of retail stores in a moment, but this restriction does raise the question of group pharmacies. We might have four pharmacists operating a series of pharmacies. Does this mean that each of those four pharmacists could have a pecuniary interest in four pharmacies? A group of four could be formed and it could operate 16 pharmacies. That is a matter that the Minister might deal with further, because every Act has loop-holes and that could be another loop-hole.

If the Minister wishes to restrict the operations of group pharmacies, he must ensure that it is done properly. I think there could be a loop-hole through which a group of chemists, if they formed a sufficiently large group, could control half the pharmacies in the State.

Retail stores such as Myers and David Jones provide pharmacies within their stores. Whether they sublet these pharmacies to a pharmacist, I do not know. I ask the Minister whether, if stores such as these build a new shopping complex, they are restricted. What is the situation where Myers, say, has a pharmacy department in its stores over the length and breadth of the State? I do not include, of course, shopping centre complexes. Are they to be restricted as to the number of pharmacies, and does the Bill lay down clearly that they shall have no pecuniary interest in the pharmacy? What is the pecuniary interest if they have a pharmacy that is part of their store? Again, I am referring not to a shopping complex but to a store. They would have a pecuniary interest in the pharmacy by virtue of the fact that they employ the pharmacist.

Dr. Edwards: No, they cannot. Only a pharmacist can own a pharmacy.

Mr. MELLOY: A pharmacist must own the pharmacy? He is a subtenant of the Myer store?

Dr. Edwards: He can lease the shop from Myers, but it must be conducted by a pharmacist and have nothing to do with Myers or any other firm.

Mr. Burns: Myers employs the pharmacists who work there.

Dr. Edwards: No.

Mr. Burns interjected.

Dr. Edwards: I will answer that point later.

Mr. MELLOY: That is the point I am getting at. What will be the legal position of pharmacies such as these where the pharmacist is employed by the Myer organisation? Unless there is a pharmacist on the board of directors of Myers, the company will find it difficult to own a pharmacy within its stores. It will be a very difficult provision to police, and I hope that the Minister will have something more to say about the matter.

Friendly societies are firmly established under a particular arrangement. They are non-profit organisations and are exempt from certain restrictions. I understand from the Minister's introductory speech that these operations will be allowed to continue. But will they be affected by the creation of new pharmacies? Are they allowed to expand their activities, or are they restricted as to the number of pharmacies they may operate? The Minister was a bit vague about what was intended. He said that the board will receive advice on this matter. I presume that he meant it will do so when dealing with the application by friendly societies to establish further pharmacies under their control.

He said later that provision is also made in the ownership section of the Bill to prevent pressure being brought to bear on a pharmacist in the operation of his business by the operators of a supermarket complex or anything of that nature. I should like the Minister to explain just what pressures he has in mind. Are they dictates as to the advertising procedures of the pharmacy or the method of conducting the business? Just what pressures would be, or could be, put on any pharmacy within a complex by the owners of the complex?

I presume that the Bill contains ample provisions covering trading by pharmacies. Over recent years competition between retail stores and pharmacies has grown tremendously. On the one hand, pharmacies are selling, for example, baby clothes and other non-pharmaceutical lines; on the other hand, retail stores sell a wide variety of pharmaceutical items. This practice is becoming more and more widespread every day. Practically any pharmaceutical proprietary line can be purchased in a retail store. The whole aspect of trading should be sewn up. The position is becoming worse every day. A customer on entering a pharmacy could not be blamed for thinking that he was in a toy shop. Pharmacies sell such a wide variety of goods that a customer could think he was in almost any type of shop. They even sell tourist souvenirs.

The cause of this intrusion into the sale of non-pharmaceutical lines is, of course, keen competition from retail stores in the sale of pharmaceutical items. Pharmacies have to sell other goods in order to hold their customers. They cannot afford to rely entirely on the preparation of prescriptions from the local doctor.

Another matter of concern is the employment of shop assistants in pharmacies. At times it is impossible for a customer to know whether he is speaking to a qualified pharmacist or merely to a shop assistant; he is at a loss to know the extent to which he can talk to the person behind the counter about his ailment or medication for it. There is no means of identification.

Mr. Lowes: What about the white coat?

Mr. MELLOY: I was about to say that most shop assistants are dressed in a white uniform. As well, most of them are females. Quite often a customer sees someone lurking behind the partition and naturally assumes it is the pharmacist.

Mr. Moore: Looking through a double mirror.

Mr. MELLOY: Yes. The person behind the counter is, in most instances, an unqualified shop assistant. The public are entitled to protection against the sale of pharmaceutical lines by non-qualified persons. There are occasions when the pharmacist is absent and the shop assistant merely takes a punt in advising the customer what is best for his or her ailment.

Dr. Crawford: That's illegal.

Mr. MELLOY: I know that, but there should be some means of identifying shop assistants. The customer is not concerned with the illegality of being served by the person behind the counter; all he is interested in is obtaining some relief for his ailment. He assumes that the person who sells him a cure for it is qualified to do so.

It is desirable that this Bill be introduced to update the legislation. Certainly a clear interpretation of the law on pharmacies is called for. This measure will benefit not only pharmacists but also the public.

As I said earlier, the Opposition will look closely at the small print that the Minister has chosen to brush aside, perhaps not deliberately. The Opposition wants to be clear on the Bill. We will deal with it in detail at the second-reading stage.

Dr. CRAWFORD (Wavell) (12.19 p.m.): It is essential that Acts associated with the practices of various professional groups in the community be upgraded from time to time. I am one who has spoken in this Chamber on the necessity for upgrading medical Acts. I applaud the process of looking at the Act governing the functioning of pharmacists in Queensland as this measure is long overdue. As the honourable member for Nudgee said, in the practice of pharmacy, we have a mixture of professional practice and commercial trading and there is little way in which these two aspects can be

separated. In a shop they can be removed from each other by having the professional pharmacy on one side and the business enterprise on the other side. Even then it is difficult, as the honourable member for Nudgee said, for the public to ascertain whether the people serving are engaged on the pharmaceutical side or the trading side of the business. I believe that we should try to make the differentiation. I understand that it will be possible for a person to divide a shop so that the professional part is legally separated from the trading part of it, even in the way of ownership, and I think this is probably desirable.

In relation to one or two points made by the honourable member for Nudgee, it is essential that a pharmacist be easily identifiable. Under the present legislation it is legally incumbent on the pharmacist to be in his shop during trading hours, except for the lunch hour. If he is not there another pharmacist must be there if the pharmacy is to remain open. This is necessary for obvious reasons concerned with the dispensing of dangerous and restricted drugs.

Mr. Moore: To count the pills from the bottle.

Dr. CRAWFORD: As the honourable member for Windsor said, it may be a matter of counting pills from a bottle, but it is still a matter of maintaining a standard in the professional service given to the public. Even pills in a bottle can be so important that a pharmacist must be responsible for dispensing them.

The registration of professional bodies raises the matter of control and the controls to be instituted on a legal basis. Unfortunately, we are finding ourselves more and more imbued with the need for Government control of people and their activities. For many years people in medical circles have been asking what the Medical Board does to warrant collecting yearly a fairly large fee from every member of the medical profession. We have been complaining about this for a long time but we have to accept the fact that, with a bureaucracy, there will be people controlling us. On the whole the beneficial results of control outweigh the disadvantages. Registration of individual professional people in their groups will continue to be necessary.

As the Minister well knows, I should like to see some changes in registration. In Britain, for example, a medical practitioner can remain for ever on an inactive list without incurring a fee. If one returns to that country to re-open a practice, one has simply to go to the Registration Board in Hallam Street and request that one's name be transferred to the active list. The person, of course, would incur then the payment of an annual fee. Although we have looked at this practice—and I trust that some of the investigations will bear fruit in the near future—we have not instituted similar procedures. In Australia we could well register our professional groups with some form of central registration body. I refer particularly to Australian graduates in physio, nursing, pharmacy, medicine and dentistry. Graduates from our own institutions and universities could simply apply to their local State board for reciprocal registration in any other State in which they wished to practise and that board would then begin to earn the fees paid to it.

The present method for a Queenslander to obtain professional registration in New South Wales and Victoria is a terribly complicated and detailed affair. Although it can be done by post, it means obtaining certificates of competence from the home board and a lot of correspondence, forwarding photographs, details, references and testimonials. To earn its fee, the incumbent board in any of these professional groups could provide a service that would enable a dentist, a doctor or a pharmacist to apply to his board for registration in Western Australia, if he so desired, following which the Registrar of the board could then write to his opposite number in that State and say, "Put this person's name on your register." Doubtless that would involve the payment of a fee, but the whole procedure of registration for professional people throughout Australia could be streamlined without involving anyone in very much difficulty and certainly making the lot of the individual professional person very much easier than it is at the moment.

The Pharmacy Bill to be considered by the House will involve a streamlining of the services of the pharmacists. It will incorporate certain additional controls, but it will result in the functioning of the pharmacist being more efficient than in the past. We must maintain standards in the practical functioning of professional people. I have always been vaguely unhappy, as I mentioned in the Chamber before—and this would interest the honourable member for Nudgee—about the recently introduced two-year course for the training of dentists. That is a poor principle to espouse. I should certainly not wish to see a half course for pharmacists, doctors or any other professional group. We should not have to rely on inadequately trained professional people at any level in our community. We must maintain the standards of all our professional people at the highest possible level. Over the years Australian graduates in all professions have traditionally been of the very highest standard. That must be maintained in their qualifications (and in the type of training they receive to acquire those qualifications) and subsequently in their professional practice.

The Bill embodies the principle of deregistering a pharmacist who, because of illness or some other problem he has encountered, is unable to work adequately. It is important that that be part of a Pharmacy Act—and part of any other Act relating to professional

people. In modern professional practice we are a long way from the case of a person who has been written a ticket in 1930 and is allowed to practise on that ticket in 1980 without question. Fortunately the professional groups throughout the country have taken it upon themselves to provide progressive post-graduate training for their members. That principle is to be applauded.

All individuals of those groups are in need of the encouragement of their peers so that they will maintain, under what is called peer review, the standards acceptable to the community. It is a good principle, and one which should not involve legal interpretation by Governments, Parliaments, members of Parliament or anyone else outside the groups. It is not for anyone outside those groups to tell the particular professional people how to maintain those standards. That has to be done by their own peers.

I am also pleased to note in the context of the Pharmacy Bill that the whole process of the practice of pharmacy will be controlled under the auspices of pharmacists. Again, lawyers and others who are not directly involved in the profession concerned should not be interfering in the practice of that particular professional group. This is one of the aspects of the Bill which will be of benefit to the whole of the practice of pharmacy in the State. All professional practices, of course, do find themselves with difficulties. I believe that legislation should be so designed that it assists individual members in the practice of their profession and does not impede them.

As the Minister is aware, for years we have had in medicine an annual Christmas card from the Medical Board stating quite bluntly that we either reregister virtually by return mail—I think there is a leeway of a month or two—or become automatically deregistered. That is an anachronism if ever I heard one. There is a need for tidying up that rather idiotic and bureaucratic control of professional groups.

I support the Bill. It will overcome several anomalies and will remove some of the anachronistic, aged and inadequate functions of the previous legislation. I trust that we will see a series of similar Bills to update the practice of all the professional groups in the State.

Mr. LOWES (Brisbane) (12.32 p.m.): Broadly, I support the Minister in his presentation of the Bill, particularly where it relates to qualifications and registration of pharmacists. I was interested to hear the Minister's reference to adequately qualified pharmacists and to the maintenance of the standard of the pharmaceutical profession.

The principle relating to qualifications refers not only to pharmacists who study in Queensland and in Australia but also to those who study elsewhere, particularly in the United Kingdom and countries such as New Zealand. People coming from such countries might reasonably expect to be admitted to practise in Queensland with very little hindrance. However, these days, many people are coming here from countries other than those.

Recently I was told of the case of a young lady who arrived in Australia as a refugee from South Vietnam. While South Vietnam was occupied by the French, she qualified in pharmacy at the University of Saigon. I understand that the course at that university was of a standard comparable to that in Queensland. Having completed her course, she practised on her own behalf as a pharmacist in Saigon. I am informed that the practice of pharmacy in Saigon is somewhat different from that in Queensland. We have already heard reference to pharmacies in Queensland and how it is difficult to distinguish between the practice of a profession and a commercial undertaking. I am assured that when this young lody practised in Saigon, she practised purely and simply as a dispenser of drugs, and had no interest whatsoever in any business of a commercial nature such as we see in Queensland and throughout Australia.

Having done that in Saigon for some years, she was faced with he prospect of remaining there under a changed Government or fleeing. She fled. First of all she went to Canada. I am informed that had she remained there, she could have applied for registration, and that it was likely that her Saigon qualifications would have been accepted. In the hurried exit from South Vietnam, her husband came to Australia, and has been admitted to practise his particular speciality, so she came to Queensland in the belief that as her qualifications might have been readily accepted in Canada, they might also be accepted in Queensland. Unfortunately, that has not happened to date.

In Queensland she worked in a Queen Street pharmacy which not only dispenses drugs but carries on commercial activities. She worked there on the pharmaceutical side of the business for approximately six months. From there she went to the Royal Brisbane Hospital, where she is engaged exclusively on dispensing work. We, as a Government, are receiving the benefit of this young lady's training, but to date she has been refused registration. This appears to me to be an anomaly, and I look forward to the correction of such anomalies by the Bill now being brought down.

When the board, acting under the provisions of the Bill when it becomes law, has the right to review overseas qualifications and, where necessary, set supplementary examinations for applicants, this young lady, even if she has any shortcomings in her command of English or in any other matter not of a professional pharmaceutical nature, may well be admitted to practise in Queensland.

I was interested to hear the Minister say that the introduction of this legislation will not result in any mass migration of pharmacists to Queensland. I, too, would not expect that to happen. I believe that the standards to be set will be sufficiently high to ensure that the Bill will not provide, in effect, a back-door method of obtaining recognition as a pharmacist. I do not believe that the Bill will lead to any lessening in the standards of pharmacy.

There is, however, one part of the Bill about which I have some reservations. I refer to the part dealing with the regulation of the practice of pharmacy. We are at present allowing partners to own one business in partnership, but each partner may, as the honourable member for Nudgee suggested, own as many pharmacies as he wishes. With the proposed restriction to four, perhaps partners may each be able to own four separate pharmacies. I see this provision as a restraint.

It has been suggested that pharmacies operated by pharmacists on a managerial basis are operated at a lower standard than those conducted by owners. From what I have seen, that is not in fact the case. It is common practice for a pharmacist who manages a pharmacy to not only receive a managerial salary but to have a financial interest in the profits made. This means that the manager has an interest in the pharmacy above that of a mere employee. I can bring to mind a number of pharmacies in the central city and suburbs of Brisbane in which it is impossible to distinguish between owners and managers. In one case, few people in the suburb would believe that the person who has been running the pharmacy for a number of years is not the owner of it. I do not accept that there is a lowering of professional standards in pharmacies operated by managers rather than owners.

I believe it is our function as a Government to ensure that professionalism is maintained at a high standard. In the present case we are dealing with pharmacy. We made similar attempts earlier this year under Bills dealing with medical practitioners and physiotherapists and I imagine that we will be doing something similar under the Bill dealing with psychologists which is listed on the Business Paper for consideration shortly. I think that standards can be maintained, and we are setting up boards to do just this. Apart from the boards themselves, which have the power to register and deregister, there must also be taken into consideration the professional associations to which qualified pharmacists belong. Those associations and guilds have a self-regulatory function to perform, and they could do anything which we might attempt to achieve by legislating, and legislating in a manner which I believe to be a form of restraint of trade.

At the present time an individual can own as many practices as he wishes. We have a record of a husband and wife between them owning as many as 28 pharmacies in South-east Queensland. The only limitation which ought to be placed on those people is the standard of professionalism which they have to maintain. If they fail to maintain that professional standard, the fault is partly theirs but it is also certainly our fault as a Government and the fault of our inspectorial staff whose duty it is to ensure that pharmacies are maintained and run in a proper professional fashion. So in my view it is not the function of legislators to introduce a form of restraint of trade, but if the profession itself finds that one person having more than four pharmacies—I understand the proposal is that four pharmacies will be the maximum allowed—would lead to a deterioration in standards, the pharmacists guild itself could do the regulating.

Dr. Edwards: Not all pharmacists are members of the associations.

Mr. LOWES: I take the Minister's point, but the supervision of practices is the function of the Government. We have the right and the duty to supervise pharmacies and ensure that they are being properly run; but so, too, do the associations and the guilds. If a practitioner who was not a member of a guild carried on his practice unethically, then the profession itself—his neighbouring chemist—would be only too quick to inform the guild and the Government's inspectors that something was wrong with the conduct of that particular practice. So I think we are going beyond our function as a Government when we start to consider regulating the number of pharmacies which any one person can own.

It is not a matter of preventing a monopoly. By derivation, a monopoly is something which exists as a sole entity. There is no such monopoly of pharmacies in Queensland. There are accepted cases where as many as 28 pharmacies are owned by a husband and wife. Perhaps that amounts to a chain of pharmacies, but it is certainly not a monopoly. Further, I understand that there is nothing in the Bill to prevent this continuing, so if there is anything wrong with one person owning such a large number of pharmacies, we should be doing something to restrict him now instead of waiting until the man dies and then preventing the sale of those pharmacies to one person, thereby, as it were, splitting up the farm amongst a number of people. If the idea of one person owning 28 pharmacies is so bad, and if we believe it should not continue, we should be doing something about it now. But we are not doing anything about it now; we are allowing it to be maintained, and it will be only on the death of the person concerned or the cessation of the practice that there will be any breakup of his assets. So if it is thought that there is a fault

in his owning so many pharmacies, we should be doing something here and now; but we are not. All we are doing is saying, "In future you will not be able to expand the number of shops already owned."

I have dealt already with the educational qualifications for registration as a pharmacist and the qualifications that pharmacists coming to Queensland from elsewhere need for registration. These are matters that may be considered by the board.

At present, pharmacies may be owned only by pharmacists, and I doubt very much the truth of the interjection by the Leader of the Opposition that pharmacies in chain stores are owned by the chain stores; I do not think that is correct.

Mr. Burns: I did not say that. I said that a person has to go to Myers personnel officer to get a job in a Henry Francis chemist shop in a Myer store.

Mr. LOWES: I gather then the honourable gentleman is referring to staff, not to the pharmacist himself?

Mr. Burns: Yes.

Mr. LOWES: I accept that. I am concerned about the pharmacies that exist in large complexes of stores. In his introductory speech, the Minister said that there is to be a limitation of pecuniary interest in a pharmacy, either direct or indirect, other than by a registered pharmacist. On another occasion I have instanced the case of the mortgagee drug house. I did some conveyancing of pharmacies some years ago, and I remember the way in which drug houses financed most young pharmacists. Any pharmacist who qualified could go to a drug house and be financed into a shop. I understand there has been some lessening of this practice in recent years, but it still exists. One can well imagine the situation of a mortgagee wholesale druggist and a mortgagor shop-owner-pharmacist. It would seem to me to be a situation somewhat akin to the hotel-brewery relationship under the tied-house system. I think it would be drawing a long bow to suggest that such a mortgagee would have a pecuniary interest, either direct or indirect.

I have grave misgivings about the system that operates by way of rental—that is, where a pharmacist takes a shop in a complex of shops and his rental is calculated on the takings of the shop. I think that is a reprehensible way in which to rent any business, and I think it is unethical for any professional practice to be regulated by a landlord. But it happens in many places, and I suggest that this is a form of pecuniary interest—at least indirect, if not direct—in the practice of pharmacy.

Mr. Casey: It is a sharing of the profits.

Mr. LOWES: As the honourable member for Mackay said, it is a form of profit-sharing by the landlord. This is a matter that the professional organisation—the Pharmacy Guild—should be moving in and stopping. The first time I saw such a proposed lease was when a chemist was considering going into a shop on the south side, and I could not do anything but advise him against entering into the agreement.

At this stage, I support the broad principles of the Bill. However, I have reservations about the restrictions, and I foreshadow now that at a later stage I will move for the amendment of the Bill as it relates to restricting the number of shops that may be owned by a registered qualified pharmacist.

Mr. YEWDALE (Rockhampton North) (12.49 p.m.): It seems fairly obvious from the comments of honourable members who have preceded me in the debate that no-one would argue about the Minister's reference to the code of ethics for pharmacists and the question of proper practice. The updating to which he referred is very necessary and his comments were quite valid. It probably is some time since procedures have been updated.

I wish to touch very briefly on the section of the Minister's introductory speech in which he referred to friendly societies. Most honourable members would have received a circular from the friendly societies of Queensland, and I assume that many of them would have read the submissions included in it. I expect that the Minister has read those submissions.

Dr. Edwards: You've got the wrong information.

Mr. YEWDALE: I think I am correct in saying that submissions were made by this organisation to the Minister. From the provision contained in this legislation, I presume he has looked at them.

Dr. Edwards: Yes.

Mr. YEWDALE: At the introductory stage the Minister said that the Bill will allow friendly societies to continue to operate existing pharmacies under present conditions, but as such societies were established with the charter for service to members as the basic and foremost purpose, the legislation will include proposals which will outline principles upon which the Minister can receive advice from the board for further expansion of such activities. That is the point that I would like to ventilate.

I do not want to go into the background of the submission, in which the societies set out their history and constitutional function as well as the role they play generally. Friendly societies have been in operation for many years and do in fact provide a service to the public. Quite often the argument is put forward that friendly societies constitute unfair competition in the sale and dispensing of pharmaceutical goods. As a member of

a friendly society, I would answer that argument by saying that, as the friendly societies claim, they are part of private enterprise and engage in competition and that competition is healthy. It is believed by many persons, including members of Parliament and Ministers, that competition is in the best interests of the buyer.

I wish to refer briefly to an incident involving a friendly society in my electorate. I realise that this has Federal connotations. The society established a second chemist shop, if I might term it as such, in an outer suburb in my electorate. As we are aware, quite often a medical practitioner sets himself up in practice nearby a pharmacy.

Mr. Burns: The chemist goes to the doctor.

Mr. YEWDALE: That may be so. I don't care who comes first, the point is that they work together for the benefit of the patient and for the community in general.

In the case to which I refer, the chemist shop was established and after some time some Federal authorities came to Rockhampton and conducted what I would term a witch-hunt by knocking on doors and asking people if they had had prescriptions dispensed for them by this chemist shop and, if so, were they members of the friendly society. I know that this matter was taken up by the society in Rockhampton and also in Brisbane. In fact the then Federal Minister, Dr. Everingham, was involved in it.

The case in point concerns a mother who took her very sick child to the doctor whose surgery was located alongside this chemist shop, was given a prescription and, because her child needed the preparation urgently, went into the chemist shop next door asking for the prescription to be dispensed. She stated that she was not a member of the friendly society. As an act of humanity the pharmacist said to her, "This is not the normal practice, but I will give you the medicine for your child." The result of this was the inquiry conducted by the Federal authorities. Later, action was taken against the friendly society for having dispensed a prescription for a non-member.

This is a crazy state of affairs. Imagine the position that arises in an isolated area, where, at certain times of the day, public transport is not available and where a person in need of urgent medication does not have private transport to enable him to drive to a pharmacy other than one conducted by a friendly society. It is wrong that a friendly society should be allowed only to establish a pharmacy that, besides selling proprietary lines, is able to dispense prescriptions only for members. This matter should be looked at to enable the extension of the service provided by friendly societies.

A Government Member: It is a Federal matter.

Mr. YEWDALE: I referred to it as a Federal matter. I am telling the State Minister about it. Irrespective of whether it is a Federal matter, surely he should be concerned about health and benefits for the community. The honourable member may not have been listening to me when I distinctly said that this was a Federal matter, that Federal people were involved and that the Federal Minister was involved. If the honourable member keeps awake for the next few minutes he will hear what I have to say.

I do not argue that the Minister should be involved in further development of the friendly societies but I do stress that the friendly societies have provided a very good service to the community. Because of the way that friendly societies function, they have a very modified form of pecuniary interest. They employ the number of people required for their volume of trade and perform the functions normally performed by a chemist shop or dispensary. I am sure that they comply with all requirements, yet situations similar to that which I described do arise. Some consideration should be extended to them even if it is based on the circumstances of individual cases. If a person is a regular customer in a pharmacy—perhaps because of his association with the pharmacist or because he likes the shop—he will continue patronising it if it is within reasonable distance. In the case I cited the lady had no transport; she had a sick child and the chemist did her a favour; he acted humanely and agreed to serve her knowing full well that there could be repercussions. And there were the repercussions that I have described.

I ask the Minister to give every consideration to the continuing function of the friendly societies and to pay special attention to the matters I have raised.

Mr. MOORE (Windsor) (12.58 p.m.): When legislation like this comes before us I often wonder how it originates, what is the pressing need for it, or where did the pressure come from. I am concerned mainly about the proposal to limit the number of pharmacies. Apparently the Government is very concerned about someone owning 20 or 30 pharmacies. But there are about 2,500 pharmacies in Queensland. Why should we restrict the number of pharmacies when there is virtually no other trade or profession in which a person can't get big? In many areas people are told to get big or get out, but apparently if someone gets big in this profession he will be kicked out.

The Liberal Party's philosphy is aimed at giving people the right to expand their businesses provided there are no adverse features in their doing so. People should not be restricted in any way simply because they get big. The Minister spoke about monopolies, but surely a group of 16 or 20 establishments out of 2,500 cannot be described as a monopoly.

A person cannot have a pecuniary interest in a pharmacy. It seems strange that a pharmacy cannot operate in the same way as other businesses and have shareholders. What is wrong with that?

Mr. Houston: Will this Bill stop David Jones from having a pharmacy as part of the service throughout its regular shops all over Queensland?

Mr. MOORE: I do not know about that. The honourable member heard as much about the Bill as I did. We will find that out at a later stage. That is why I am raising one or two questions.

Mr. Houston: I was just trying to help you.

Mr. MOORE: I am sure that the honourable member is. He is always very helpful.

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

Mr. MOORE: Before the luncheon recess I was replying to some inane interjection from the Deputy Leader of the Opposition. The importance of it can be gauged by the fact that I cannot now recall what it was.

The Minister indicated that the proposed Bill provides that a person other than a chemist cannot have a pecuniary interest in a pharmacy. For the life of me, I cannot understand what ethics are involved in this matter. Why is a pharmacy any different from any other sort of business? After all, it is simply a place where pills and potions are dispensed.

Dr. Edwards: A bit more than that.

Mr. MOORE: I will be interested to hear the Minister say how much more than that.

I cannot see why any Tom, Dick or Harry should not be able to own a pharmacy, provided a fully qualified pharmacist is employed. What would be wrong with that? The attention given to the customers would be the same. There would still be the same ability to fulfil all the requirements and to make up prescriptions. For the life of me, I cannot see how that provision offers any protection to anybody. Surely the only test is public protection. If a fully qualified pharmacist is employed, members of the public have the protection of his training. In addition, he would be putting his own livelihood on the line. I wonder why the Government is using the heavy hand here and the heavy hand there when it could keep its nose out of many areas that, day after day, we see it tending to enter.

In days gone by, before chemists were known as "pharmacists", a person would go to a chemist with a cut finger. Because the doctor's fees would probably be half a guinea, a person would rather go to a chemist with a cut finger. The chemist would give him some potion or other. If a child had school sores, the chemist would say, "This is no trouble. I'll just fix you up a bit of white precipitate. Put it on four or five times a day and everything will be O.K.". That treatment was just as effective as we are getting now. Some matters could not be remedied by the chemist, and he would say, "I think it is a little beyond me. I have a little bit of doubt about what you have wrong with you. I think you should go along to see the doctor." That is what would happen. Today, however, there is less and less dispensing carried out by pharmacists—that is, in the field of making up mixtures——

Mr. K. J. Hooper: Are you saying that pharmacists today are glorified grocers?

Mr. MOORE: Not quite. In one sense they are, but just the same they are knowledgeable fellows. In the main, they are changing labels on some mixtures and putting on their own, with the directions prescribed by the doctor. However, they do not know how to stick labels on the plastic containers. In the days when I had a little to do with a chemist shop, before I made a quick departure, there were always problems in gluing labels to tins. If a little bit of tincture of benzoin—for those who do not know, that is Frair's balsam—was applied to the tin first, the label would stick quite well and would not fall off.

To show how good the Pharmacy Act is, these days the chemist licks the label and sticks it onto a plastic bottle or container and within a week or a fortnight the label drops off and disappears, or the housewife gives the label another lick, or uses sticky-tape. Surely, with chemistry being what it is, it should be possible to get some adhesive or glue to apply to the container first, as we did in days gone by with Friar's balsam because tin was not an ideal base for a label.

Mr. Jensen: They probably want the labels to fall off so that people will not keep stale pills in the cupboards.

Mr. MOORE: That is a very smart answer, but if the label falls off the person does not know the dosage to take.

An honourable member, in an interjection, referred to pharmacists as glorified grocers. The position has to be much better than that and chemists are in fact much better than that. Because they know the British Pharmacopoeia, they are certainly much better than doctors at handling drugs. I can see the day coming when pharmacists will act in consultation with doctors. The doctor will say that he has a person with a certain complaint and the chemist will say what he considers to be the right prescription. This will happen because pharmacists are more up to date than doctors in their knowledge of drugs and what they will cure.

To some extent, the doctors are doing a certain amount of experimentation. They receive documentation from the drug houses telling them that a certain drug will cure anything from a broken arm to a load of

the jack. They hand the drug over to the patient and it just does not do the job, so the doctor decides to put the patient back onto a previous prescription.

When I was in a chemist's shop and mixtures had to be made up, it was always necessary to make certain that alkalines and alkaloids were not mixed, with the end result being a poison. When I first looked at the label of a bottle of Alka-seltzer, I thought something had gone wrong, because people taking it should have been poisoned but were surviving. There was either something wrong with my training or something was wrong with Alka-seltzer.

Mr. Jensen: Did you lose your hair when you were in the chemist's shop?

Mr. MOORE: No. I had a bald father so at least I had a fair idea that he was my father.

The TEMPORARY CHAIRMAN (Mr. Row): Order! The Chair places some limitation on personal remarks.

Mr. MOORE: Some mention was made of the identification of the person behind the counter. I think this is fairly necessary. If a person has a cough and goes to a chemist for a spot of Heenzo, he does not want to end up with cascara sagrada or cascara evacuant, which would be so effective that he would be hanging onto a lamppost and afraid to cough. That would be the last thing he would want. If a customer is talking to someone behind a counter as a pharmacist, he should be one; it should not be some pretty young maid who would give the customer cascara instead of Heenzo.

Dr. Lockwood: Would it matter anyway? Both will stop his cough.

Mr. MOORE: They might both stop the person coughing, but one is like Buckley's Canadiol. It is rather good stuff.

I am not suggesting a lowering of standards. But I do not see any reason why we as a Government should lay down the number of shops that a pharmacist can own. Our job as parliamentarians should be to look after the public generally, particularly those who need medication, by seeing that professional standards are kept high and that the Pharmacy Act, in its control of dangerous drugs, is obeyed. Those things, rather than the number of shops that a person owns, should be our concern. The number of shops owned by a person is a matter for others, not us. There is something wrong with a provision that prevents a person from owning more than four pharmacies.

I think it is also unfair that the wife of a pharmacist who dies cannot own the shop that is left to her. In such a case, she is given a certain time in which to dispose of the shop. Why should she not employ a qualified pharmacist to look after her interest in the shop? What is wrong with that? Why should not a qualified pharmacist who runs a shop be just as keen and conscientious as a self-employed person? Does such provision mean, say, that every employee of a plumber, carpenter or other tradesman, and every person employed in a professional capacity, is not as conscientious as his boss? That is in fact what we are saying about people in this profession in this provision of the Bill, and I cannot see any reason for it. We, as law makers, are saying that if a pharmacist dies, his wife, who is left with a family to support, cannot continue to own the shop even though she may have another pharmacist to run it for her. To me, that is another piece of madness.

Mr. AIKENS (Townsville South) (2.27 p.m.): First of all, let me express my deep appreciation of the work of chemists, who have down the years, particularly in country areas of the State, rendered yeoman service to the people. Even now people in the big cities go to chemists, or pharmacists to use the modern term, rather than to doctors, particularly if they have only minor complaints. They find it more economical to do so and much more satisfying.

I think this is about the sixth time since I entered this Parliament the Pharmacy Act has come before us for amendment. I do not know how many more times we will amend it. The last amendment was to abolish the old Pharmacy Board. The board in those days was a nebulous organisation that no-one knew very much about. Young people were trained as chemists in chemist shops after passing the Junior examination. I think they did some external studies and examinations, after which they qualified and started out in business as chemists.

It was found at that time that the Pharmacy Board was limiting the number of pharmacists who could be registered and employed by failing a certain percentage of candidates each year, despite the fact that they were worthy of qualification and registration. They were invariably failed in the subject of botany. I went into this matter on a couple of occasions. I found that candidates had to draw sketches of trees and leaves. I do not know whether they had to draw willy-wagtails on the trees and leaves; but that does not matter.

If a chemist knows that strychnine contains certain properties and that it is made from the bark of the cinchona tree, what more does he need to know? But the Pharmacy Board required candidates to draw the cinchona tree, its leaves and all other things associated with it, and by this malarkey, flim-flam and mumbo-jumbo anticipated the fact that they were going to fail a number of them in the subject of botany.

I remember that on one occasion a very fine woman, who is now a chemist in Townsville, failed because she was not able

to pass the botany section of the examination. She went back to Townsville and worked for a while and then decided to have another try. She came down to Brisbane to sit for her examination and in the meantime she worked in a chemist shop. In order to make sure that she would not fail botany a second time, she came to me and asked me could I get her the loan of a specific book from the Parliamentary Library dealing with botany and marked as the textbook by the Pharmacy Board. I went to see the Parliamentary Librarian but he could not supply it. He did not have it in stock and he had to borrow it from the Public Library here in Brisbane. Of course, he borrowed it in my name because he could not borrow it in the young lady's name. As a matter of fact, she was the daughter of a very good friend of mine who was a great party member. I could only borrow the book for three months, and she had to copy all of these things out of a textbook that no-one could buy because it was not in stock anywhere. What a farce and a sham that was.

I think as a result of the amendment to the Pharmacy Act on that particular occasion, the pharmacy course was transferred to the university. People training to be pharmacists work out at the university and no longer work in chemist shops. I have no doubt that some of them take part in demonstrations and what-have-you, rampaging around the university. But now they are trained only in theory.

Naturally, with the march of time we do not have the old-style chemist shops. I wonder what would happen if one took into a modern-day pharmacy one of the old prescriptions that were scratched out by some of our doctors. Of course, Mr. Row, you would know the story—and I believe it has some foundation in truth—of a very attractive young lady who fell in love with a doctor from another town. He used to write her love-letters and she had to take these love-letters along to the local chemist in order that he could translate them for her because only he could read the doctor's scrawl. But if one of those old prescriptions were taken into a pharmacist today, he would think it was a rather tattered pakapu ticket. It would all be double-Dutch to him. He cannot be blamed for that; he is not trained in the art of reading prescriptions.

Now, of course, the whole of the pharmacy business is in the hands of the big pharmaceutical firms. They own, monopolistically, lines and lines of chemist shops. If you ever went down South, Mr. Row, as I was privileged to do on one occasion to one of these big pharmaceutical shows, you would have seen them making a batch of tablets. They set a machine going and they turned out a batch of tablets all the same size, all coloured white and all made to the same formula. When they had millions of these white tablets, they put them through another series of machines and some tablets came out red, some green, some blue, some yellow and so on. Then away would go the salesman on behalf of these pharmaceutical firms to doctors all over the length and breadth of the land. They would say to the doctor, "Look, these yellow tablets are real beaut for warts on the torso. You should prescribe them for all your patients. These green tablets are wonderful tablets for abracadabra san fairy Ann", and so on. These salesmen would sell different-coloured tablets made from the same formula to doctors who very faithfully prescribed them for all their patients to treat different diseases. They did as was recommended by these high-pressure salesmen. All that a chemist has to do today is to be able to count. Again I say we cannot blame him; this is the way he is trained. He is not trained to be a dispenser at all. He would not know one drug from another.

Gone are the days when a chemist shop was lined with rows and rows of bottles, drugs, powders, liquids and all sorts of things. All he has to do these days is be able to count. A doctor will examine a patient and say, "I think these yellow-coloured tablets will be just the thing you need", and write out a prescription for 100 yellow tablets. All the chemist has to be able to do now is to count out 100 yellow tablets. I have been informed that he does not even bother to count now; he just weighs the tablets. The customer might get 99 tablets or 101 tablets, but he still gets the issue of yellow-coloured tablets. It would not matter very much if the chemist made a mistake and sold yellow instead of blue, pink or mauve, because they are all the same and they will all do just as much good or just as much harm.

So that is where the pharmacy game has gone today. In the old days there were not very many drugs and neither the chemist nor the doctor knew very much about them, but in those days the chemist prescribed on occasion. Either he dispensed on the doctor's prescription or, in some cases, he himself prescribed. Out in the back country, anyway, the chemist had only four or five things in bottles that he would prescribe for you—castor oil, chlorodyne, pain-killer and rum. Of course, you got whatever you liked, and you either lived or died—not according to the stuff you were taking, not according to the doctor's prescription, but according to the toughness of your own particular fibre.

I do not intend to speak at length on this, Mr. Row, but I do wish to mention that there have been many putrid rackets in the pharmacy game. I am not playing party politics on this matter—anyone could have done it—but there was a Premier in a neighbouring State who had a brother who was a very big pharmacist. He had a string of chemist shops all over that particular State, New South Wales, in fact, and in those days doctors knew very little about venereal disease. They knew nothing about the various types of syphilis; they knew a little bit about gonorrhoea, and they used to

treat that with what was known as sandalwood oil. When they had a fellow on sandalwood oil, you could smell him 100 miles away. It used to come out in his perspiration, and it was not a very pleasant smell, either. This brother of the Premier—and he became a Cabinet Minister himself in the Government later—with a string of chemist shops used to import sandalwood oil. All this came out in a Royal Commission. I am not imagining it, and I am not exaggerating. He used to import from Sydney prostitutes who were infected with gonorrhoea and turn them loose on the community.

The TEMPORARY CHAIRMAN (Mr. Row): Order! I trust that the honourable member will relate his remarks to the motion before the Committee.

Mr. AIKENS: Oh, my word, Mr. Row. I never stray very far from the mark—

The TEMPORARY CHAIRMAN: The honourable member will not have to stray much further.

Mr. AIKENS: Particularly when a chap like yourself, who is very conversant with the Standing Orders, is in the chair. I wouldn't take any risks with you, Mr. Row, believe you me!

Of course, once infected, the men would all have to go to these chemist shops and get their daily dose or their bottle of sandalwood oil, and he made a small fortune out of it. That is the sort of thing that went on. Now, of course, with penicillin, it needs only a couple of squirts of sufficient strength to cure even the most virulent of the venereal diseases.

I am glad to see that the old Pharmacy Board is to go. I believe that the Bill sets up a new Pharmacy Board, and I understand that the Minister, in preparing the Bill, has done something that I have enjoined and adjured every Minister to do—not to lose control of his own department, not to pass on his control. When all is said and done, it is the Minister who is personally responsible to Parliament for everything that his department does, and he should not pass the control over to some board and then slink and skulk behind that board from time to time and say, "Look, there's nothing much I can do about your complaint, old fellow, because it is all a matter for the board." I understand that, in the Bill, the Minister has rewritten into the Pharmacy Act ministerial control of everything connected with pharmacy, and that is as it should be.

I had a conversation with the Minister about this matter because I, too, received quite a number of deputations and representations from friendly societies, who had been informed that after the passage of the Bill there would be no more friendly society dispensaries. That would have been a tragedy because, in the old days when I was a boy and a young man, the friendly societies were the bedrock of the old people and the poor people for whatever medicine was available.

I can remember joining a lodge. I think it was the Oddfellows; it may have been the Foresters; they are all the same to me. You give the high sign as you go in. One fellow leads you in and your little finger is linked to his little finger, and you slap your chest and stamp your feet and say this and that. We had to go through all that flummery. I was quite happy about going through it because it meant that for the payment of 9d. a week we could get free medicine from the chemist. And some of the old chemists in the back country were nature's gentlemen, believe you me. If they did not have a drug in stock, they would get it for you somewhere, or they might make it themselves. That was the only hope of the poor people in the days when I was hideously poor. Consequently, I was very sorry to hear the rumour that this Bill would wipe out the friendly society dispensaries. However, the Minister assures me that this is not so. I have learned to take his assurance because he is at least an honest man. I have not had experience of him as a doctor, so I do not know what he is like as a doctor. But I suppose that he would try to be as honest as a doctor as he is as a Minister, and that is something. As I say, I have been assured by him that there is no intention at all of wiping out friendly society dispensaries.

It was explained to me, and it is quite true, that the establishment of a friendly society dispensary is determined by the number of members of that friendly society. I can appreciate the point that a friendly society cannot go into a town, a city or an area in which it does not have members and simply set up a dispensary. If, however, a friendly society has in a town, a city or an area sufficient members to warrant the establishment of a dispensary, it may apply to open a dispensary and the Minister, and the Minister alone, has the final say as to whether or not that friendly society may establish a dispensary.

Over the years friendly societies have done a marvellous job. A lot of people who have not been out of the big city would not be aware of that. If they had a bandage placed over their eyes and they were taken, say, up to Caboolture, turned loose about a mile or so from the railway line and had the bandage removed they would have no idea at all where they were; they would be lost. They would not be able to say, "The sun rises in the east and sets in the west, so to go south to my home I have to go this way." Far too many people have no idea at all of the problems that confront the people in the back country.

The Minister has assured me—and I have passed on his assurance to the gratification of all people who have approached me on this matter—that no friendly society dispensaries will be wiped out and that if any other friendly societies apply to set up dispensaries all they have to do is prove that they have sufficient members, not sufficient customers, to warrant the establishment of a dispensary.

I know it is absolutely impossible to control the big pharmaceutical houses. We hear Gough Whitlam and some of the slogan-chanters complaining about multinational corporations. I don't know that there is any worse multinational corporation than the pharmaceutical houses—except, perhaps, the Philips group of Holland in the electrical industry.

The Government must ensure that the Bill is as fool-proof as possible. I will do what I always do—try to ensure that the Bill is in the interests not of the big people —who can afford to buy whatever medicine they might want and afford to pay for whatever treatment they might need, whether it is by way of injection or ingestion—but of the little people. If this Bill is for the little people and is also an improvement on the present legislation, I will be in favour of it.

Mr. BOURKE (Lockyer) (2.44 p.m.): First of all, I congratulate the Minister on the introduction of this measure. It updates the pharmacy laws and takes into account present-day thinking. The Minister has been mindful of the interests of the public and of the health of the public. But he is also considering the interests of the profession. I understand that he has had discussions with representatives of the pharmacy profession and has considered their point of view. The members of that profession have found him to be most approachable and they are very grateful to him for the interest that he has shown in their welfare and that of the public.

The pharmacy profession is a relatively old one. It is also a proud one, having a history of high standards and service to the public. It controls the supply of medicine to the public. It sees itself as being subject to discipline and control. Formerly that control was exercised by a society; now it is exercised by a board. The profession has a history of continuity of links with the United Kingdom, where the practice is still controlled by a society.

Friendly societies have existed alongside independent pharmacies. Their history goes back to the 1880s, since when no-one has made any attempt to cut back on their practices. They have given quite satisfactory service to their members. Nobody is interested in restricting the present friendly societies, but with free competition they enjoy a tax advantage under our Federal tax system. They pay tax at the rate of 37½ per cent on 10 per cent of turnover. Obviously that gives them a great advantage over the ordinary chemist who pays tax at the normal rate. That is an unfair advantage in business terms which gives them great potential for growth at the expense of the private individual chemist.

The first principle of the pharmacy profession is that there is a professional relationship between the pharmacist and his client. We are concerned to see that this relationship develops and prospers. The best way to ensure that it does so is through having individuals practising pharmacy.

As other honourable members have said, there is a commercial side to pharmacy. This is a matter of historic circumstance and and it has always been very acceptable to the public. The public obviously prefer pharmacies like this, because they support them. It is a matter of history that people who have attempted to copy pharmacies by opening artificial pharmacies selling the same goods have had no success. The imitation drug stores have never caught on. The commercial side is also involved with drugs such as schedule 3 preparations. The pharmacist, as a professional, maintains personal control over the sale of these items. They are available for purchase but under professional control. That is an important aspect of the pharmacy profession.

We do not have a profession here as it is practised in the United States through the development of drug stores, which have been disastrous to the individual pharmacists' practice. Americans have seen the demise of the individual small pharmacy. I am sure that it would not be in the interests of the public in this State to have such a fate befall the individual chemists here. There can be a drug store with 10,000 sq. ft. of display space and a dispensary of 300 sq. ft. Such businesses are chain stores or mixed goods stores, which prostitute themselves and the pharmacy image. They have a dispensary, but that is not their main interest. It is run merely to give them respectability. The pharmacy profession is concerned to see that this development does not occur in Queensland or anywhere in Australia.

The sale of analgesics is a matter of concern to all people associated with health. The wholesale promotion of analgesics sold in drug stores and open-space businesses is not good for the health of the community. If we can arrange to have detailed control over the sale of analgesics, it should be restricted to pharmacies. It is not a commercial matter, but a health matter.

The commercial side of a pharmacy is of only indirect interest to the board, which is interested in the professional or dispensary side. The pharmacist is a member of a skilled profession, he is responsible under the law for dispensing prescriptions. The responsibility rests on him to see that the correct medicine is supplied. He bears the

ultimate legal responsibility. He is subject to the poisons regulations and the Health Act. He maintains standards in medicine which the public receive. He is a very important part of the whole health team. Meddling or interference with his functions affects the performance of the whole team.

As a profession, pharmacists have always been subject to slander—ill-informed, rather stupid and unbased slander at that. The use of idle terms as "pill counters" is baseless. People who use such descriptions have no understanding of the skill required to dispense prescriptions accurately, and this work is done at a cost to the person who performs it.

This Bill sets the standards of education. I congratulate the Minister on this because it is important to keep up the standards in the supplying of medicine to the public. Provision is also made for a code of ethics. This is relevant to the dispensing and professional sides and is to be welcomed.

The Bill also lays down standards for reciprocity with other States, the United Kingdom and other countries. This, too, is to be welcomed. It gives our graduates a chance to get experience overseas in similar systems. The Bill also provides for the registration of graduates from other nations.

The provision to ban companies is very welcome and is in line with provisions in the present legislation. It is also essential for the future good health of the pharmacy profession in Queensland. Thanks to the present legislation, no public company operates in Queensland. All other States also have banned public companies from operating in this field. A similar provision does not operate in the United Kingdom, and this lack of control has had a very detrimental effect on the pharmacy profession, because with food chains of more than 10,000 stores operating in this profession, it means that commercial firms rather than individual firms are ruling the profession.

Mr. Burns: What about D.H.A.? It owns a few here.

Mr. BOURKE: No, it does not. D.H.A. is out of business.

Mr. Burns interjected.

Mr. BOURKE: For the information of the Leader of the Opposition, D.H.A. has ceased to operate in this State.

Mr. Burns: What about Q.D.L.?

Mr. BOURKE: That is a co-operative owned by all the pharmacists in the State. It is a wholesale firm and does not sell retail.

As a profession, we welcome the discipline and control that the profession must expect to bear. Chains were described rightly in a recent edition of the Pharmacy Journal as "The cancer of pharmacy overseas." In the United Kingdom and the United States the whole pharmacist/client relationship has been destroyed by the operation of chains. It is all very well to advocate them in theory, but in their operation they tend to eliminate the individual in business on his own behalf and to destroy the pharmacist/client relationship, to the detriment of the patient. Chains operating in pharmacy use the image of professional concern for the patient, but in practice they do not live up to that image. All other States in Australia strictly limit the number of shops a pharmacist may have an interest in. Queensland will be the last State to introduce that provision. I think it is long overdue. We must maintain the pharmacist/client relationship in the profession.

The Bill will provide an opportunity for students and others wishing to be pharmacists to go into business on their own behalf. Surely the whole business ethic of this country is built on people working for themselves and having the opportunity to work for themselves and to better their own lot in life.

I welcome the provision allowing the estate of a deceased pharmacist to maintain the business for a period of one year. Relatives will thus be given time to bring themselves up to the standard of being able to carry on the business. That is a very humane provision and one that is in keeping with our attitude as a Government.

Mr. GUNN (Somerset) (2.51 p.m.): It is not my desire to delay the passage of the Bill in any way. I welcome the opportunity of supporting the remarks of the honourable member for Townsville South. The pharmacist has played a very important role in country areas. Over the years the pharmacist in many country towns has been looked to for medical advice. It does not necessarily follow that there is a doctor in each country town where there is a chemist. As a matter of fact, in quite a few of the towns in my electorate where there are pharmacists there are no doctors. I refer to Blackbutt, Lowood, and Yarraman, to mention but three.

But let us face the facts. Pharmacists have been trained to dispense medicines and to fill prescriptions made out by doctors. That is as far as their profession should go. I do not think chemists should be expected to diagnose complaints. I recognise that patent medicines represent quite an important part of the chemist's income, and I suppose he should and can dispense medicines for very minor complaints. However, there must be a cut-off line somewhere. After all, a life could be endangered if a chemist were allowed to diagnose illnesses and have patients. However, I think that he is sufficiently trained today to recognise the limit of his diagnostic capabilities.

Patent medicines are big business today. Under the legislation dealing with pure foods and medicines, they have to be up to a certain standard, but I question the efficacy of many

patent medicines. Many of the cough mixtures on the market today would have very little medicinal value. Some of them are very pleasant to take, but their effect would be of no consequence whatsoever in the treatment of a disorder, particularly one caused by a virus. We are led to believe that most respiratory tract infections are caused by viruses.

Let it not be forgotten that the pharmacist has his problems. He is often said to be an influential man in society, as well as being a very rich one. We talk about the amount of money he makes. However, he has to stock a large number of drugs. I would not know—the Minister may be able to tell me—but there could be anything up to 150 drug companies operating in Australia, and a chemist would have to stock a large number of drugs of those companies. I was very friendly with a chemist in one of my towns, and I saw the amount of medicine that he frequently had to dump after a new doctor came to the town.

It seems to be fashionable to prescribe a certain type of drug—and even a certain brand of drug. We know that there are many brands of tranquillisers, antibiotics and antihistamines on the market. With one doctor it would be fashionable to prescribe certain brands, so the chemist would need to have them in stock. If that doctor left the town, another doctor would come in with different ideas and would prescribe other brands, although the purpose of the medicines might be the same. Therefore the chemist would have to buy in new stocks of the other drugs. So the chemist has not got it all his own way.

I am not against the system of private enterprise and never have been, but I welcome the restriction on the number of pharmacies a person may own. I do not think that the philosophy of our party has ever been in favour of monopolistic control, but I can see quite a deal of danger in this case.

Ironically enough, the big firms that are expanding into 20 or 30 businesses do not expand into the country areas. They keep to the areas of high-density population. The same applies to friendly societies. I have nothing against them. We would have been let down if we had relied on friendly societies in country areas. I have not one in the 4,000 square miles I represent. We were saved by the chemist who obtained his degree and was prepared to go into business in the country. His business was never as lucrative as those in the metropolitan area; nothing like it.

As a matter of fact, many country chemists would not have existed had it not been for their dealing in veterinary medicines. However, in handling a lot of these medicines, the chemist has had to break the law regularly. It is a sad situation. Many of the veterinary medicines such as antipyretics (which are used in poll plasmosis and other tick fevers) and quinorium sulphate are restricted drugs. On many occasions the chemist has to hand out these drugs; if he did not, a lot of animals would die, because there is no veterinary service in the region. It would be very costly to get a veterinarian in, so it would be cheaper to let the animal die.

In country areas—and I refer to my own electorate—pharmacists have saved the lives of thousands of animals. In many cases they have instructed the farmer on the use of mastitis antibiotic. As we all know, the supply of penicillin is restricted to 1,000 units. Yet these people have been prepared to break the law and in many cases we have asked them to break the law. It might be said that the inspectors have been very easy on them, and rightly so, because this service has meant such a lot to country areas. I am very pleased to put on record that these chemists, where there is no doctor, are doing a marvellous service for the public in that region.

There is keen competition among wholesale druggists in Australia. Some members of the Opposition have classified them as multinationals, but I wonder if they realise how much it costs to research a new drug. It costs millions of dollars to perfect a drug which could save thousands of lives. It is much the same with vaccines. They are developed over many years at a cost of millions of dollars. I think it was Coopers Laboratories that developed the Salk vaccine. That firm brought out a particular type of monkey. Unfortunately one batch of the vaccine contained live virus and the vaccine was not as inactive as Coopers Laboratories thought it was. As we well remember, the result was thousands of cases of poliomyelitis following the use of that vaccine. It cost Coopers Laboratories millions of dollars. It is absolutely essential that we set a continually higher standard of training for people engaged in pharmacies, and I consider that the Bill goes a long way towards providing this higher standard. I hope that in time to come the university course will be of an even higher standard, as is the trend in medicine.

I commend the Bill. I think it is of extreme importance and that it will go a long way to curing many of the present ills in the pharmacy industry and preventing those that could otherwise occur in the future.

Mr. BURNS (Lytton—Leader of the Opposition) (3.1 p.m.): Although I have not seen the Bill, I should like to ask the Minister a few questions on matters to which he may reply when winding up the debate at this stage.

I have been interested in the pharmacy business by reason of the fact that my younger brother is a chemist. He was trained at the Brisbane General Hospital as an apprentice under the old scheme. After

leaving the hospital he worked in the profession and then purchased a chemist shop at Enoggera. He sold it and he is now back working at the hospital. After hearing him talking about this business and the problems experienced by many of his friends who trained with him, I know that there are many problems that concern them. However, they probably would not take exactly the same line in these matters as I would take.

I believe that the average chemist would like to see a reduction in the competition provided by large chains and those who own a number of shops. I know that their guild has been suggesting for some time that local chemists should amalgamate into one big local pharmacy. That is my worry. As I see the situation, chemists are getting into the same position as those who run small corner grocery stores. The average suburban chemist is now finding it very hard to make a first-class living from his shop. I can recall chemist shops in some of the suburbs in which I have lived that have now closed down. I can think of chemist shops that use to be at the 'Gabba when I was a lad and that are no longer there. There used to be one at Balmoral on the corner opposite the cemetery, but it is no longer there. In other areas there were many small chemist shops that have now gone out of business.

Mr. Jensen: They probably couldn't get a casket agency.

Mr. BURNS: Over a period of time chemists have been forced to start selling toys, perfumery, and so on, because unless they are in areas where there are doctors, from whom they obtain a number of prescriptions, theirs is not really a lucrative profession. They have a lot of responsibility. They also have to work long hours. Some smaller suburban chemist shops must open during the day and also at night in order to provide a service for the people. Chemists often find themselves, as has already been suggested, in the role almost of the local doctor in that people come to them asking for a diagnosis of simple complaints. In this way they become friends of the people in their areas rather than people who are out to make a lot of money. Theirs is a family type of business that is concerned with the health of mothers and their children.

The pharmacy business has therefore not in the past been a cut-throat business but it is now developing that way. I cannot see anything wrong with the fellow from Inala owning a large number of chemist shops. I cannot see why we should restrict his operation. I think his name is Sullivan, and he has a chain of shops. Apart from some of the stories that have been told about Carl David, I think his chain is not unacceptable. I see nothing wrong with the methods of the fellow in Adelaide Street who operates a P.A. system all day in an effort to make sales, because I cannot see how he could exist from filling prescriptions in his situation opposite the City Hall and with no doctors' rooms nearby. He also has to cope with the trend away from the city to suburban shopping centres.

Today many of the day-and-night pharmacies are owned by eight, nine or 10 chemists who have got together to run the one shop so that all of them do not have to open at night. Why shouldn't that day-and-night pharmacy have six or seven, or even more, offshoots in the suburbs providing a localised service? Where there is such a service, if a child becomes sick at night his parents do not have to get in the car and drive into town to find a pharmacy that is open. At one stage day-and-night pharmacies were open till fairly late at night, but many are not now providing the late night service that they used to provide.

I know, for example, that there have been times when I have had to drive into the Valley to find a day-and-night pharmacy open, whereas in the past a person could find one open at Balmoral—it has now gone out of existence—or Coorparoo or Stones Corner. Those pharmacies still operate, but in some ways they have reduced their service. I think the pharmacy at Stones Corner offers a very good service, but a couple of the others have reduced their hours.

Over a period we have allowed manufacturers to exploit the little chemist. When a fellow finished his apprenticeship, it was the manufacturer who loaned him the money to put stock on his shelves and therefore had some control over what he would put on his shelves. That was in some way a pecuniary interest, too, because in the case of a couple of people I know I think perhaps one of the major drug houses had more involvement financially in the business than the chemist who was working behind the counter, because all he had done was lease some premises. They supplied the stock and then tied him up over a period with this control over what he could and could not purchase. It seems to me that the manufacturers have let the average corner chemist down, because after they had used him to promote Ipana, Actavite, Dettol and Steradent, which were all chemist-only lines, and the products were accepted, they dumped him immediately they had the opportunity to sell to Woolworths and other supermarkets. They did to chemists exactly what manufacturers did to the local grocery shops. They sold their products to Woolworths at a price that enabled Woolworths to sell below the price at which the chemist could buy them. This has happened over a long period.

I wonder whether the Henry Francis Pharmacies in the Myer chain will still be allowed under this Bill while perhaps a man named Sullivan from Inala is not allowed to own eight or 10 chemist shops. The people who go to work at Henry Francis, including

the pharmacists, have been taken along to the Myer personnel officer to talk to him about their conditions. One pharmacist I know who went to Myers to work for Henry Francis asked for an increase in wages and the fellow running the pharmacy said, "You will have to come up with me to see the Myer personnel officer." A Henry Francis pharmacy will take a Myer credit card. They use Myer stock. Henry Francis packs his gear in Melbourne and sends it up and the young lad working in the chemist shop here unpacks it. It is an interstate-controlled business.

If we are going to allow that operation, surely there is nothing wrong with Joe Blow who lives in Cannon Hill owning six or eight pharmacies in Wynnum, Carina and so on, because it does give a young man who has come out of his time an opportunity to go and work in a local pharmacy where he is dealing with the public without having to own his own business. It is quite all right to suggest that we want all in the profession to own their own businesses, but a young man who has just finished his time would have to outlay a substantial sum of money to buy an existing business or find a new suburb where there is no chemist shop. He would have to outlay a substantial sum of money and take the chance, and most people of that age do not want to do this. They want to have a little look around first. As I say, I can remember my brother working at the Stones Corner day-and-night pharmacy and taking relieving jobs around the suburbs to pick up some experience before he went into his own shop. In other words, he gained that personal experience in handling the public, experience that young people cannot acquire until they get out into that area. What we are saying is that we are going to restrict the opportunity of some of our people to build up a little bit bigger business. I believe that through this Bill we could easily be saying that people in some suburban areas will miss out on the much-needed facility of a chemist shop if we listen to what the guild is suggesting.

I am not talking about the Pharmaceutical Society; I am talking about the guild itself. There is a complete difference in their attitudes. For example, the society has suggested that chemists ought to be careful in selling analgesics, but the guild has said, "It's our job to sell them. It is not our job to tell people to restrict the sale of them." But the Pharmaceutical Society has been sending circulars to chemists doing just this. So the guild's proposal is a straight business proposal. It is there as a guild of pharmacists to make the profession of pharmacy more lucrative and substantial, and in that area the guild has been suggesting an amalgamation of pharmacies into one sort of major local pharmacy owned by a number of chemists. Whilst that might be good for the chemist, and I think we have to look after him, this also means that there will be a reduction in the services available to the public.

That seems to be the main problem today, Mr. Row. You cannot find a bootmaker or a barber as you used to. High-rise buildings go up and the rental charged for space in them is so high that the ordinary bootmaker or barber cannot afford to stay in business in the main streets of the city. Because of the establishment of big shopping centres, many of the little corner grocery stores that used to stay open at night and give a little bit of credit when people were out of work no longer exist. Something similar is happening in relation to doctors' surgeries. Where there was one doctor here and another there in the suburb, they have combined in group practices. Now we are going to do something similar with chemist shops.

If that is the way in which it should be happening, let it happen through natural evolution. Let us not impose restrictions that will speed up the trend. I hope to see the day when we will get back to some service in the suburbs—back to the local grocery store and the local chemist shop. If the return is not lucrative enough to induce a man to outlay his own capital in that way, it seems to me that the only alternative is for local chemists to have sub-branches in areas. They would need to have a manager who is a trained pharmacist, so under those circumstances there would not be any lowering of standards. It would mean only the provision of an additional service in the area.

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (3.11 p.m.), in reply: I thank honourable members for their contributions to the debate. The proposed Bill obviously has created a great deal of interest and I think that is emphasised by the number of honourable members who have spoken on this very important measure.

However, I am a little disappointed about the lack of knowledge that some members have shown on the actual activities of pharmacists. I do not intend to mention any member in particular, but it has disappointed me that members of Parliament should have an uninformed attitude towards what I believe is a very important profession.

I shall take the matter up with the Pharmacy Guild and the Pharmaceutical Society and suggest that they should undertake a programme to educate local members and supply them with information about what a pharmacist does. For example, the honourable member for Archerfield said by way of interjection—I think these were his actual words—that pharmacies were something like a glorified grocer's shop. I take very strong exception to that, and I am sure that the Leader of the Opposition would wish to dissociate himself from an interjection of that type. I feel very strongly that I should have discussions with the Pharmacy Guild, the Pharmaceutical Society and the pharmacy profession in general to see whether

they will talk to local members of Parliament —and I would be very grateful to them if they would do this—and inform them what pharmacists actually do, rather than have them regarded as glorified grocers, as the honourable member for Archerfield suggested.

Other statements by honourable members also depressed me a little, because those who made them are obviously unaware of the very high regard that I have for the profession and for its professional attitudes within the community. I know that pharmacists generally wish to be regarded highly by the public. The whole purpose of the Bill, of course, is to try to bring a higher standard of professionalism to pharmacies. I assure the Committee that I will be taking the matter up with those in the profession to see whether they can get members of Parliament together, either in small groups or in large groups, and let them see what the responsibilities of a pharmacist and a dispenser in the local pharmacy are and prove that they are not just pill dispensers. They must convince members that the pharmacist is a very important professional person carrying a very high degree of responsibility in his particular field.

The honourable member for Nudgee made some very important statements in his contribution, and I was grateful for his support for the repeal of the Act and the renewal of it. This is in line with the policy of the Health Department. As honourable members are aware, we are considering changes to the Nurses Act and hope to bring in a Bill dealing with registration of nurses within the next few weeks. Other Acts dealing with nursing are also receiving consideration. We hope to bring the Acts up to date, and I endorse what the honourable member said on that point.

He mentioned the limitation of pharmacies in shops and supermarkets. The Bill will prevent the supermarket commercialisation that has occurred over the past few years and caused a great deal of concern not only to pharmacists but also to the community generally. I shall have more to say about that in my second-reading speech.

The honourable member for Nudgee mentioned friendly societies. I am very disappointed that friendly societies began lobbying on the basis of rumour when they had very little factual information. It has always been intended that friendly societies should at least maintain their present numbers. We listened to their problems, and honourable members will see that the Bill contains a provision that will enable friendly societies to provide service for their members. By their own admission in their submission, they provide a service to members. This is their basic charter.

Mr. Melloy: Does this concession apply to other chain pharmacies?

Dr. EDWARDS: No. I shall talk about that in a moment.

Friendly societies provide a service to their members, and we have introduced legislation that will enable them to expand where they can prove to the board and ultimately to the Minister that they have sufficient members to warrant the establishment of an additional friendly society pharmacy in a certain area.

The honourable member referred to the pressures exerted upon pharmacists. I assure him that the Bill eliminates such pressures and there will no longer be any way in which drug companies can apply pressure to pharmacists.

The honourable member, together, I think, with the honourable member for Windsor, suggested that shop assistants in pharmacies should be provided with some means of identification. I agree that this is an important point, but I am sure that most persons who go into a pharmacy do not ask the first person they see what to take for a cold. I must add that pharmacists are very responsible in training their staff. From my own experience in my own electorate I know that most pharmacists ensure that their pharmacy assistants are well trained in dealing with the public and will not give any advice whatever to the public. They will refer the customer to the pharmacist.

Mr. Melloy: Are they well trained in pharmacy?

Dr. EDWARDS: The pharmacist is, but the girl at the counter is trained to handle people and to listen to their needs. My experience has shown that pharmacists do not allow their assistants to give medical advice. They are instructed to ask the pharmacist to talk to any customer who has an inquiry to make as to treatment.

I must say that as a medical practitioner I find my relationship with pharmacists to be a very satisfactory one. I have always found that pharmacists adopt a most responsible attitude. I don't think the provision of a means of identification is an answer to any problem that might arise, and I assure the honourable member that in fact there is no problem in this area. Persons who go into pharmacies for advice are given it not by the girl who sells goods over the front counter but by the qualified pharmacist. The honourable member need have no concern about this matter.

The honourable member for Wavell applauded the updating of the Act and he referred to an inactive list. He has written to me about this matter in relation to other professions, such as medicine, dentistry and physiotherapy. I have had discussions with my department about it and we are investigating it.

He also mentioned the streamlining of registration. I believe that the amendments already made and to be made to the Medical Act, the Physiotherapists Act and other

Acts will standardise as much as possible throughout Australia the basic requirements of registration in the various professions.

The honourable member did not wish to see in the course for pharmacists any reduction such as that which was introduced in the course for dentists. He claimed that dentists were being trained in two years. I do not think he quite understood what was done. The programme to which he was referring was, of course, for dental therapists. It is a well-documented programme approved by the Australian Dental Association. It is working very well throughout Queensland and Australia. The honourable member for Wavell supported the concept of medical examination and of the show-cause clause. He also supported control by pharmacists on the board.

The honourable member for Brisbane supported the Bill mainly because he is interested in the upgrading of professional standards. He referred to overseas qualifications. If he would like to contact me about the lass from Saigon, I will give him full information about her.

He also voiced his opposition to the limitation of pharmacy. I know he has strong feelings on this aspect. This has been a decision of the Government reached in the joint-party room and it is now in the Bill. I assure him that his representations were considered in committee and in the joint-party room. He said that the association guild should limit certain people in their expansion and professional conduct. As I indicated by way of interjection, many of these people who cause problems are not members of the Pharmacy Guild or Pharmacy Society. I am informed that as soon as they attempt to do any of the things of which the honourable member complained, they automatically resign from the professional bodies.

The honourable member for Rockhampton North mentioned the problem concerning friendly societies. I have referred to it and assure him that in fact they do not have a problem. The honourable member cited a Rockhampton case. If he is prepared to send me the details of it, I shall be only too pleased to look into it.

The honourable member for Windsor does not agree with the limitation on the number of pharmacies. He made his views on this quite clear to me at joint-party meetings. As I indicated, it is a Government decision that we should go ahead with the limitation. The honourable member did not support the principle of pharmacists being the only people who may own pharmacies. I say to him that we are dealing with a profession. Only a doctor can own a medical practice and only a lawyer can own a legal practice. It is very important that the professions only be represented. We are only carrying on a principle that has been in the legislation for a long time—one that is accepted throughout the world.

The honourable member also referred to labelling. This is an important matter. Nowadays most pharmacists leave the generic name on one side of the bottle with the instructions on the other side. If there is a problem with labels coming off containers, perhaps we could take this matter up with the guild.

The honourable member for Windsor also dealt with the problems that arise when a pharmacist dies. No doubt the honourable member is aware that under this legislation we are to some extent catering for this circumstance. If a pharmacist dies, his wife will be able to carry on the practice for up to 12 months provided the pharmacy is managed by a qualified pharmacist. If at the end of that time she has been unable to dispose of the pharmacy, she will be able to approach the board for an extension of time.

The honourable member for Townsville South paid tribute to pharmacists, especially those in country areas, as did the honourable member for Somerset. Most of us would approve of what he said about country pharmacists. The honourable member referred to the abolition of the pharmacy apprenticeship programme. I remind him that pharmacy graduates have to serve a pre-registration year before they go into practice. They must spend a year in training in a pharmacy under a registered pharmacist where they get experience in on-the-site work.

The honourable member for Townsville South also spoke about drug companies not being allowed to own pharmacies, and supported the concept which is embodied in our legislation. I think he was referring to the New South Wales situation. I am sure that I need not comment further on that. Some time ago the honourable member spoke to me about the rumour concerning friendly societies. I cleared up this matter when I discussed it with him.

The honourable member for Lockyer spoke as a professional pharmacist. He knows of the problems confronting the pharmacy profession. I am sure that his comments will be well noted by honourable members. He referred to the sale of analgesics. Suggestions have been made that more rigid control should be exercised over the sale of analgesics. Those of us in Queensland who know of the tremendous damage done to kidneys realise that the greatest renal damage is caused by the abuse of analgesics. Some people in the medical and pharmacy professions (and others in the community) believe that there should be greater restrictions on the availability of analgesics. Some people would even go so far as to say that they should be available only on prescription. Personally I cannot support that view. The director-general is looking into this for me and a recommendation is to be made on it in the near future.

Mr. Jensen: Why don't you ban the advertising of them on T.V. in the same way that cigarette advertising has been banned?

Dr. EDWARDS: The honourable member for Bundaberg is out of date. He does not know the full story. It seems that he has a little storm on his brain as a result of the waters in Bundaberg. The honourable member should know that this does not come under our control. It is a Federal matter. We have nothing to do with it.

The honourable member for Somerset applauded the role of country pharmacists. He referred to the problem created for pharmacists by doctors using a particular brand name after a drug representative has called on them. These days the profession has a tendency to use generic names. I believe that tendency should be encouraged so that a decision can be made by the pharmacist on the brand that he may wish to use. Provided they are within the pharmacopoeia, I see no problem. The honourable member said that he supported the limitation on the number of pharmacies. He raised a very important point, namely, that we do not see the people who have taken over many of the smaller pharmacies in the city area going out into the country. They are prepared only to take over the small pharmacies in Queen Street or in cities where there is a large population. I hope that the new legislation will inhibit continuation of that trend so that the services of the pharmacist can be maintained in country areas.

The honourable member also referred to a problem with veterinary medicines. Of course, if a veterinarian's prescription is available to the chemist, he can certainly dispense that particular medicine. If the honourable member would like to discuss that problem with me, I may be able to have further consideration given to it.

The Leader of the Opposition spoke about his real concern—and this was something that exercised our minds in the preparation of the Bill—for the protection of small pharmacies. We are very hopeful that the practice to which he referred—and I think it can be likened to the trend of supermarkets taking over from the corner store—will be stopped by the new Act. There is a tendency in Queen Street—and in other streets in the city shopping area—for one pharmacist to own all the shops and to operate a supermarket-type chain rather than give individual service. We hope that we can prevent that trend from spreading to the suburbs.

I totally support the concern of the Leader of the Opposition for the small suburban pharmacy. I know that the Pharmacy Guild and the Pharmacy Society are particularly concerned about this. Their representatives have had discussions with me on a number of occasions. Of course, this is linked with the disappearance of the family G.P. That is a tendency that we should attempt to restrict as much as possible. I hope that this legislation will be one way in which we can protect the interest of the small pharmacist.

The Leader of the Opposition mentioned the problem of the reduction of the number of day-and-night pharmacies. I will take that matter up with the Pharmacy Guild and the Pharmacy Society and see what is the situation (noted by him and other members of Parliament) about the availability of day-and-night pharmacies in various areas.

Mr. Burns: Late at night—not the ones who stay open till 6 or 8 o'clock.

Dr. EDWARDS: I will take that matter up.

I thank honourable members for their contributions. It has been a very interesting debate. I look forward to hearing comments at the second-reading stage, when the Bill has been presented to the House.

Motion (Dr. Edwards) agreed to.

Resolution reported.

FIRST READING

Bill presented and, on motion of Dr. Edwards, read a first time.

WATER ACT AMENDMENT BILL

INITIATION IN COMMITTEE

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

Hon. N. T. E. HEWITT (Auburn—Minister for Water Resources) (3.29 p.m.): I move—

"That a Bill be introduced to amend the Water Act 1926-1975 in certain particulars and for related purposes."

The amendments proposed relate to procedural matters concerning the renewal of a waterworks licence, and the constitution of water and drainage boards under the provisions of the Act.

The Bill sets out proposed amendments to sections 12, 18, 19 and 23.

Section 12 deals with the licensing of works. Subsection (6) of that section provides that a licence may be renewed by the commissioner from time to time on application of the person holding the licence. The commissioner as a general practice has dealt with an application to renew a licence even though such application has been received after the date of expiration of the licence.

Opinion has been given that the Act and regulations do not provide that renewal can be granted of a licence which has expired. Continuation of the practice would result in such licences being a nullity. A right of appeal may then be judged to cease to exist. To comply with the Act the commissioner is required to demand an application for a new licence and the payment of an advertising fee, presently $20.

The commissioner does not wish to penalise a licence-holder who is tardy in making an application for renewal. However, it is necessary that a period for lodgment be determined. An amendment is proposed to allow the commissioner to deal with an application lodged within four months after the date of expiration.

Where application for renewal of a licence is granted subject to the licence being varied, or where the application is refused, the Act requires the commissioner to deal with the matter in two steps: Firstly to notify the applicant of his decision and secondly, if the applicant does not appeal, to take action in accordance with his decision. This involves a time delay of at least 30 days in completing the action.

It would be administratively expedient where the application for renewal is granted subject to variation for the commissioner to notify the applicant of his decision by immediate issue of a certificate of renewal, and to cancel a licence immediately notification of the application being refused is sent out. This procedure would in no way prejudice an applicant's right of appeal, and would reduce administrative work. An amendment to enable this procedure to be adopted is proposed.

With increasing demands being placed on the State's water resources, it has become necessary to investigate many applications for renewal of a licence. Consequently, it can be some months after the expiration of the licence before notification of the commissioner's decision. To ensure the rights of a licensee who has duly lodged an application for renewal, an amendment is proposed to ensure that such licence shall remain in force until the commissioner has given notice of his decision and any appeal duly instituted has been determined.

To ensure the validity of licences previously renewed after the expiry date, a validitating section is proposed. This will enable the commissioner to deal with future applications for renewal of such licences and protect the landholder's rights of appeal.

The second purpose of the Bill relates to the constitution of boards. Section 18 sets out the works in respect of which the Governor in Council may constitute water and drainage etc. areas. The Water Acts Amendment Act of 1964 inserted "improvement of subterranean water supplies" as a work. Unfortunately the wording of the amending Act inserted these words in an incorrect position. The amendment corrects the error.

Section 19 sets out the procedure for the giving of notice of proposals to constitute areas and boards. The section does not provide for the acquisition of existing works by a board, except in the case of works constructed by the commissioner, or for the acquisition of lands except for the purpose of constructing works thereon.

In respect of proposals for drainage areas, it is generally found that the landholders concerned have previously constructed works and the proposal to be effective requires the board to acquire such works and associated lands. The Ripple Creek drainage area and board constituted in November 1975 and proposals under consideration for the constitution of a South Maroochy drainage area both provide for existing works constructed by or on behalf of landholders to be taken over and acquired by the boards.

Amendments are proposed to enable a board to acquire existing works and land needed for its purposes and for the estimated cost of such works and the method of payment therefor to be included in the notice of proposal to constitute areas.

Section 23 deals with assignment of liability to board. As I have previously stated, drainage proposals often involve some existing works. Generally this requires a local informal management group, who may be responsible for liabilities incurred in respect of those works.

A drainage proposal now under consideration could, if accepted by the landholders concerned, provide for the proposed board to take over the bank overdraft of the existing drainage syndicate.

The section limits the assignment of liability to a board to a loan raised by the commissioner. An amendment is proposed to enable a board to accept the assignment of a loan or overdraft previously raised by the commissioner or any other person in connection with the construction of works to be transferred to the board.

In relation to the proposed amendment of section 19, I mentioned that a purpose of the Ripple Creek drainage area and board, constituted in 1975, is to acquire existing works. The amendment, if approved, will enable the board to proceed in this regard. However, at the time of constitution, the Act did not authorise this purpose. An opinion has been given that, because of this, the area and board as a question of law may not have been validly constituted. The final section of the amending Act ensures the validity of the board.

I commend the Bill to the Committee.

Mr. JENSEN (Bundaberg) (3.36 p.m.): As the Minister said, the amendments are only procedural or machinery matters, and the Opposition has no objection whatever to them. We more or less agree with the Minister in bringing down this amending Bill.

The Minister mentioned section 12 of the Act. The commissioner has probably gone too far by allowing a licence that has expired to be renewed. The opinion was that the section did not allow that to be done. I understand that in such a case the commissioner was required to demand that a new application be made. This would necessitate

the payment of an advertising fee by the person concerned. The commissioner does not wish to penalise a licence-holder simply because he may have had a lapse of memory. He may have been busy and completely forgotten that his licence should have been renewed. I think that a licence-holder should be notified when his licence has lapsed. The amendment allows the commissioner to deal with an application lodged within four months of the expiration of a licence. That is a good provision. If a licence-holder is not notified, 12 months could elapse before he realised that his licence had expired. I believe that the amendment in no way prejudices an applicant's right of appeal. It will also reduce the amount of administrative work required. It is quite a sound amendment.

The amendment of section 18 merely corrects an error.

Section 19 sets out the procedure for the giving of notice of proposals to constitute areas and boards. It deals more or less with the acquisition of works by the board. The amendments are proposed to enable the board to acquire existing works and land needed for its purposes and for the estimated cost of such works, and the method of payment for them, to be included in the notice of proposal to constitute the areas.

I think the amendment is being brought down mainly because one board, namely, the Ripple Creek board, could not acquire existing works. The amendment will allow that board to go ahead and carry out its works.

The Opposition is quite in accord with the amendments, which are only procedural.

Mr. SIMPSON (Cooroora) (3.40 p.m.): I would like to thank the Minister for introducing this Bill to correct certain anomalies in the Water Act and to allow the taking over of the drainage works of groups of farmers by a board which will put them in proper order. The board will have statutory powers to acquire land in order to make the operation of drainage schemes more efficient. In the past it was found that the Act did not allow the board to take over a debt, which caused problems for growers in the handing over of their drainage schemes.

The South Maroochy Drainage Syndicate was formed in 1946 to overcome a drainage problem in the area to enable increased production of cane. It had to finance and construct what were then major drainage schemes. Of course, with modern equipment and so on we have seen better engineering ventures, but in days gone by these schemes were a major undertaking for farmers organised on a collective basis. The South Maroochy Drainage Syndicate is made up of quite a number of growers in the area. At the moment it has assets of some $100,000 and a debt to the bank of some $10,000, which, of course, is very minor compared with its assets. But it was found that amendments to the Act were necessary in order to allow the syndicate to be taken over by a board. The board would ensure the proper and efficient control of land, the use and operation of the drainage system that is required today and the use of funds in the most effective manner to the benefit of the growers. This will protect the rights of the growers in the drainage of their property.

It is hoped that this Bill will overcome some of the problems associated with growing cane in the South Maroochy area. Sugar is a major industry in my electorate and one which contributes a great deal to this State, so we should encourage people to produce as much as possible. I thank the Minister for the introduction of this Bill.

Hon. N. T. E. HEWITT (Auburn—Minister for Water Resources) (3.43 p.m.), in reply: It is quite obvious that members agree with the amendments I have introduced. As the honourable member for Bundaberg has pointed out, they are of only a machinery nature and have been introduced in an endeavour to make it much easier for landholders throughout the State to obtain licences.

For the information of the honourable member for Bundaberg, at the present time we do send out notices to all licensees three months prior to their licences expiring. In other words, we do give them the opportunity to apply, but even so we have found that some have still not applied. As one who has lived in the bush a fair bit, I know some are not the best book-keepers in the world. We have to make allowances for these people. This has been done in the past, and this is why we have extended the period for another four months. This is just to try to help out.

The honourable member for Cooroora did bring the matter of the South Maroochy Drainage Syndicate to my attention, and it made the commission and me realise the necessity of having the Act amended so that the debt of the South Maroochy Drainage Syndicate could be taken over. So there again we have introduced amendments to ensure that we are helping people and not in any way hindering them. My philosophy as a Minister is that legislation should advantage people. I feel sure that is what the honourable member for Cooroora feels and what the people that he represents feel.

I think all honourable members know quite a lot about the Ripple Creek drainage area. Over a very lengthy period it has been a very contentious matter both for the Irrigation and Water Supply Commission and for the farmers in the area. Those of us who know anything about North Queensland are aware that the heavy rainfall experienced in places such as Ingham and Tully must create problems. Problems certainly have arisen, and my department has done all it can to assist by making adjustments where necessary. However, when new assignments are being given in a sugar-growing area and it becomes necessary to try to relocate farmers, the problems are not easy to solve.

The department faces many challenges, and on 31 December this year the present Commissioner of Irrigation and Water Supply (Frank Learmonth) will be departing and will be replaced by Don Beattie, who is now Assistant Commissioner. As most honourable members would know, Mr. Beattie has been a member of the staff of the Irrigation and Water Supply Commission since 1948. He has given yeoman service to Queensland and is very well fitted to be the new commissioner.

As I said earlier, the honourable member for Bundaberg agreed with the proposals that I outlined. Probably they relate to matters that could have been tidied up a little earlier. Of course, matters come to the notice of the department when somebody comes to the office and complains. The question of the expiry date came to the notice of the department when a certain gentleman looked like being taken to court. When the honourable member for Cunningham drew my attention to the problem, I decided that we should amend the Act to make sure that people were not disadvantaged. I think all honourable members agree that people engaged in rural industries today face enough difficulties without having further penalties imposed on them, and that is particularly true of those who are tied up with the beef industry. For example, many people in the Mareeba area of North Queensland went into irrigation for beef production and to grow various types of seed so that they could sell them for improved pastures in the beef industry. Because of the decline in the industry, the growing of legumes and seeds no longer was profitable. Consequently, we have had to try to assist these people not only by introducing amendments to the Act but also by reducing their water rates. If my memory serves me correctly, in the Mareeba area they are charged only 25 per cent of the water rate that they would be charged in good times.

The department tries to look at the various matters that come to its attention from time to time. If honourable members are aware of problems that adversely affect people in their electorates, I am only too willing to give them my ear and try to help overcome them. As I said earlier, that is what I believe that Governments and Ministers are for—to look at matters that might be of benefit to the people—and there is no time like the present. I know that the beef industry is going through a very tough period, but I also know that the Lands Department is providing certain benefits to various people engaged in it. If any member knows of any problem that he thinks can be solved with assistance from my department or from me as Minister, he should bring it to us and we will do our best to solve it.

Motion (Mr. Hewitt) agreed to.

Resolution reported.

FIRST READING

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

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FISHERIES BILL

SECOND READING

Hon. C. A. WHARTON (Burnett—Minister for Aboriginal and Islanders Advancement and Fisheries) (3.52 p.m.): I move—

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

Honourable members have had an opportunity to study the Fisheries Bill that it was my privilege to introduce recently, and at the outset let me say that I am most appreciative of the many comments and suggestions which have been made to me by interested people in the interim.

I propose now to deal with some of the matters raised during both the introductory speeches and the intervening period. Some concern has been expressed by several members as to the implications of the proposed permits to allow amateur fishermen to sell surplus fish. The member for Isis has expressed the hope that the permits will not be too expensive. It is not my intention to allow these permits to be a cheap alternative to a master fisherman's licence or to allow large-scale activities by permit-holders so that they become major competitors with master fishermen. This would not be fair to the latter, who are dependent on fishing for their livelihood and have to pay quite considerable fees to their statutory body (the Queensland Commercial Fishermen's Organisation) as well as the fees for their licences.

At the same time, in many parts of the State, the Fish Board and the community at large are dependent on supplies brought in by fishermen who are not full-time professionals. Furthermore, by completely closing the door to such people in relation to the sale of fish, we would only be encouraging them to dispose of their surplus catch on the black market. It is my intention, therefore, to provide a short-term permit at a moderate fee, one which would serve the needs of the man who is on, say, his annual holidays and spends most of his time fishing. However, people who want such a permit on a year-round basis will have to pay a fee which is approaching competitiveness with fees paid by professional fishermen.

It should also be noted that these permits can be subject to some form of bag limit to curb the acitivies of those seeking to abuse the privilege provided. Furthermore, it is not intended that the possession of such a permit would entitle the holder to sales tax exemption or any other form of tax exemption.

During the introductory debate the Leader of the Opposition raised the question of finance opportunities for professional fishermen to purchase vessels. While I do not consider this a matter for inclusion in the Bill before the House, which is not a finance Bill, I would agree that the subject matter is one for serious concern. For the information

of honourable members, I would point out that the Queensland Fish Board does guarantee loans to assist fishermen in this regard. However, there are difficulties in meeting all the requirements of fishermen for finance. Many sources of finance are unavailable because many professional fishermen do not have formal professional qualifications in regard to seamanship. Many unfortunately have little or no expertise in this field. An attempt is being made to upgrade the status of master fishermen by introduction of requirements for certificates of competency in vessel-handling under legislation administered by my colleague the Honourable Minister for Tourism and Marine Services.

Similarly, the Fishing Industry Research Trust Account, the size of which is increased on a matching dollar-for-dollar basis by money accumulated in the Fisheries Research Fund referred to in clause 7 of the Bill, can also be used, and is being used, to run workshops and courses for fishermen to increase their professional competence.

The Fisheries Research Fund primarily will be used to finance fisheries research by our own research biologists. However, I see no objection to a grant being made to a local fisherman to develop some idea or technique which might be of benefit to the industry, provided that he can demonstrate the ability to use the grant to good effect.

The honourable member for Hinchinbrook drew attention in his speech at the introductory stage to the problems of Taiwanese fishermen plundering our reefs. Any such vessels which have been apprehended within Queensland jurisdiction have been dealt with promptly. It is, of course, a rather futile exercise to fine the crewmen from such vessels. They have no money, and no purpose is served in committing them to prison. The only effective solution is the power to confiscate the vessel, gear and catch, which is continued in the present Bill.

The honourable member for Isis expressed his concern for the need for more fisheries habitat reserves. I could not agree more. The level of our living aquatic resources is threatened more by the alienation, reclamation and pollution of our coastal wetlands than by the activities of fishermen, whether professional or amateur. I put great store, therefore, on the reservation of our tidal lands as marine parks and habitat reserves. However, these should be carefully selected by on-the-spot examination and survey, and the biologists of the Queensland Fisheries Service are currently carrying out such investigations with a view to expanding the number of such reservations.

The Leader of the Opposition made a plea to do something for genuine oyster-bank operators. We are doing so. Maximum tenure has been increased in the Bill, and operators will be assisted in their problems with oyster thieves by inclusion of trespass in the list of offences associated with oyster banks. It is also my intention to introduce development requirements for oyster-bank operators. Those oyster licence-holders not prepared to devote a degree of time, energy and finance to their banks, will be required to relinquish them so that they may be used for other activities or allotted to operators willing to farm the banks properly.

Some concern, of course, has been expressed that many oyster banks effectively block other activities to an inordinate degree. I have provided in the Bill that the prohibitions listed in clause 27 (2) of the Bill are subject to a savings prescription. This will permit prescription of easements for public access across oystering areas or for the legitimate use of tunnelling nets without unduly affecting the oysterman's operations.

Professional crab fishermen who have been having increasing trouble with crab pirates who systematically rob their pots will no doubt be pleased to see clause 61, which makes such activities an offence under the Fisheries legislation.

I wish to point out to honourable members that the ban on the taking of fish while using underwater breathing apparatus other than snorkels was included in the Bill at the instigation of the major spear-fishing and diving associations at both State and national levels, as well as by other interested fishing bodies. The practice is potentially highly harmful to fish populations, particularly those with a high degree of territoriality. It was, perhaps, not quite clear from my introductory speech that this proposed ban is not necessarily an absolute prohibition. There is power in the relevant clause to prescribe for such use in certain areas or in certain circumstances. I am appreciative of representations from the Queensland Commercial Fishermen's State Council, and I can assure the council that their representations have been noted and, where possible, acted upon.

The marine parks provision has been designed to enable protection of the resource and the natural wonders for the enjoyment of the population. It is not proposed to declare the entire coast as marine park nor would it be practicable. However, it is essential that commercial exploitation of such parks is prohibited as it could destroy the purpose of establishment.

It has further been conveyed that clause 55 subclause (b) limits activity. This is so in relation to the closed waters but regulating powers provide for alleviation of apparent difficulties.

A request has been made for a definition of the word "stowed". It is impossible to define every word used in an Act. Consequently, honourable members will accept that the use of the word in normal parlance would apply taken in its context and, alternatively, one would naturally resort to the Oxford dictionary for interpretation. I understand that it has been conveyed that over-definition in an Act is not always desirable.

Honourable members have discussed with me and expressed concern about section 27, which provides protection to oyster farmers

against trespassers, and in this regard I mention that unauthorised entry onto the oyster banks has been prohibited. It has been conveyed that detriment might be occasioned by persons accidentally drifting onto or inadvertently walking onto such a bank. I have had legal advice that such persons are fully protected by section 23 and perhaps section 24 of the Criminal Code, so that no apprehensions should be held in this regard.

Representations have also been made with regard to the questions of "taking" and "having in possession", and in this regard I am advised that on legal grounds it is most desirable to retain the provisions as they are presented, thus ensuring effective implementation of the wishes of the Legislature.

Finally, I wish to foreshadow a minor amendment to subclause 5 of clause 70, which I will propose later. A reference to section 65 was inadvertently left out of line 13 on page 36 of the Bill, when it is obvious that the subject-matter of subclause 5 was intended to encompass such reference.

I commend the Bill to the House.

Mr. BURNS (Lytton—Leader of the Opposition) (4.2 p.m.): In introducing this Bill, the Minister spoke of "a blueprint for the development of an industry which, in the years ahead, will provide food for a hungry world". He went on to say that fisheries as a food resource must be prepared for future demands. I am pleased that the Minister, in replying to comments made in the introductory debate, referred to financial assistance, because I believe that, no matter what we say or what we do to assist fishermen in this State through the Fisheries Act, finally it all comes down to a matter of financially assisting them to live with the cost involved in the modern technology of the 1970s.

We all know about the developments that have taken place—at least those of us who used to row our dinghies out to do a little bit of fishing. Now, we have aluminium dinghies and outboard motors, and we speed across the bay to places that we could not reach before. We are able to reach the fish faster and spend more time fishing in the area. That really means a greater assault on the fishing industry itself. There has been a technological advance not only for the amateurs but also for the professionals, who have echo-sounders, radar and a whole range of other equipment available to them. They have to spend a lot of money and I think they are in need of assistance, so I am appreciative of the Minister's replying to the point that I made at the introductory stage.

I think we need fuel subsidies, research facilities on the shore, suitable boats and greater promotion. All of those things, of course, are associated with a whole new ball game—the ball game of our fishing keeping up with the trends in the 1970s.

At the outset before I refer to some of the provisions in the Bill itself, I wish to ask the Minister a question in the hope that he will answer it when he replies. As a result of the recent High Court case, is there any serious jurisdictional problem about this Parliament having the power to enact a Fisheries Bill? I am not arguing against that action. I do not agree with the decision of the High Court that we now have control only to the low-water mark or high-water mark—I am not too sure which. The point is that, after a long series of cases on the point that the jurisdiction of State Governments extends only to low-water mark, the courts have said that the Australian Parliament has legislative power to enact laws beyond the low-water mark to the 3-mile limit.

I looked at "The Constitutions of the Australian States" by Dr. Lumb. He dealt with two or three cases that seem to me to give us some power in this area and wrote—

> "In Giles v. Tumminello, the Supreme Court of South Australia upheld the conviction of a South Australian resident who had stolen crayfish pots in an area which lay 4½ miles from the South Australian coastline, that is, outside our territorial waters; while in Munro v. Lombardo the Supreme Court of Western Australia held that fisheries legislation of that State applied to the possession of prohibited categories of fish by Western Australian residents which had been taken adjacent to the Western Australian coastline but outside territorial waters. In both cases the relevant connection to which the legislation attached was residence within the State associated with acts occurring on the 'fringe' beyond territorial waters."

The High Court this year was specifically asked to decide whether the Western Australian Government could control fish off its coast in Commonwealth waters. In March this year the High Court in Melbourne was asked to review a Geraldton Magistrates Court decision. In January the magistrate dismissed two charges against a Fremantle fisherman for having undersized lobsters in his boat about 1½ miles off the coast.

I make all these points because if we are not clear on the aspect of jurisdiction, penalties and things of that nature will become a matter of conjecture and a matter for argument at a later stage as to whether the State has the right to legislate or whether there should be Commonwealth legislation dealing with these matters.

I am pleased that a Bill of this nature contains reference to research. Research has been undertaken and is gradually being developed by the department into mud crabs, scallops, prawning areas, the Hervey Bay area, mangroves, mackerel, reef fish, and also pollution, the crown-of-thorns starfish, coral and fish diseases. The Government must spend money on investigating these areas, on trying to discover answers to some

of the problems and trying to assist fishermen to discover the areas where they will make the maximum catches so that they can produce the largest number of fish at the cheapest prices for the local population.

I suppose that the real impact of the whole Bill depends on its enforcement. We must have more fishing inspectors. I have spoken to fishermen at Shorncliffe, Wynnum, Redland Bay and Southport since this Bill was printed. Everybody seems to be satisfied with it. However, each person has an argument over small points in the Bill but over all, all fishermen are quite happy with what the Government seems to be doing about introducing a Bill to modernise the fisheries legislation and to provide some surety for them in their industry.

They all come back to one suggestion. They believe that the inspectorial staff is not large enough; they believe there is a need for more people to be employed in that area. The people from Shorncliffe and the other areas ask very clearly for the regulations covering Moreton Bay to be policed. There is no doubt that a crackdown on illegal fishing in Queensland is needed. That would be one of the major reasons why the professional fishing industry welcomes this Bill. There is no doubt that illegal fishing is disturbing the orderly marketing of fish, threatening the livelihood of some professional fishermen and damaging the areas where fish breed.

In 1972-73, 498 offences were detected by inspectors. In 1974-75 800 were detected and I am reliably informed that the figure will be up another 20 per cent this year. Yet fishermen themselves say that they hardly ever see an inspector about. One of the inadequacies is that the patrol has to divide its time between being a boating-control arm of the Department of Harbours and Marine and being a fisheries inspectors' service at the same time.

The Minister made reference to my suggestion that we should do something about the oyster industry and about ensuring greater protection for it. I sent a copy of the Bill to some people on North Stradbroke Island. Their reply, which I have had typed because their writing is a little difficult to understand reads—

> "I would like to draw your attention to" (I will not mention the clause) "re licence for an Oyster Bank. It is noted that the proposal is for a period not exceeding 12 months or in (apparently) special cases for a longer period not exceeding 5 years. Now while this 5 years is something new and is a step in the right direction, it does still leave growers in this State at a definite disadvantage with growers in New South Wales who have a 15 year lease with the right of renewal for a further 15 and personally I see no reason why oystermen in Queensland should not have similar conditions.
>
> "This type of long term security of tenure is essential if we are to encourage worth-while development in what is a potentially and important industry. It is also a possible alternative industry in Moreton Bay if or when sand mining comes to its inevitable end."

That is a fisherman writing about his own industry.

I should like to ask the Minister why it has been decided to limit an oyster lease to five years rather than prescribe the 15 years that applies in New South Wales and other areas.

Whilst I am dealing with oystering, I should like to congratulate the fishermen of Wynnum and the oystermen of Moreton Bay because they seem to have got their heads together. Originally there was argument over some of the rules dealing with oystering. There was some concern that we would be restricting the opportunities of fishermen to make use of the oyster banks. Many of us who like to do a little angling with the line like to get near the oyster banks as we always seem to pick up a decent-sized bream or some other fish that has been feeding in that area.

I understand that the fishermen and oystermen in the bay are going to get together in the next few days to have a discussion to see if they can resolve the matter. I notice that one part of the Bill reads—

> "This subsection does not apply to the holder of the licence issued in respect of the area in question or a person who enters that area with the consent in writing of the holder."

That seems to me to suggest that there are oystermen who want people to fish in the area. I know that some oystermen do not believe that the fish should be taken away. Others believe that it is all right to have them taken away. It is a matter of argument and the attitude of people to fishing round oyster banks. But at least fishermen are now able to sit down with oystermen in an attempt to do something about the problem. I congratulate them on this move.

Another section of the Bill is headed "Registration of Mark or Brand" and it provides—

> "A person who is the holder of a licence under this Part—
>
> (a) shall as prescribed, register a mark or brand;
>
> (b) shall mark or brand the outside of every bag, package, bottle or other receptacle in which oysters . . . are packed . . ."

I think something should be done about the marketing of oysters. From time to time people who like oysters pick up bottles from which the label has slipped off from moisture in the refrigerated cabinet in which

they have been kept. They cannot then be too sure whether the oysters were bottled on 24 May or 24 June. Oysters are a product whose freshness has to be absolutely assured. I know that oystermen themselves have expressed concern about the poor marketing of their product.

Speaking of the marketing of oysters brings me to the point that I cannot see any restriction provided in the sale of crabmeat. It is fairly obvious that some crabmeat sold in packets has come from female or undersized crabs and that they have been broken up in this way on the fishing boats. Crabmeat is sold in this way at a price per lb. for which it could not possibly be bought whole and broken up by the purchaser. No-one can convince me that those who sell crabmeat in this way break up crabs of good size, go to the trouble of packaging the meat in this way, and then accept a price that is nowhere near as good as the price that they could receive if they sold the crabs whole.

I now turn to a consideration of pearling. I see that a major contribution is being made in relation to wages and a lien on wages so that those engaged in the pearling industry will be protected. I wonder when something is going to be done about the working conditions of people in this industry. Some time ago when I was an organiser of the Labor Party I spent a little time in the Thursday Island area and, on going round some of the islands, I spent some time on a pearling boat. The conditions under which the men on these boats were forced to work were very difficult to understand by an ordinary Australian lad who had been knocking about in the fishing industry but had never been forced to experience them.

For instance, when we left Thursday Island for the first time on a pearling vessel, all that we were given were a couple of bags of rice and a few fishing lines. As we left, the first thing we did was drop a line over the stern to try to pick up a fish. As soon as we caught the first fish—I think it was a mackerel or perhaps a large salmon—as we were going out, the lads took every skerrick of fish off the bones. They then set up a half a drum on the side of the vessel and put a board out on the side in a sort of blast-furnace idea. They then cooked the fish to a hard skin. It was then boiled in salt water. By that I really mean salt water—water taken from over the side of the boat. Pounds and pounds of rough salt were poured in, which made the fish so salty that when you tried to take a mouthful of it the next thing you had to do was take mouthful of rice. So you had a little piece of fish, a lot of rice, another piece of fish and more rice. And that was not so very long ago.

I suppose there are not very many pearlers tied up today at Thursday Island. There are quite a few still in Western Australian waters and they will probably return to Thursday Island when conditions improve in that industry. The Government ought to do more about working conditions on these boats than merely providing for a lien on wages. I congratulate the Minister on doing something about employees' wages. It was very necessary to protect the men who, after working for weeks away from home, came back to port and the skipper kicked them off the boat after saying. "We haven't anything for you." There was very little we could do for them.

The next section of the Bill deals with licences to take coral and the like. We talk about licences, but I wonder how we are going to overcome the problem in Moreton Bay where just about every piece of coral is under lease to Queensland Cement and Lime Ltd. I know fishermen who use the bay, people who like to get out after squire and a few other reef fish, are concerned about the coral reefs in the bay. I do not even know which Government granted the leases, but if we grant leases over every area of coral in the bay, we will have to put in artificial reefs, as we are doing today, made up of old car bodies and tyres to provide an area where fish can breed. We will have to do this in order to have places where we can catch fish, because we have given cement companies the opportunity to destroy all the natural reefs in the bay. The people in the bayside areas (I think the honourable member for Wynnum would agree with me) believe that leases have been granted over every area of coral in the bay. It seems unfortunate, if it is true. It is really not even a rumour any more; it is a widely held belief. We will see all this coral being dug out and taken away and, of course, eventually the area will be denuded of fish. We must remember that the bay is a breeding area. We talk about wetlands, mangroves and mud flats as areas where fish breed, but we have to remember that they also breed around coral reefs. I know that you, Mr. Speaker, as an old fisherman who has knocked around Moreton Bay, would like to see some of those reefs around Cowan and other places retained because like me you would like to see the snapper, squire and the other good reef fish remain there so that our sons and daughters will have the same opportunity to catch fish as we have had.

While on that subject I want to discuss marine parks and the management and protection of our fishery resources. I see that persons may undertake works in these areas. That brings to mind the rather ugly-looking structure on Heron Island where tractors and other things have been left. Some years ago, someone in the fisheries service or the National Parks and Wildlife Service set up an observatory or a working laboratory there, and the scar still remains. I wonder whether, when research projects are being undertaken, there is a need to erect permanent buildings and then after the research is finished leave them to become eyesores or scars on the area. It is said that marine parks should be kept in their natural state

for people to see in the future. If the desire is genuine, surely they can be handled a bit better than the research station on Heron Island. Actually, I do not think it was even a research station; I think it had something to do with the activities of the fisheries service.

The Bill deals with closed waters, and this is one subject that always concerns amateur fishermen. They believe that all waters should be closed to professionals and be available only to them with their fishing lines. Many fishermen believe that some of the closed areas should not have been closed.

Mr. Dean: A lot more should be closed.

Mr. BURNS: The honourable member for Sandgate says that a lot more should be closed, but some people believe that some of the closed areas should not have been closed and that some open areas should have been closed. Some of the decisions have not been in the best interests of the industry or the fishermen. I am not an expert on this matter, but I would like the Minister to have a close look at the decision to close certain areas in the bay and at the submissions made by some of the fishermen in the area. They are obviously concerned about the future of the industry. They can continue to earn a living close to their home and without having to move to other areas only if steps are taken to ensure that the fish in the area continue to breed and develop. If we take that into consideration, their submissions must be relevant.

Then we see the provision enabling the Minister or his officers to keep fish or marine products for particular purposes. This means that the Minister's officers can take fish from persons who have been found doing something illegal. I often wonder why we pass a provision that, for example, fish forfeited by someone who has been found illegally netting can be kept for 12 months. Whenever a fisheries inspector catches someone netting illegally, the person is caught red-handed. It seems to me that if a person is caught with his net around half a ton of mullet and he is in an area where he is not supposed to be, an order that the fish be kept for six months or 12 months so that a case may be brought against him seems to me to be unreasonable. I suppose the lawyers would say that it is necessary to keep the evidence. But I think that a docket proving that half a ton of mullet had been sold at the fish market would be just as good evidence as half a ton of rotten fish kept somewhere or frozen and stored in the market and sold later.

I often think of this, because if a fisherman does prove that he is innocent, he can then at least get some of his money back. He is not left in the situation of saying, "All right, I have proved that I am innocent, but I now find myself at least half a ton of mullet out of pocket." In addition, it has cost the Government money because it is unable to recover some of the costs. Offenders often disappear. I see from the reports of the Queensland Commercial Fishermen's Organisation that many of the people who are registered as fishermen do not pay their dues to the organisation. So there must be some who are caught and have their net and their fish confiscated who then disappear and are never seen again. As soon as the fish is brought in, I think that arrangements should be made to put it on the market and sell it instead of keeping it.

As a lad who used to knock around the Brisbane River, I should like to know why jagging continues to be banned in areas down around the meatworks. It goes on; everybody knows that it goes on. As a lad in the Colmslie area and the meatworks area, I know that one of the tricks of the trade was to go down there with some dough, float it around, wait for the mullet and then jag for them or jag for the bream.

Dr. Lockwood: I have seen a man lose his eye through jagging.

Mr. BURNS: Maybe we ought to outlaw some of it. This is the Fisheries Bill; it has nothing to do with safety. I do not know of anything that is more fun than getting a big mullet by the tail and holding him. You don't take too many. Don't tell me that, because of the jagging, the mullet haven't come back into the area. There are more there now than there used to be. There are just as many there as there were when I was a lad. We hear talk about people with six hooks; we hear about the dillies that are used for sand-crabs—the murderous system under which crabs cannot disentangle themselves. These dillies are known as suicide pots. Then there are the little suicide hooks, and so on.

Mr. Doumany: This is the result of the Clean Waters Act.

Mr. BURNS: I wanted to speak about that, because that is not so. The honourable member for Nudgee and I were talking earlier today about the Brisbane River. Years ago at Mowbray Park, hundreds and hundreds of people sat shoulder to shoulder, with two or three hooks on their lines, all catching a couple of perch at a time. You see no-one in that area in March, April or May now. Every time a couple of perch come back into the river "The Courier-Mail" or the television stations make a big play that the river is becoming cleaner. It is nowhere near as clean as it used to be.

When I was a lad at East Brisbane school, I used to go down to the coal wharf under the Captain Cook bridge and put my crab-pots in and catch good-sized mud-crabs—no trouble at all. If you go there today, all you catch is on old boot or some nice black sludge that has come down the river from

the area represented by the honourable member for Kurilpa. Don't talk to me about cleaning up the river! The fishermen will lose a lot of money each year as a result of pollution and the kerosene taint and the other problems at the mouth of the river. The river is cleaner than it was a couple of years ago, but it still has to be made a lot cleaner. I learned to swim as a lad when we had the old wooden baths at Mowbray Park and at Dutton Park. I would not be throwing my son or my daughter in there today to teach them to swim or do them any good. I would only be doing them harm. Don't talk to me about having cleaned up the river!

It is fairly obvious that the Government is not sure that it has cleaned up the river. There are a few provisions in the Bill relating to the environment and other matters that should be a matter for the Water Quality Council and the Minister for Local Government and Main Roads.

The honourable member diverted me from what I was discussing. There is talk about pollution, marine wetlands, mangrove swamps, and so on. I am pleased to see that there is provision for protection of mangrove and marine plants, but I am not to sure how it will be possible to enforce a provision which says that a person must have a permit granted and issued in the prescribed form to cut, lop, burn, remove or otherwise destroy or damage any mangrove or marine plant. Just about every fisherman does something like that every day when he is cutting a stake or pulling up somewhere along the line. I agree that the provision is necessary, but I hope that the inspectors will not be too hard on people cutting down a tree here or there to use as a stake to tie a boat to or something of that nature. That has to happen. That is the way in which people have fished over the years, and I do not think that we should make it very difficult for them by becoming so tough on them if they use a few mangroves.

The more we talk to people in the Fisheries Department and to people concerned for the environment and conservation, the more we are aware of the need to do something to maintain the mud flats, the mangrove areas and those places around the bay where canals are being dug. I can remember Mr. Harrison from the Fisheries Department telling persons gathered at the Wynnum Rotary Club that if 1 per cent of the area of Moreton Bay is excised, the fish population will be reduced by 1 per cent. He claimed that the little fish breed in the mangroves and on the mud flats where there is a plentiful supply of seaweed. If canals are dug and the mud flats are concreted, the breeding grounds for the little fish are destroyed. The fish that are caught in the canals are not the tiddlers but the big fish that move through them.

One important provision in the Bill allows for the erection of fish ladders and fish ways to enable fish to get up dams and weirs. This is an excellent provision and one that will meet with the approval of freshwater fishermen's organisations.

I am not a legal man, but members of the legal profession might be able to explain the evidentiary provisions that are set out on pages 42 and 43 of the Bill. The clause sets out what shall constitute evidence under the Bill. It seems to me that this and other clauses make it very easy for an inspector to get a conviction and very difficult for a person charged to defend himself. The clause provides that a signature purporting to be that of an inspector shall be taken to be the inspector's signature until the contrary is proved. The person who is required to answer charges laid by an inspector seems to be put in the position of having to prove that he is not guilty of the charges. I suggest that the contrary should be the case and that the inspector should have the onus of proving that the person charged has done something wrong. I hope that at the Committee stage we can have a closer look at these provisions.

The clause also provides that evidence that fish or marine products were received at a fish market or other place of sale or at a railway station or an office of any person or body engaged in transporting goods or materials in the name of a person as consignor shall be evidence and, in the absence of evidence to the contrary, conclusive evidence that the fish or marine products were taken and consigned by that person. That means that if I consign a box of mullet to someone in Townsville and put, say, "J. Melloy" as the name of the consignor, that shall be taken as evidence that J. Melloy consigned that box of mullet until evidence is produced to the contrary. In other words, the honourable member for Nudgee could be placed in the position of being charged and of having to defend himself against the charge. I think better evidence than that is needed.

Mr. Casey: Send them in the name of Claude Wharton.

Mr. BURNS: Anyone who commits an illegal act, such as consigning fish illegally, should use the name "Claude Wharton". This would ensure that this clause was amended.

Another clause in the Bill refers to the protection of the Crown, the Minister, officers and honorary rangers. I am aware that honorary rangers do a very good job. But many of them are, to say the least, enthusiastic in carrying out their duties, so I think that a difficult situation could arise from providing them with the protection that nothing done by them for the purposes of the Bill or done in good faith and purporting to be done for the purposes of the Bill shall render them liable at law.

Some very intense young men are involved in the conservation movement. They have adopted certain attitudes in relation to national parks, the protection of beaches

and so on. Some have even thrown themselves in front of bulldozers and front-end loaders. A problem could arise if they were appointed honorary rangers and were clothed with the protection that, whatever they did, if it purported to be for the purposes of the Bill, they would not be liable at law and could not have action taken against them. That is going a long way. Care should be exercised in selecting persons as honorary rangers. If it is not, the honorary rangers could cause more concern than some people who are not so interested in protecting the environment.

In the previous debate, on the Water Act Amendment Bill, the Minister for Water Resources referred to the problem arising from the need to have farmers and others maintain records. He said that the Bill was being amended partly because farmers experienced difficulties in doing their paperwork.

The Fifth Schedule covers the subject-matter for regulations. In respect of "records" it reads—

> "The records to be kept and returns to be furnished by holders of licences, permits, certificates or other authorities under this Act; requirements as to keeping and inspection of those records."

One of our greatest problems is the desire of bureaucracy to continue making us fill out more and more forms, reports on this and that and returns on how many of this and that we may have. Farmers everywhere complain that they almost need an accountant to do this whereas at one time they could milk their cows and look after their farms and have few other problems to contend with.

I do not believe that fishermen who are out on the job will be interested, after returning home on Friday night or Friday morning, in spending the week-end filling out forms and returns. I do not think they will sit on their buttocks in Moreton Bay filling out returns for the department. I think we should keep the paperwork under this provision down to an absolute minimum. If we do not, the fisherman who works very hard at earning a living—and he has to work hard when the fish are there—will not be interested in complying with the provision. Fishermen will have to spend a lot of time, money and effort in trying to prepare the records which seem to be part of such legislation.

I should also like an explanation of how we are to provide for the prohibition or regulation and control of the introduction into or removal from the State or removal from one place in the State to another place therein of any fish or marine product. It seems to me that section 90 of the Australian Constitution dealing with interstate trade will place restrictions on our carrying out that provision. If it is not designed to combat interstate trade, is it designed to cover the people at Sandgate who are running the fishermen's co-operative? If that is the reason for it, it is not in our best interests. We should be trying to work in with the co-operative movements such as the one at Sandgate rather than trying to work against them.

If that provision is designed to pick up people moving things in this State—and we know that they are carrying things such as prawns from the Gulf to Tweed Heads for processing—I should like to know why we are doing this. Instead of introducing regulations to stop them from doing that, we should be introducing regulations to make it easier for them to do the processing in Queensland.

Dealing with the question of processing, I believe that there is a need to lay down very clearly what we intend to do to assist the processing industry to become established. I do not think fishing will become secure and stable until we provide a major processing industry for tuna and other fish that the Japanese and other nationalities are catching and that we are not worried about. We should be involved in the processing industry. While I know some feel it necessary to threaten the Japanese about beef dealings and other things, and perhaps say that if they do not buy our beef we will not let them into our waters, on the other hand, they seem to imply that if they buy our beef, we will let them into our waters.

The fishermen want our beef to be sold to Japan, but they do not want the Japanese to be exploiting our waters. The people in the fishing industry need protection and the Government must say very clearly to the Japanese, the Taiwanese and everyone else who wants to exploit our waters that we intend to develop them ourselves through research programmes and assistance to the fishing industry. We know that we have vast offshore resources. When the new 200-mile offshore limit is declared, we will have an additional area almost as large as this continent—an area that nations throughout the world are looking at. We want these resources to be fished by Australian fishermen. We want Australians first in this field and Queenslanders first in the Gulf.

I congratulate the Minister on this Bill which, I believe, is accepted by the industry. There are some questions that I and, no doubt, other honourable members would like answered. I am sure that honourable members appreciate the Minister's interest in this measure and the way in which he introduced it, thereby giving us enough time to let those in the industry look at it before we debated the second reading.

Mr. W. D. HEWITT (Chatsworth) (4.34 p.m.): Mr. Speaker, there is no keener fisherman in the Chamber than you. I am sure that this is one of the very rare occasions when you would like to descend from your prestigious position to join the firing line and give us the benefit of your observations on a Bill. You are, as everybody knows, a devoteee of Isaac Walton.

This is an important Bill which deserves our close attention. The Minister rightly referred to it as covering a major industry. It is a major industry that will certainly assume increasing proportions as the years go by. A hungry world depends upon food from the sea, and we must look in all ways possible to increasing and cultivating the harvest from the sea. This Bill, therefore, is timely; it is appropriate; and one would hope that it will do everything possible to strengthen the industry.

The thrust of the Bill is directed towards professional fishermen. One sees nothing wrong with that. It is a major industry, and the parameters should be defined. Professional fishermen should be encouraged. They should understand that they play an important part in an increasingly hungry world, and their expertise and knowledge must be expanded and improved upon in every way possible. One could refer particularly to the clause relating to the council of professional fishermen and to the powers that are conferred upon it. One can only emphasise that in these times, with an industry of such increasing importance, it is proper to update the legislation that controls it.

Fishing has never been the sole province of the professionals. There are those who fish once a week, once a month or (timid souls like myself) once or twice a year. Because we are an island continent and well endowed with waterways, it is appropriate that people should want to wet a line in a part-time fashion. Therefore, while the Bill regulates the industry and tells the amateur fisherman as well the things he can do and cannot do, it should at the same time say that the amateur fisherman has a place in the industry, that he is entitled to pursue his interest and that he will not be unduly hampered.

It is in that context that I tell the House that I referred this Bill to a fishing club in my electorate. I asked them to give me a critical appraisal of it and to tell me the good things and the bad things about it. I want to read the comments of the secretary of the club. They are not complimentary observations. I emphasise that they are the observations of the secretary of the club, not mine. I emphasise also that I think some of his fears are unfounded. But I read them because I want the Minister to give an assurance through the records in "Hansard" to the thousands of amateur fishermen in this State. These are the observations of the gentleman concerned—

> "This Bill is apparently designed to destroy amateur fishing. No non-professional will be able to afford the penalties provided in the Bill which can be incurred without any conscious effort on his part. One moment of inattention, error or carelessness can cost an amateur $1,000 for each breach of the Act, plus his boat and fishing gear, plus his car and trailer. He can be arrested on suspicion that he may have done something in breach of the Act and he breaches the Act if he does not assist an inspector when so ordered; if he does not inform on his friends; if he declines to use his boat, etc., to catch others. The amateur cannot get back his boat or his car or trailer or any gear, even if it is used to earn his livelihood, but the professional can do so. Big business gets the same fine as a pastime fisherman.
>
> "The inspector has too much power. He can enter any premises at any time for any purpose and claim the protection of the Act.
>
> "The Minister has said that he wants to cut away the red tape, but what he is doing is bringing in red-tape legislation."

What my friend fails to observe—and I think I should put him right here—is that the penalties, as they are in any legislation, are maximum penalties, and one would believe that the breach of the Act would be of a very serious nature to invoke the maximum penalty. I believe that, where the maximum is $1,000, a minor infringement might well bring a penalty of only $5 or $10. However, what I seek from the Minister is an assurance that the inspectors will not use their powers in an over-heavy fashion; that they will exercise due discretion; that they will understand that amateur fishermen are not au fait with the legislation; and that very often, if they are committing an infringement, a kindly word will meet with their ready co-operation. Thousands and thousands of people put boats on waterways every week-end, and certainly at the peak holiday period. All they want to do is to wet a line, pull in a fish, take a feed home and mind their own business. But they, as well as anybody else, have a responsibility. They must ensure that they do not fish out spots; they must ensure that they do not keep dozens of undersized fish; they should ensure that they are not taking more than they reasonably need; they should ensure that what they do take will be used either by themselves or by their friends; and there is a responsibility on amateurs as there is on professionals.

I think that the Minister should look at those criticisms. They have come from a very responsible person in a fishing club. The Minister should give him some reassurances. I put those words into the record not with any sense of malice at all but because a constructive criticism has come forward, and I believe that the Minister would want to know about it and that he would welcome the opportunity to give the amateur fishermen some reassurances.

I should like to refer to some of the specific provisions. The Minister is given power to carry out research. It is a rather broad statement. I would hope that the Minister sees some great opportunity here to be an innovative Minister. There is a

great necessity for research into the fishing industry. In certain areas there is the risk of fishing out the grounds. Under those circumstances if research shows that the stock is being depleted, the Minister could well look for power to lock up those fishing grounds for a year or a couple of years until they are replenished.

Importantly research certainly means fish-farming. Fish, if they are protected from their predators, can be one of the most prolific reproducers in any style of life that we know about. If fish are bred under artificial conditions they can be let loose in waterways and estuaries to ensure that there are plentiful supplies for the benefit of both the professional and the amateur. I place very heavy emphasis upon the need for research in this industry.

Reference is also made to the oyster industry and the pearling industry. Surely Queensland, with its wonderful coastline, has unique opportunities to develop a thriving oyster industry. I believe that we have already moved a long way towards that goal. But certainly in New South Wales when people talk about oysters they talk about the Hawkesbury River. When one travels to Sydney by train one sees the extent of that industry. It is very extensive, well organised and efficient. Boxing fans might know that Vic Patrick, after leaving boxing, went to the Hawkesbury River where I believe he made a great success of oyster-farming. I digress and I should not. Moreton Bay, in particular, lends itself ideally to the cultivation of an extensive oyster industry. It could well be that those comments relate very closely to the observations I made about research. We should be looking specifically to those areas of the bay which lend themselves best to oyster-farming.

In a like fashion the pearling industry is also one that should be looked at very closely. A few years ago, with my good friend the honourable member for Ithaca and Senator Bonner, I went to Thursday Island, ostensibly to look at the border dispute. But we were diverted. We were not diverted to such an extent that we did not have time to look at the cultured-pearl industry. One can see the great potential of that industry there. It suffered great damage when the "Oceanic Grandeur" was holed in the Torres Strait and enormous quantities of oil were disgorged. At the time we were told that it would take many years to revitalise the industry. That is certainly one of the hazards faced by a cultured-pearl industry. Nevertheless, particularly in the North but not exclusively in the North, there are areas that lend themselves to the pearling industry, especially a cultured-pearl industry. I would hope again that the emphasis of the Minister's research might be placed here.

The Bill provides for the establishment of marine parks. Those of us who are conservation-minded and believe that there are areas that should be protected in this way will welcome this provision. Marine parks are areas in which fish will enjoy total protection and, because they are so protected, it will be possible to make studies of their movements, growth and habits that ultimately can only be of great value to an industry that we are trying to nurture.

Another part of the Bill refers to the protection of mangroves. At first blush it may seem inconsistent to talk of protection of mangroves when speaking on a Bill dealing with fishing. In fact, nothing could be more germane to the subject than the preservation of mangroves. Close studies have now established that mangrove swamps are the start of a very intricate ecosystem leading to the breeding of fish and the provision of food for them. I think that at times when we deal over-harshly with the devastation of mangrove swamps in certain areas we do not fully understand the damage that we are doing to the ecosystem.

That is not to say that in the line of progress some mangroves do not have to disappear. Of course they do; in the development of the new port at the mouth of the river mangroves have to go. But, importantly, as my friend from Wynnum, who is to follow me in the debate, will acknowledge, the preservation of mangroves at the mouth of the river is receiving very close attention. I believe that this matter was referred to in the seminar that he organised so efficiently last Wednesday afternoon on the subject of the port of Brisbane. Even though there is a great need for the development of ports, there is at the same time a great necessity to preserve mangrove swamps. I think it is most appropriate that this matter should be mentioned in the Bill under consideration.

The Bill also refers to protected fish and it lists in the schedule those fish that are to be protected. They seem to me to be mostly river and estuary fish. I suppose that when we consider the protection of ocean fish, we will be moving into other areas. We will be moving into the realm of Commonwealth jurisdiction, and the Minister will have to be careful that he does not exceed his authority.

Whilst talking about protected species, I will touch again on a subject to which I referred a few years ago and an argument that has been supported by a number of my colleagues in this House. I refer to the preservation of marlin which are now being pulled in in increasing numbers off the coast of Cairns. I certainly recognise the tourist attraction of marlin-fishing and the great sport that marlin provide for hunters of big fish. I recognise that marlin can be harvested in reasonable numbers. But I recognise also that they are an almost unique species, and I do not believe that they should be harvested year after year without any control whatsoever. If the Bill gives the Minister any authority to look at the preservation of marlin, I think he could well look at the matter very closely indeed.

The last matter to which I wish to refer relates to under-sized fish. As I think the Minister put it, the Bill will allow mum, dad and the kids who go fishing on Sunday afternoon to keep tiddlers instead of throwing them back. I suppose keeping the few tiddlers that they catch will not do too much harm, but I would not like to see this rule broken too frequently or observed too broadly. We have a vested interest in the future of fishing and ensuring that fish are allowed to breed before they are pulled in. Every time we pull in an under-sized fish, we pull in a fish that has not been allowed to spawn and therefore has not been able to leave anything behind.

If this happened too widely, the fishing grounds would be fished out at an even faster rate than they are being fished out now. Whilst some degree of relaxation can be allowed, I would like the situation to be watched closely. I have my own strong reservations about it. Professional fishermen and those who fish competitively in amateur fishing clubs should be made to understand quite clearly that under-sized fish should be returned to the water immediately.

I close on the note on which I started: It is important legislation which does much to regulate the industry. I would be grateful if the Minister would do me the favour of responding to those criticisms that I have put into the record on behalf of amateur fishermen.

Mr. LAMOND (Wynnum) (4.50 p.m.): I would like to comment on some points I raised during the debate at the introductory stage. I think the Minister approached this whole problem of the fishing industry in a very sane and sensible way in that he encouraged his committee members to go out among the people involved in the industry and amateur fishermen and to bring back recommendations and advice on the way that this Bill should be structured. I think the Minister must be congratulated for this.

When the Bill was printed I, and undoubtedly many other members, obtained copies and had further photostat copies made and then distributed these to a number of professional fishermen, the local branch of the Queensland Commercial Fishermen's Organisation and various amateur fishermen. While I did receive some queries and comments, most of the queries asked for an explanation and there was very little condemnation of the Bill. The Minister presented the details of the Bill to many sections of the community before it was introduced and this has resulted in its being well received.

At the introductory stage I made some comments about research. Unfortunately, over many years far too little research into the fishing industry has been carried out. I think it bears repeating that research should be conducted not only into the industry itself but into the marketing of fish and fish products. We know too little about the habits of fish and about the eating habits of the consumer. Therefore research must be directed both at fish breeding habits and at the marketing of this very important primary product.

We must look not at the detailed requirements of research but at those things which are evident all along the coast. I have been told by people involved with prawning, who should know, that trawlers fishing in certain areas which catch many, many hundreds of small flathead, whiting and bream—one could name quite a lot more—have little or no effect on the number of mature fish available for catching and that most of them would never reach maturity. I am afraid I cannot fully agree with that. To my way of thinking many of these fish would reach maturity and eventually be caught and marketed. Prawning has a great effect on fish supplies. It is not unusual during the prawning season to look across Moreton Bay from my home at Manly and count the lights of as many as 50 or 60 prawn trawlers working throughout the night. There is little doubt in my mind that so many prawners covering a vast area of Moreton Bay must have an effect on the number of young fish in the bay. Scuba divers who have seen the sea-bed immediately after a prawner has trawled the area have said it resembles a farm paddock which has been harrowed in preparation for the planting of a crop. Much of the seaweed and the sea life in areas of shallow water is torn up and destroyed, and the effect of this on fisheries must receive careful consideration.

Let me turn now to amateur fishermen and professional crabbers. Reference has been made already to the upside-down dilly. It is a very successful method of catching crabs; it also destroys many hundreds of crabs. Those of us who enjoy Moreton Bay know that it is not unusual to see someone go out into the bay and deposit as many as a hundred upside-down dillies. In my opinion, that is unreasonable. I think it is fair that a person should have the right to use a device or a system of catching fish that enables him to catch enough for his own use. But when you see operators deposit as many as 100 upside-down dillies each from the rear of a fast boat as they proceed across the bay—and it is not only one operator who does it; it is dozens—it is obvious that many young crabs will be destroyed. Of course, many of the crabs caught by that method find their way to the market, and that affects the livelihood of those who catch crabs professionally.

Research is needed into the movement of fish. Too frequently we are inclined to say that fish of a certain type frequent a given area and then close our eyes completely to their activities. Research in depth must be carried out into that aspect of fisheries. The breeding and movement of fish and many other matters should be investigated very closely. I commented on this at the introductory stage, and I think it is very important.

The Minister referred to the appointment of honorary rangers, and I think that is a good move. It is very difficult to enforce and police the provisions of the Fisheries Act. Honorary rangers do a very good job in other fields, and I am sure that they could help in enforcing the provisions of this Bill. However, we should not allow them to go out into the field—I am referring, of course, to the sea—thinking that they are members of a chosen race simply because they have been appointed honorary rangers. They must be educated, trained and informed of the extent of their responsibilities. They must be made aware that they are there to assist the development of the industry and to assist amateur fishermen, not simply as policemen enforcing regulations.

The importance of amateur fishermen should not be overlooked for even one second. One of the most important functions they perform in their leisure hours is the encouragement of tourism. Moreton Bay undoubtedly has great potential as a tourist attraction. People from other parts of Queensland and other Australian States enjoy a few hours of amateur fishing on the bay and taking home a feed of fish, and this is a very important part of the tourist industry of the State.

The Minister commented on the right of lessees of oyster banks to allow professional fishermen to net on their banks. I understand that the Fisheries Act made no such provision and that while oystermen were happy to work in close liaison with professional fishermen they were prevented from doing so because the Act imposed a penalty on any professional fisherman who was found by a fisheries inspector to be fishing on oyster banks. The provision in this Bill is a forward move and will allow an oysterman to have a happy working relationship with professional fishermen.

A provision that is of importance is the one relating to the clear marking of oyster banks. Over the years leases have been granted too frequently to people who had no intention whatever of working oyster banks. Furthermore, the Government was not prepared to enforce the clear marking of oyster banks. Persons who enjoy boating in Moreton Bay found quite often that an oyster bank was marked only by a corner peg or corner post. They were supposed to know that this indicated the location of an oyster bank. A good example of an oyster bank that is clearly marked can be found off the little sandhills on Moreton Island. There an oysterman has gone to the trouble of clearly marking his bank with polythene tubing. There is no doubt about the location of the boundaries of that bank.

The Minister referred to his decision to provide for easements between oyster banks. It is important that this matter be pursued so that the oysterman, the professional fisherman and also the amateur fisherman can live in harmony.

In the debate on the earlier Bill the Minister for Water Resources referred to mangroves in the area of the new port for Brisbane. I have been told by persons involved in the development of the new port that the area of mangroves on Fisherman Islands constitutes approximately 1.5 per cent of the total mangrove areas in Moreton Bay. I am assured that less than 2 per cent of that 1.5 per cent will be disturbed by the construction of the causeway and other facilities in the new port. Those percentages are only an estimate and I am quoting them from memory, but the point is that the establishment of the new port on Fisherman Islands will have little effect on the mangrove areas of Moreton Bay.

Pollution, although not within the ambit of the Minister's portfolio, is a matter of grave concern to him. There is no doubt that pollution poses a tremendous problem for fishermen. This morning, together with the Minister for Lands, Forestry, National Parks and Wildlife Services, I flew over Moreton Bay in a helicopter and inspected St. Helena Island. The evidence of pollution in Moreton Bay is alarming. I hope that the Minister in charge of this Bill works in close liaison with the Minister for Lands to ensure that pollution of fishing areas is checked.

A Bill of this type must be so structured as to enable it to work successfully. A badly chosen word or a badly placed word can result in lengthy litigation involving the department, the fishing industry and the amateur fisherman. I have spoken about this before. I refer to a provision in the Bill concerning the enforcing of certain regulations with reference to "having in his possession". The Minister said that he is not prepared to amend his provision. I believe it should be exercised with great tolerance. When the words, "having in his possession" are included in a provision in this way, they can mean that anyone who catches a fish on a line and takes it on board his boat has it in his possession. Even though he intends to throw it back immediately, for a moment it is in his possession. A professional net fisherman may take aboard his boat a haul of fish with every intention of sorting them and returning the undersized fish but, for a moment, they are in his possession. I repeat that great tolerance must be exercised in enforcing this provision in the legislation.

The powers of inspection will create certain problems. While the fisheries inspectors are controlled by the Minister for Tourism and Marine Services difficulties will be created for the Minister in charge of this legislation. Many fisheries inspectors do a fine job. They are spread in various centres on the Queensland coast as far north as Karumba and Weipa. In these outposts the men do a wonderful job. Not only are they fishing inspectors but also they are harbour masters in their own right. They do a dozen and one different jobs. I can't speak

too highly of the work they do, but much of their equipment needs updating. Many of their boats and much of their equipment are not suitable for the areas in which they work. It is vital that the inspectors be told clearly that they have not only a responsibility to enforce the Bill but also a responsibility to play their part in encouraging amateur and professional fishermen to improve the industry and the sport. Unfortunately inspectors too frequently step aboard boats and act a little roughly, either in the way they behave or the way they talk, when dealing with people who are not criminals but simply people who wish to catch a few fish. In dealing with fishermen they should display greater tolerance and courtesy. I am not speaking of inspectors as a whole but of those among them who unfortunately are inclined to be too harsh.

The provision under which the Minister can declare a close season was probably put into the Bill to give the Minister certain rights to protect specific marine products. This is a good provision because it allows the Minister, after advice from his research people, to protect fish species. I congratulate the Minister on this important provision in the Bill.

The industry has a responsibility not to depend on the Government or the department to make the Bill work. People in the industry must play their part. The Queensland Commercial Fishermen's State Council has tried to do something to help the industry. It is experiencing great difficulties. Any new organisation—and this is reasonably new—which tries to improve its conditions by calling on those involved in the industry to pay a fee, immediately strikes the attitude from a section of the people, "We're doing all right, mate. We're quite happy without joining the association." There is no doubt that most trades or industries have succeeded by grouping together to learn from and support each other in their development.

Some time ago the Queensland Commercial Fishermen's State Council served demands on many ex-members for payment of fees. Many of them came to see me and said they were not prepared to pay. They felt that the council had no right to demand payment. I contacted the Minister, who referred me to a regulation of January 1974, brought down by the Minister for Primary Industries, which gave the organisation the right to sue for and obtain its fees. I explained to those people that, by joining the organisation, by their helping to present a common front and by publicising their ideas, thoughts and problems, their voice could be heard and understood by those in Government who were doing their best to further extend the industry.

The Bill should be one of teaching and education—and I use the words advisedly —not enforcement by penalty. It is a good Bill, and we are bringing it to those in the industry in the hope that they will give their close co-operation. However, we must be tolerant; we must be patient; and we must allow those people involved in the industry whether professionally or as amateurs to digest the contents of the Bill and to come back to us with representations on those sections that may be unworkable.

An earlier speaker commented about coral-dredging in Moreton Bay. Mr. Deputy Speaker, while you may be inclined to call me to order because coral-dredging is not directly associated with this Bill, I feel it is connected with the subject in this way: coral provides the breeding areas for so many fish. Those involved in various types of fishing catch their fish, net their fish and develop their industry thanks to coral reefs. Those who have seen what has taken place to Mud Island over a number of years would most certainly agree with me that such types of coral-dredging should not be permitted around St. Helena, Green Island and in other areas of Moreton Bay. I ask the Minister, whose responsibility covers coral dredging also, to look closely at this matter, because both aspects of his ministerial responsibility are involved.

Earlier I spoke about marketing. It is referred to in the Bill, and was also covered by the previous legislation. Marketing is an important part of the industry. That principle is important, and in some cases more important than the provisions of the Bill which outline the systems under which fish may be taken from the sea.

I find many aspects of the Bill most pleasing. I congratulate the Minister on its timely presentation. I say "timely" because it was not introduced in great haste. The Minister took his time. He has allowed consideration of it by many people. There is no doubt that he has done his best to present many papers on the proposals associated with the Bill. He has allowed those papers to be circulated among interested people. I realise and know that it is the responsibility of a Government and a Minister not only to convince the people in this House but also to advise the people who placed us in Parliament what a particular piece of legislation is all about. There is no doubt that the Minister has fulfilled this task. This is proven by the speeches of honourable members who have spoken previously. The Leader of the Opposition commented that he had little objection to the contents of the Bill. That is to the credit of the Minister because it is the sound foundation on which the Bill was created and the involvement of people that have created a situation where little or no objection to the intention of the Bill has been brought before the House. It is with pleasure that I support the Minister.

Mr. DEAN (Sandgate) (5.17 p.m.): A glance at the Bill indicates that its ramifications are very wide indeed. It is a Bill—

> "To consolidate and amend the law relating to pearling, oystering and fisheries generally, to promote the good order, management, development and welfare of

the fishing industry, to provide for the protection, conservation and management of the fisheries resources of the State and for incidental purposes."

I feel sure that if the Bill is correctly applied to the fishing industry, great improvement will accrue. The Bill contains some provisions that are very important to the industry. It can do nothing but improve this very important industry.

I for one feel very concerned for the industry. My electorate contains Bramble Bay, which at one time was one of the most important fishing spots in the Greater Brisbane Area. I can remember 30 or 35 years ago when the fishing grounds in Moreton Bay and in my electorate were very good for the amateur and also for the professional. However, through lack of attention and conservation, it is a very poor fishing area today. A person would need to be a very keen and zealous amateur fisherman to go to Sandgate with the idea of catching a haul of any size in Bramble Bay.

In my speech at the introductory stage I indicated that the one way to bring the industry back into Moreton Bay is to close the bay for at least five years. In saying that, I am not hitting at the professional fisherman. He is a very hard-working man. I have some professional fishermen in my area. But the calling has reached the stage when they do not use small boats. If they want any kind of haul, they have to use more sophisticated gear and larger boats with greater horsepower. On the contrary, I am hitting at the unscrupulous people who trawl and work grounds that should not be fished. They have practically destroyed that very valuable fishing ground.

In other countries such as China, fish-farming is carried out. In that country, the rules are very strict covering conservation and fish-farming. We are told that there are 800,000,000 people in China and fish is a very important part of their diet. It was most interesting during our trip in June of this year to see the way in which fish are conserved in China. Fish are actually farmed and this method provides a considerable quantity of fish products for the table. In this respect we could learn very much from the Chinese.

The professional fisherman needs some kind of protection and every encouragement. Any man who gains his living from fishing really earns it. Although fishermen follow this life because they like it, just as farmers and all others pursue their respective callings, nevertheless they work very hard and deserve every encouragement. With all the extra equipment that they now have, professional fishermen can get outside into deeper water, and the waters round Brisbane should be kept for the amateur fisherman so that he can have at least some chance to catch fish. The only way to bring this about is to close off the area, especially estuaries and creeks where fish breed.

Although the Bill provides for penalties for illegal fishing, they are of little use unless they are imposed. I lost patience long ago with pussy-footing and talking nicely to people when they have broken the law. We send out policemen and inspectors to do a job and we then impede them in the execution of it. The average adult knows—or should know—right from wrong in the implementation of laws governing fishing. I appreciate what the Minister said about matters raised by people in his own area. At the same time, I think that penalties should be very heavy indeed. I make no bones about it; heavy penalties are the only deterrent for some people. In some of the countries that I have mentioned, if a law is infringed the penalty is very severe. We should stop messing around and kidding to people to get them to do the right thing. People have had enough education to know right from wrong and the penalties for infringements of the law in the fishing industry should be very heavy indeed.

Reference is made in the Bill to oyster culture. Thirty years ago there were wonderful oyster grounds in Moreton Bay, in particular off Moreton Island. It was really an industry in those days. Today those grounds have been destroyed not only through neglect but also, I am sorry to say, as a result of vandalism. There is vandalism not only on the land but also in the waters of the bay. Deliberate acts of vandalism have destroyed not only oyster culture but beacons which are important guides to fishermen by day and night. There is vandalism in the bay that is just as bad as, if not worse than, that seen in parks and other places in the city and suburbs.

The provisions of the Bill are a step in the right direction. They refer to the licensing of persons and vessels engaged in oystering, and the Bill provides scope for the restoration of the oystering industry. I have heard people say, "There is not the plankton and other food for oysters in the bay waters." That is a lot of rot. At one time there were oyster grounds in Moreton Bay and I do not see why they cannot be restored if the pollution that takes place from time to time is stopped. The greatest pollution is caused not so much by commercial interests as by the carelessness of people who go down the bay for the week-end and dump their rubbish in the water. This has helped destroy the oyster grounds that there were in the bay 30 years ago. I think I mentioned during the introductory debate that there used to be a mullet canning factory on Bribie Island. That was a long time ago, but it shows the capability of the area at that time and its potential if we can do something to restore it.

Marine parks have been mentioned by previous speakers, but some of their comments are worth repeating. I think it is very important that we set aside fish-breeding areas. This Bill goes into great detail about

marine parks and other reserve areas. These areas should be set aside as breeding grounds to bring the fishing industry up to somewhere near the level it achieved some years ago.

The use and registration of firearms is mentioned in the Bill. Perhaps in some cases a professional fisherman could be entitled to carry a firearm, but for the life of me I cannot see why firearms should be allowed to be carried in pleasure boats, especially when they are in the hands of an amateur who is a bit irresponsible. Firearms are used in many of the cases of vandalism I have mentioned. When one goes through the bay one sees the damage to beacons and other vital safety equipment caused by firearms. This equipment is provided in order to save lives, but it is destroyed by vandals with firearms, so I hope that the restrictions placed on the use of firearms will be policed very strictly indeed.

An increase in the number of inspectors and honorary rangers is mentioned in the Bill. It is important to give honorary rangers a bit more power and authority, but the most important thing we have to do is give them a little more protection than we have in the past. The honorary ranger has very little protection against people who resent his carrying out his job. He is a great conservationist and I think we should give him a little more encouragement.

It is also pleasing to note that we are giving the Police Force a bit more authority. I know that a lot of police officers do not like extra duties, but they are called out many times—I have called them out myself—for marine work. The local sergeant told me that the authority of the police in regard to fishing and other marine offences is very limited indeed. It is mentioned in the Bill that the police will have more authority to enforce the provisions of this legislation if called upon to do so. I think this is of great importance. From time to time I have had to call out the local police to intervene in disturbances on the waterfront where people have done the wrong thing and the good citizens of the area have notified me and the police. The people who cause these disturbances are not always locals. These days people can travel great distances in a very short time in their fast boats, and they sometimes leave a trail of destruction on the shore and thus the police have to be called. But as I have said about a lot of other legislation, it is not much good making laws if they are not enforced properly. As the Leader of the Opposition said, we must have no qualms about insisting that the law be enforced.

Compared to some of the legislation which passes through this House, this is a large Bill and contains a lot of important matters pertaining to the fishing industry. I reiterate that I sincerely hope that some early consideration will be given to the matters to which I have referred—firstly, closing off certain areas for an indefinite period to give fish a chance to return to them, thus assisting professional fishermen; secondly, policing the Act. For goodness sake, let us have the Act policed. That can be done only by appointing sufficient personnel. We cannot expect a few inspectors to keep strict surveillance of such a wide area as Moreton Bay. Faster patrol boats are also needed to catch those who do their wrong deeds and make a quick get-away in a fast boat.

I look forward to the application of the provisions of the Bill, and I hope to see an improvement in the fishing industry in the next few years if these provisions are allowed to be implemented.

Mr. BYRNE (Belmont) (5.31 p.m.): Unfortunately, in so much legislation that tries to do a great deal at one time we tend to have what might be referred to as blanket legislation—legislation in which laws are made which it is possible to police instead of laws which show common sense and which are there for the benefit and proper management of an industry. I think that is the case in certain aspects of this Bill relating to the protection and management of fish, and I shall refer to a few of them.

First let me mention a few of the points in the Bill that are found wanting. Some of them relate to the powers of the inspectors, and I hope to refer specifically to several of the clauses during the Committee stages of the Bill and ask the Minister for clarification of them because I believe that the powers of the inspectors under the legislation are far too wide. Indeed, the evidentiary provisions of the Bill do not seem to show a great understanding of the rights of the individual, the onus being on the individual to prove that he has not done something rather than on the prosecution to prove that he has. Those are a couple of aspects of the legislation that I think are in need of further clarification, and I hope I shall be able to pursue them as the debate continues.

As to the powers of the inspectors—I note that one of the clauses says that "they may make with respect to any place such examination", and I will raise the matter again when the specific clause is under discussion. But where the definition and the specification is "any place", without sufficient restrictions being placed upon the specific circumstances of the purpose of the legislation, I think that is the sort of blanket legislation that is not beneficial. There are provisions such as that in the Bill.

There is also, as will become obvious when we are dealing with the clauses, a provision that "a person shall not fail to facilitate by all reasonable means". The imposition made upon the person there is that if he fails to assist he is committing an offence. If some person is pulled up by the police for a traffic offence, all he has to do is give specific information in relation to his name and his address. If he fails to facilitate further action, he is not found

guilty of an offence. It is legislation to try to make life so much easier and it ignores the rights of the individual almost completely. It is said, "We are going to make this legislation easy to operate. We are going to make it very easy to be able to convict people; we are going to make it very easy to be able to prove offences. We are going to do that by stating specifically in the legislation factors dealing with onus of proof and factors dealing with the powers we give the inspectors so that they are able to achieve it. Also, we will impose in the legislation evidentiary provisions which make it very easy to prove the guilt of a person."

Although this may be good because it makes it easier to prove the offence and the case goes through the courts very rapidly, I think it also denies the rights of the individual, and the sort of legal rights and freedoms that people are entitled to are being infringed by the legislation as it is drawn. It is tantamount to absurdity to say that someone is guilty of an offence if he fails to facilitate something. That sort of thing is certainly of no great benefit.

Similarly, no doubt there is no great benefit to be gained from specifying that the master fisherman in charge of a commercial fishing vessel shall not permit on board the vessel while it is being used to take fish for a commercial purpose any person who is not the holder of a master fisherman's licence or an assistant fisherman's licence. It is proposed that exemption be granted to the master fisherman's spouse or child, yet no such exemption is to be granted to, say, his nephew, niece or brother or to a very close friend of his. The Bill provides that it is all right for a master fisherman to take out his child or wife (or, if the master fisherman happens to be a woman, to take out her husband), but it is not all right to take out the other persons I have mentioned. The Bill will prohibit a master fisherman from taking out a close relative or a close friend.

Mr. Gygar: Does this mean that if a master fisherman wants to take the Minister out and does so, he could lose his licence?

Mr. BYRNE: No. I must add that the Bill provides that authorisation can be given by the Minister to a person to go out with the master fisherman. But surely it is ridiculous to require a master fisherman to obtain from the Minister an authorisation to take out his brother, his sister, his nephew or a personal friend. This provision is neither sensible nor workable. Certainly it is precise, but it is not human. If this Parliament cannot come forward with commonsense and human legislation, it is not fulfilling its functions.

The provisions relating to marine parks are very good. My only comment is that difficulties might arise from having marine parks embodied within a portfolio that at the same time covers commercial fishing. In other words, the two sides to the problem are within the one portfolio—one being conservation and preservation, the other being utilisation. I foreshadow that at some time a conflict will arise. Which side will win, I do not know. A similar position arises in connection with forestry and national parks. In circumstances of conflict, either conservation wins over commercial enterprise or commercial enterprise wins over conservation. It is a far better to have marine parks fall within the broad scope of national parks. But that is a point I make only in passing.

In the short time that I have been in Parliament I have seen numerous provisions placing the onus of proof on the person charged. The Bill provides that the failure by a person to whom a requirement under a certain subsection is directed to furnish proof in accordance therewith shall be evidence that a certain thing is being kept in contravention of the Bill. In other words, unless a person proves that he is not keeping that thing in contravention of the Bill, it shall be presumed that he is keeping it in contravention of it. Such legal presumptions certainly seem to deny the individual his rights. Although that provision makes it easy for the Crown to prove things, I don't think it is beneficial, nor is it an illustration of good government.

Mr. Moore: I thought we knocked the onus of proof out of this business.

Mr. BYRNE: I hoped we had, but if at the Committee stage we look at clause 62 we will see that it gives rise to certain problems in relation to onus of proof.

Another clause in the Bill deals with taking freshwater fish. There is no clear definition of fresh water, as to whether it is on private property or public property or water that falls onto parkland or open space. What will be the situation of a farmer who has on his property a lagoon, a pond or a dam that he has stocked with fish?

Mr. Neal interjected.

Mr. BYRNE: The honourable member for Balonne referred to a mud hole. Probably he has one in his territory.

Is the owner of the land who stocked the waterway (which may not have been fished for five to 10 years) prohibited from taking freshwater fish other than with one hook, using only an artificial fly or lure? This is a blanket decision. It is so much easier to say that everyone cannot do it than to approach it in a common-sense, realistic way.

I shall now deal with what I consider to be the most obnoxious provision, restricting the taking of fish by spears or spear guns. This is the perfect example of blanket legislation which is totally absurd. If I were to go reef fishing in a boat and were able to pull up 30, 40 or 50 fish in a day, and then I went scuba-diving with a spear gun on another day and speared only one fish

and came back to the shore, on which occasion would I do more damage to the fish on the reef? It is very clear that if I took 30 fish I would deplete the fish on the reef much more than if I speared only one. What is more, a person who is line fishing for a specific fish takes many different species besides the one that he wants, whereas the scuba diver can spear the fish he wants. The limitation is absurd. It is based on the theory that the scuba diver might take too many or kill out certain fish on the reef and therefore we are prohibiting him while scuba diving from taking any of these fish with a spear gun or spear. What we are trying to do is to prevent a specific species on a reef being taken indiscriminately by scuba divers. I am sure that we are not trying to stop a scuba diver from taking only one fish.

Mr. Goleby: Do you know much about fishing?

Mr. BYRNE: I do a great deal of fishing. I find it a thoroughly enjoyable sport.

I am concerned because there are scuba divers who are amateur fishermen who may take only one or two fish, but we are now saying to these responsible people, "Although you are responsible and take only one or two fish of the species you want, you will now take none." In our endeavours to preserve fish we will stop scuba diving for everyone. Anyone found in possession of a fish that appears to have been speared by a spear gun is deemed to be guilty. I point out that the legislation provides that if it appears that the apparatus has been used he is guilty. Under a blanket provision of this sort, we are trying to kill an ant with a sledgehammer. We could introduce legislation prohibiting scuba diving and spear fishing in certain areas if that is our purpose. We could also limit the number of fish taken by a person.

The fourth clause of the Fifth Schedule will no doubt include powers relative to crabs and crab-pots. On my understanding of it, instead of limiting the number of crabs a person may take, we will probably limit the number of crab-pots a person may use. If that is the line of thinking, I point out that I could throw out 100 crab-pots and catch only one crab, yet I could throw out three crab-pots and bring in 20 or 30 crabs. The Minister is obviously not trying to limit the number of crab-pots because they are cluttering up the waterways. What he is trying to do is limit the number of crabs that people take. Why doesn't he do exactly that and make it clear that that is what the legislation and regulations are about? If he is trying to prevent the reefs being fished out by spear fishermen, why not state that they shall take only a certain number of fish and that certain areas shall be prohibited to spear fishermen, rather than making a blanket statement, "We are going to try to stop them somehow, so we will stop everything altogether."? The Minister might as well say, "We want to protect the reef, so we will stop everyone from fishing there, because you never know what sort of fish they will catch when they throw out a line with bait on the hook."

We will become the laughing-stock of the community if we bring in legislation of this sort which appears to make life so much easier for the people who have to police it but does not take into consideration what it is attempting to achieve. It must show more rationality and common sense.

The same comments apply to fish-ways. Once again there is a broad statement. Does that clause refer to every river, creek, stream or inlet anywhere in Queensland? If a person blocks up a creek with a bulldozer so that he will have some water for his stock in drier times, does he now have to make application to the Minister, giving three months' notice in writing, for permission to put a barrage across his creek? It is just a blanket statement which includes every single river, creek, water-way or inlet, all the way across the spectrum. I repeat that it seems to lack the perspective of rationality.

Then we come to that magnificient provision of the requirement to carry a licence. As a driver of a vehicle, I am allowed the leeway of not having to have my licence on me. I am supposed to carry it with me, but I am given 24 hours or 48 hours to produce the licence. When a person goes fishing, he does not always carry his licence with him. He does not usually go out in his Sunday-best clothes carrying a briefcase and satchel.

Mr. Powell: What sort of licence are you talking about?

Mr. BYRNE: I cannot refer to the clause, of course, but it comes under "Part IX—Miscellaneous Provisions". It says—

> "The holder of a licence, permit, certificate or other authority granted and issued under this Act shall, at all times while he is engaged in doing anything for the doing of which that licence, permit, certificate, or other authority is required, carry it with him."

I point out that for many aspects the legislation requires certificates, permits, licences or other authorities, and I do not think that they should have to be produced on the spot. I think a person should be given a leeway of at least 24 hours. We need to have that extension of humanity which other Acts have given effect to, but which this one would appear in its attempted fulfilment not to be carrying out.

Further on, under the detention provisions, fish and marine products can be retained for a period of 12 months, unless certain other provisions are met. While that section relates to other aspects, I would not think that a fish that had been detained for 12 months would be very beneficial to the original owner if it were found that he was not guilty of any offence. It is nice and clear and

clinical to be able to include fish with vessel, vehicle, conveyance, apparatus and explosive. While the others might last for a period of 12 months, one might hesitate to suggest that a fish would be very worth while after it had been in the custody of the director for that time.

I turn now to the evidentiary provisions, which here provide that delightful circumstance of being able to prove by the easiest means possible that a person is guilty of an offence. Nearly all of the evidentiary provisions end with the statement: "In the absence of evidence to the contrary, conclusive evidence of the matters contained in that certificate", or "such statement shall be conclusive evidence" that what has been requested has been provided. These evidentiary presumptions all the way along inhibit and limit the rights of the individual. Whilst it makes clinically clear, clean, precise legislation, whilst it achieves an easy means of being able to police legislation, and whilst it enables people to be prosecuted easily without access to certain means and avenues open under the normal processes of law, I do believe that it needs to be looked at very closely indeed. If I may, I refer to one of them which reads—

> "evidence that a person is found in possession of fish bearing upon them cuts or marks similar to cuts or marks inflicted with a spear shall be evidence and, in the absence of evidence to the contrary, conclusive evidence that the fish were taken with a spear or spear-gun."

The evidentiary provisions that exist there have been very neatly tailored to the remainder of the legislation in order to make it possible to prove a person's guilt. I do not think that the legislation should be designed to prove people guilty easily. That is not the purpose of the legislation. Its purpose is to provide adequate management of fish. Once that point of view is missed and the goal of the legislation is to be able to prove people guilty easily, we are starting to miss the point.

In essence, I have commented on certain areas and I hope to make further comments at the Committee stage and ask the Minister for further clarification and perhaps some alteration or extensions to take into account humanity and common sense. If we allow the basic principle to be one of blanket legislation, we are putting our thumb-print or rubber stamp on something which could be contrary to what we desire to see. Laws are not made merely so that they can be policed; primarily they are made in order to prohibit certain circumstances which are detrimental to the community. So the purpose of this legislation is to have a better-managed fishing industry, not meant to make it easier to prosecute people. I ask the Minister to look very carefully at this and I hope that he will happily receive suggestions at the Committee stage.

Mr. CASEY (Mackay) (5.52 p.m.): Briefly, I welcome the Fisheries Research Fund in particular as part of the Bill that the Minister is introducing and generally speaking, the Bill, which contains a considerable number of provisions of existing legislation. A number of aspects, particularly commercial fishing, are tided up. This is the main reason why the Bill is so good.

None the less, it is all very well for us to set the Queensland commercial fishing operations on a proper, decent and good footing, but unless we get the message across to Taiwan and some other countries that have been fishing on the Great Barrier Reef and in the waters of the Gulf of Carpentaria in recent years, we will not have a viable commercial operation; in fact, there will be no viable commercial operation for anyone.

It is rather sad that some of the Taiwanese people (the companies, not the individuals on the boats who are caught up in the system) have received support and co-operation from a primary producer organisation in Queensland—the Queensland Butter Marketing Board. The other day I asked a question in the House of the Minister for Primary Industries about this matter. Any organisation in Queensland with any influence at all in Taiwan should be bringing all pressure to bear on the Taiwanese companies to get right out of our area and to keep their hands off the Great Barrier Reef and the Gulf of Carpentaria, because this is the province of the commercial fishermen of Queensland and Australia. It is indeed unfortunate that this message is not being got across.

During the recent spate of incidents in the Mackay area caused by Taiwanese fishermen, I have been in contact with a gentleman in Sydney. He is a member of the New South Wales Parliament and is a representative of several Taiwanese organisations in Australia. Through him I have been able to transmit certain messages to the various companies in Taiwan regarding the feeling in Australia and particularly in North Queensland towards these vessels coming in and poaching in and encroaching upon the waters that belong to our commercial fishermen. The Commonwealth's handling of these affairs has been rather sad and shocking in many respects. Recently we saw the bad example of reselling their boats to them. This practice has now stopped but it should be placed on an official footing and stopped completely.

The Commonwealth Government should advise all fishing companies in Taiwan, Japan and all other fishing nations that if their vessels are caught in Australian waters, they will be confiscated and they will not get them back. They will be burnt, used by the R.A.A.F. for target practice, or disposed of in some other way. They would certainly be of no use for sale in Queensland or anywhere else in Australia because it would be impossible to obtain a proper sur-

vey of them for operation in our waters. They would have to be completely pulled apart; the whole of the superstructure would have to be torn out. In many cases the hulls are rotting. It is no wonder that some of them finish up on the reef.

I inspected one of these vessels recently in Mackay Harbour and found that dry rot had set in in the front of the main hold and the hull. If that boat returns to Taiwan it may make another fishing trip to these waters, but it will not make anymore; it will go down for sure.

In another instance a boat was sold back to the company concerned and given a release from Mackay Harbour. The men were put aboard and it left to return to Taiwan. Within 24 hours there was something of an emergency in Mackay because three of the crew had jumped overboard near Prudhoe Island. This island is south-east of Mackay in a direct line between Mackay and Swain Reefs. This is an area much liked by the Taiwanese as not many fishermen operate there because of the complexity of the reef. These three Taiwanese jumped overboard 38 miles from Mackay. If the position in which they jumped overboard, which is south-east of Mackay, is on the route to Taiwan, Redcliffe is on the road to the Gold Coast.

These foreign fishermen are definitely fishing in Queensland Waters. It is all very well to control our own commercial fishermen, but we have also to be a little more observant in the control of overseas vessels. I am going to let it be known in the House this afternoon that not one of the Taiwanese vessels recently caught off the Queensland coast would have been caught had it not been for the assistance and co-operation of Queensland commercial fishermen. They were the ones who made the sightings and they were the ones who shadowed the Taiwanese vessels. I know of one local fishing boat that actually blocked off a Taiwanese vessel on a reef. This fisherman caught the Taiwanese vessel in a reef area and notified the Navy of what was going on. There were Navy vessels in the area because this happened at the time of the Kangaroo II exercise.

But it did not seem that the Navy would turn up. The local fishermen radioed the Navy and found out that the naval vessel was sheltering behind Percy Island and had been there for almost 24 hours because a squally north-easterly had blown up and the commander was not too keen on coming out because the weather was a bit rough. There was the poor old fishermen out in rough weather with the reef area blocked off and the Taiwanese vessel inside. As a commercial fisherman, he would have been better off going to fish somewhere to earn a living than trying to help and co-operate with the Navy in this way. I think that the role of the fishermen in this matter has been played down. They should be given more recognition for the thought and advice that they give, particularly to the Commonwealth Government.

The Minister has taken steps to place a limit on some aspects of prawning in northern waters and to ensure that prawns caught in these waters are brought through Australian ports. One section of the Act covers the processing of fish and the licensing of plants in coastal areas. There are towns in Queensland, such as Karumba, that rely almost entirely on the fish-processing industry. But the regulations have been flagrantly breached in recent times by a vessel flying the Panamanian flag within seven miles of the coast buying directly from trawlers in northern waters. Not only have those operating this ship taken prawns now; they have indicated that they will be back to get more in March of next year. They are taking those prawns to Singapore and processing them there. Queensland is losing not only this export trade but opportunities for a processing industry in Queensland ports. There is little point in having tighter controls and regulations under the Act if we cannot ensure that prawns caught in our waters are processed in Queensland plants.

That is another aspect of the Bill that I think we must have a further look at. I think it was the honourable member for Belmont who mentioned controls. It is little use having one form of control if there is a great loop-hole in another area.

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

Mr. CASEY: This Bill gives considerable powers to various people delegated by the Minister, and in particular to inspectors appointed by the Minister. Some other members have expressed concern about this provision, but there is one point I would like to raise and perhaps the Minister could give me the answer in his reply or, if not, I know he will have the matter investigated for me. This point relates to those aspects of the legislation to which I was referring before the dinner recess, that is, the apprehension of vessels from other lands, and the way in which so many of our local fishermen have been involved.

I note that under the Bill the powers of inspectors are such that they can confiscate any vessel and use that vessel in order to carry out any of their duties. I realise that in some circumstances an inspector from the Boating and Fisheries Patrol has gone with a local vessel to apprehend Taiwanese or other vessels reported as being in our waters when the Navy is not around. When this has occurred the vessels have been chartered and the owners recompensed. But what happens when the owner of a boat is asked by radio to stay in an area for 24 or 36 hours? In some cases some of these fishermen who do not have powers of arrest or apprehension, have kept an eye on foreign vessels for three or four days while waiting for some official to come along and make an arrest. Can they lodge

a claim with the Government in such circumstances for their lost time? Certainly in the case I mentioned, where this fellow blocked the Taiwanese vessel in a reef so it could not get out, he was deprived of carrying on his livelihood for three or four days. Certain powers are outlined in the Bill and I would like it clarified whether they cover the circumstances I have just outlined.

As to the powers of inspectors—I am concerned about one clause which states that an inspector may question a person found by him in any place, etc., and then it goes on and requires a person so found to answer the questions put and, if he considers it necessary, to sign a declaration as to the truth of his answers. My interpretation of this clause is that the inspector has the power to force a person to sign a statement that he has given. I believe this goes too far. I believe that no-one should be compelled to sign a statement. I see that the Minister for Police is in the Chamber. He would recognise that under the law of this State the police do not normally have this power to force someone to sign a statement. A person is not compelled to sign a statement under any circumstances whatever. They can sign one voluntarily, but no person can be forced to sign a statement which could convict him. But under this legislation, if a person apprehended by an inspector should refuse to sign such a declaration, he commits an offence. I think this is completely wrong. I think this takes the powers of inspectors just a little too far.

If an inspector suspects on reasonable grounds that an offence against the law has been committed in any place, he has the power to break open and search every bag, package, bottle or other receptacle of any kind in that place. I think here again we have to act within reason. We do not want to have any Cedar Bay episodes occurring on the high seas, or even in our estuaries, just because suspicion has been cast on some person. While I accept that persons may be concealing something, surely the inspector could have the power to take possession of the article, and then under certain circumstances a court or a justice could have the power to break the article open at a later stage if it was considered necessary. When we consider some of the circumstances in which fishermen may find themselves or some of the circumstances under which fisheries inspectors may be apprehending people, I think it is obvious that there may be some fairly dire consequences because the powers go a little too far.

There is provision in the Bill for honorary rangers, and I think that the Leader of the Opposition referred earlier to this provision. The point that I wish to stress is that no provision is made to ensure that rangers identify themselves to anyone. As honorary rangers, they are given certain powers relating to fishermen—and they could be line fishermen, commercial fishermen or professional fishermen—but the Bill does not specify that they must identify themselves properly, and I think that is very important.

I well recall an instance some years ago in which a person in my electorate was made an honorary ranger for the National Parks and Wildlife Service. He took unto himself the right to apprehend people in national parks. They challenged him and said, "What authority have you got?" He went away and thought about the matter and it seemed that he was just a nonentity. So he got hold of a copy of "The Daily Mercury" and he cut out letters and pasted them on a piece of paper so that they made the word "Ranger". He attached that to his old felt hat and went back and said, "I'm a ranger."

Mr. K. J. Hooper: The Lone Ranger?

Mr. CASEY: He was in those circumstances. He was pretty lonely, too. Perhaps that is taking things to the absolute extreme with an individual. But if we are going to use persons who are not actually in the uniform of the Boating and Fisheries Patrol of Queensland but who have a number of the powers of the officers of the Boating and Fisheries Patrol, there should be some requirement on them under the legislation to identify themselves before they speak to people about offences under the Act or apply their powers.

In the section of the Bill dealing with marine parks, again there will be a tremendous variation in many areas. In Moreton Bay, for example, there is an average rise and fall of the tide of about 4 or 5 ft. I know that the definitions clarify tidal waters, tidal lands and various other things. However, I point out that in the Mackay district there is an average rise and fall of 18 to 20 ft. in the tides, and in some cases the tidal waters go out for a mile or a mile and a half. The honourable member for Mirani would know that, because on some of the beaches in his electorate the tide goes out a tremendously long way. Because of this, I can see problems arising. It is very difficult to set down in legislation provisions to cover the tremendous range of tidal waters in the whole of the State.

It has often been said by fishermen over the length and breadth of Queensland—and I refer to both line fishermen and commercial fishermen—that most of the laws relating to fishing have been made for Moreton Bay fishermen; that whoever draws up the provisions looks at the problems of Moreton Bay and the area immediately surrounding it. Of course, what applies in that area does not necessarily apply in other areas of the State, and I have seen this in the regulations relating to the way in which nets can be set. As the regulations now stand, in some circumstances if nets were set in accordance with the regulations, they

would have to be set a mile and a half out to sea because the drop of the net has to be made in accordance with the rise and fall of the tide. Because of the great rise and fall of the tide, in certain areas of the State it is absolutely impracticable to comply with some of the regulations.

There is one final point that I wish to make about marine parks. I notice in the Bill an indication that certain markers have to be used so that people will know where the different types of areas are in the marine parks—environmental areas, recreational areas, historical areas, and so on. People will not know that they are committing an offence unless they are made aware that the area has been so declared. It is relatively easy on dry land to define an area simply by erecting a sign or even a fence. However, it is extremely difficult to do that in a mangrove swamp. Furthermore, whatever is erected to define an area usually rusts away.

Another problem is created by the rush of the tide in areas where there is a high rise and fall of the tide. I do not know whether anyone has been in the St. Lawrence/Broad Sound area, where the tide rushes in and out at a faster rate probably than anywhere else in Queensland. It is almost impossible to stand up during the rush of the tide. Any markers that were erected there would be washed away very quickly. As I say, it will be very difficult to properly define these areas. This provision will be very difficult to implement.

Hon. C. A. WHARTON (Burnett—Minister for Aboriginal and Islanders Advancement and Fisheries) (7.26 p.m.), in reply: I thank the Leader of the Opposition and the honourable members for Chatsworth, Wynnum, Sandgate, Belmont and Mackay for having made contributions to this debate. They have shown their general approval of the Bill and, as well, have put forward some constructive suggestions and raised queries, which I am quite happy to answer.

The point made by the Leader of the Opposition about finance for boats is indeed important. They are certainly very costly. Today I was talking to someone who built a boat for Gulf fishing at a cost of $1,000,000. That's not chicken-feed. Certainly there are smaller boats, but they, too, are very costly. The Commonwealth Government subsidises some of the larger boats, and on behalf of Queensland I have sought finance for some of the smaller boats and those that are more efficient for fishing in Queensland waters. As I said before, the Fish Board guarantees finance in those cases.

The Leader of the Opposition raised a query concerning the legislation covering submerged lands. As he knows, a Bill was introduced recently into the Commonwealth Parliament applying to submerged lands, that is, the lands below low-water mark. I want to make the point that it applies to the land below low-water mark. As to fishing, the fish are in the water. Queensland can legislate in regard to fishing activities beyond the low-water mark, and at present discussions are going on between the States and the Commonwealth as to the extent of authority over fishing. At the present time this authority extends to the three-mile limit. Discussions are being held to try to give the States power to take over not only the next nine miles but also the waters out to the edge of the 200-mile economic zone.

I appreciate the honourable gentleman's remark about research. It is a very important field and function, not only in relation to fishing areas but also in relation to fishing gear, equipment, processing and marketing. As I said on an earlier occasion when introducing another Bill, marketing is a very important aspect of any industry. Without a market, there would not be very much at all.

The Bill provides for the licensing of processers so that we can keep a tab on them. It will ensure that there are sufficient processers and that they will have ample supplies of fish. The State needs activity of that type as well as the employment opportunities that it offers to the work-force. We want to employ as many Queenslanders as possible and we want to look after our Queensland industry.

The Boating Patrol is under the control of another Minister, but to a certain extent the fishing patrol part of it comes under my jurisdiction. We have a very strong and friendly relationship with it. I have made the point that if inspectors can be employed in an advisory capacity, it will be much better in the long run. However, if people break the law they must pay the penalty. In the first instance the inspectors should play an advisory role. This will ensure that they enjoy a happy relationship with the fishing industry. In that way we will achieve what we set out to achieve.

The Leader of the Opposition queried the granting of oyster leases for five years. We believe that the five-year lease is a step forward. Under the present legislation it is possible to have an oyster lease for one year. This concept played its part, but the term is being increased to five years because all leases have not been surveyed correctly. We are resurveying all oyster leases. Many have been done but quite a lot remain to be done. The surveying takes time and manpower. Limitations imposed by time and tide prevent surveys being carried out in a straightforward manner. We are providing for easements between oyster leases. We are providing a five-year term to give better opportunities for development. A man can get a lease and finance to develop it, but he must develop his lease. We cannot have leases being held unworked. That is the basis of the five-year lease. A 15-year lease could well create problems. A capable operator can get a five-year lease. He can then get an option of a further five years as required. That matter is well covered.

I appreciate what the honourable member said about crabmeat. There are problems.

Mr. Jensen: Sometimes they put mullet flesh with the crabmeat.

Mr. WHARTON: The honourable member knows much about a lot of things.

There is a problem, but this product is sought after. People require it and we must see that it is available. On the other hand, we must ensure that it is available in the right way. I assure the honourable member that we will be watching to see that crabs and the crab industry are protected.

Pearling is an important industry in our State, particularly on Thursday Island. Under the present legislation a lien on wages is provided, and we have kept that provision. The honourable member will realise that conditions have improved considerably in all fields of endeavour. I am sure that he will agree that the fishing industry, even in Torres Strait, enjoys better conditions. Torres Strait Islanders are good workers. They have learned about fishing and they have seen what others can do. Standards, wages and working conditions on ships have been improved. I should like to see continued improvement. If we are to have a viable industry, we have to pay those involved reasonably well.

The Leader of the Opposition spoke about coral leases in the bay. Coral limestone deposits are leased to the cement industry. It is about 15 years since the Green Island lease was negotiated and approved. We have provided in the Bill that all coral limestone leases will come before Cabinet for due consideration. It will not be one man or a group but representatives of all the State who will consider these leases. I am sure that all honourable members appreciate the need for cement works. The Government is quite conscious of the need to be versatile and reasonable when it is reviewing certain matters.

In reply to the comments made by the Leader of the Opposition and other honourable members on marine parks, I point out that marine parks comprise the land below the high-water mark and the water above it. The honourable member spoke of buildings being put in these areas.

Mr. Burns: The Bill contains a provision for works.

Mr. WHARTON: I realise that. The honourable member will appreciate that these are tidal lands and the opportunity to construct buildings is fairly limited. We have provided for about half a dozen divisions to be made, but the provision for works is rather limited. Most of the land is under water but some of the cays off the coast are visible at low tide. I make the point that below high-water mark on Heron Island and Green Island will become marine park and above that will become national park. That is where the buildings or any permanent structures could be. There could be a pretty close relationship between the management of those.

I have had discussions with the Queensland Commercial Fishermen's Organisation. In my second-reading speech I referred to the matters they raised and I have thanked them for that. I appreciate the work of that organisation. The Leader of the Opposition referred to it. It is an important organisation of the fishermen. It is their organisation. The more people in it, the better it must be. That is only natural. The same principle applies whether it is unions, a primary producers' organisation or a board. If people are encompassed by an organisation, they should get into it and make it go well. I am sure the Queensland Commercial Fishermen's Organisation will play its full role as the representative of the fishing industry.

The Leader of the Opposition raised the matter of mangroves. This is important for the fishing industry because mangroves provide feeding and breeding grounds for our fish. The Leader of the Opposition referred to the permits to destroy. We must have these laws. I suppose it could be said that people chop one down because it has been done in the past. I dare say that it will be done in the future, too. However, when we talk of having a permit for the destruction of mangroves—it is necessary where a number of them are destroyed. The honourable member for Wynnum raised this matter. If this point were not covered in the Bill, people would chop them down indiscriminately. It is for that reason that there is provision for a special permit for the destruction of mangroves.

The Leader of the Opposition raised the point about inspectors, too. As I indicated before, we have provided for honorary inspectors as well as for the normal patrol inspectors. The honorary inspector's role will be to act in an advisory way. He will have an identification card to show that he is an honorary inspector. His appointment is for a term of 12 months. Just as he is appointed, so can he be dismissed. We will be very selective in our appointment of these honorary rangers. They can play a very important role in the fishing industry, but we would have to see that it was played correctly. Just as the department will be very careful in its selection of honorary rangers, we expect the inspectors to play a reasonable role in discharging their duties. Whatever they do under this legislation, I think it is made fairly clear that they have to reasonably suspect that someone has stolen fish or stolen gear, or that someone is breaking the law. He must have reasonable grounds for his suspicion. He must have a warrant to enter a private dwelling. I believe that to be a step forward.

The Leader of the Opposition referred to processing, licensing and the importance of co-operatives. That is very true indeed. As I said a moment ago, we intend licensing

processers in the State. It is important that such fishing towns as Karumba are maintained. The honourable member for Mackay raised this matter also. If we are to have processers, we have to know what they are doing and what they are about. There are co-operatives. As well, private individuals engage in processing. I indicated during the passage of another Bill that in the New Year I will call a conference of those in the fish-marketing field—the Fish Board, co-operatives and private individuals who are in the processing or marketing fields so that we can have a very good look at fish-marketing within the State. It is an important industry. We have to make it even more important. We cannot do that without a really good marketing system. Everyone can play some part in it and I respect the part that some people are playing in it. I hope in the future to look at this angle so that we can have a really good marketing system for what should be a really good industry.

In a pleasant way the honourable member for Chatsworth raised the problems associated with his interest. He said he is a very keen fisherman. I think everyone in this House is a keen fisherman—but most of them are amateurs—except you, Mr. Speaker. I suppose that you could be classed as a professional amateur. I am just as concerned for the amateur fisherman as I am for the professional. I want to strike a balance between them.

The professional fisherman is very important to the industry. He provides the fish for the consumers of this State. Obviously we must look after him. On the other hand we want the amateur to be able to catch a feed of fish for himself and his family and we want amateur fishing to be a part of the tourist industry. The Bill does provide for that without going to the extreme one way or the other.

I respect the fact that the honourable member has discussed the matter with his own fishing club. I had discussions with fishing clubs throughout the State; in fact I had discussions with almost every sector of the fishing industry before I introduced the Bill. The honourable member for Wynnum mentioned that I had done this. Any Minister intending to introduce a Bill of this magnitude would want to get everybody's point of view. It is generally agreed that what has been put forward by the clubs is in fact what is required.

The honourable member for Chatsworth raised the matter of an inspector entering a private dwelling without a warrant. That is not so. The Bill provides that before an inspector can enter a private dwelling he must obtain a warrant.

The honourable member raised the matter of maximum penalties. They are maximum penalties. Possibly they are fairly high but they are there to act as a deterrent. It is better to deter people from doing something wrong than to let them commit an offence and send them to gaol.

The honourable member expressed concern at the provisions relating to people who want to go out and wet a line on a Sunday and catch a fish or two. These are the people we want to protect. He referred also to the fish sizes as they apply to people who fish once in a blue moon. Of course we will allow Dad and Mum who go fishing on a Sunday to catch a few undersized fish. But we do not intend to overdo it. We will not allow them to take home a sugar bag of them.

Before the regulations are drawn up, my committee will have firm discussions and will put suggestions to me. I pay a tribute to my committee, which is a pretty good one. The members are realistic and they represent areas from the South to the North. For instance, the honourable member for Cook is interested in the Torres Strait area and the honourable member for Mourilyan and others represent the areas along the central region of the coast. The honourable members for Wynnum and Redlands represent the southern end of the coast. In addition the committee has some of the inland men who look after Toowoomba and other places. It is a pretty good committee with wide representation.

The honourable member for Chatsworth, who discussed undersized fish and not worrying about a few of them, was pretty right because the fish are probably dead after they have been hooked and they are not worth throwing back. We do accept that trawler operators destroy some fish. Whilst I am agreeable to doing this and want it done, I say to the honourable member for Chatsworth that we are not going to allow week-end fishermen to take all the undersized fish they can catch. We cannot have that. All people are conservationists; all honourable members are, and in a balanced way, too.

Mr. Moore: About 10 lb. would be a reasonable amount of undersized fish.

Mr. WHARTON: I accept what the honourable member says.

The honourable member for Chatsworth raised the matter of research. We are innovative. The officer at Cairns developed the underwater robot. It is quite an interesting machine. A person can sit in his boat and watch what is going on in the water 500 metres below. This has not been done before.

Under this Bill people can get a move on and get some enthusiasm into the fishing industry. Until now the fishing industry has just been going along and has not been looked at for 20 years. We have been doing things Grand-dad's way. We are

entering a new era. We are going to make the fishing industry a really good one. We are giving teeth to the departmental officers who have a bit of enthusiasm to develop this industry. With the assistance of research by the C.S.I.R.O. and our own officers and with the inspiration of the members of my committee, we will develop a pretty good fishing industry.

I notice that the honourable member is interested in aquaculture. We were together in Honolulu where we saw aquaculture in operation at one of the fish farms. The honourable member for Mansfield was with me, too. We had a good look at fish-farming and gained an appreciation of what can be done with it. People there had taken a piece of the sea and were fattening fish in it. If they can do that in Honolulu, why cannot we do it here in Queensland?

Mr. Moore: We should be doing it in the Gulf.

Mr. WHARTON: We should be doing it all over Queensland because it is an interesting exercise and something that must be done. It would be an interesting hobby and a useful enterprise for many people. All that we are trying to do is to give people the opportunity to do something for themselves and at the same time to help the people of Queensland.

I have referred to oyster-farming and pearling in reply to the honourable member for Chatsworth. I know that he is interested in Moreton Bay. It is true that it lends itself to oyster-farming. I inspected pearling and the production of cultured pearls at Thursday Island, in company with other members of my committee. It was most interesting, and it shows that these things can be done.

The Government is concerned about pollution and provision is made in the Bill for its control. At the same time, we are concerned about the preservation of mangroves, which are important to the fishing industry. In the construction of the new port of Brisbane, as much protection as possible will be given to mangroves consistent with development of the new facilities.

I know that the honourable member is most keen on the preservation of marlin. Marlin fishing is an attraction of the tourist industry in the North. I believe that as time goes on, the provisions of the Bill will allow the adoption of a reasonable attitude to the control of marlin-fishing. At the same time, the legislation should not be used to prevent those who come from many distant places from enjoying marlin-fishing.

I thank the honourable member for Wynnum for his contribution. I think he summed up the Bill very well when he said that it was a common-sense way of dealing with problems of the fishing industry. He mentioned research and marketing. I know that he is familiar with the fishing industry from experience in his own area. He has proved that he has at heart the interests not only of commercial fishermen but also amateur fishermen, who are very numerous in his area, as indeed they are throughout the entire State. Amateur fishermen today number about 1,000,000; everyone claims to be an amateur fisherman. They are important to the tourist industry and I well appreciate the role that they play in the Moreton Bay area.

The honourable members for Wynnum and Belmont also raised the matter of the number of crab-pots. The Bill will control the number of crab-pots. The honourable member for Belmont said that only the pots, not the crabs, are being controlled. The Bill gives power to make exemptions and limitations. We can, if we wish, impose bag limits or limits on the number of crabs taken. It is simply a matter of policy and of doing what is for the best. When the Bill was being drafted I thought that I would frame it in such a way that if we wanted to do something, we could; if we did not want to do anything, we did not have to do it. I have made the provisions wide so that something can be done for the industry and all those in it.

The honourable member raised the matter of honorary rangers. I appreciate the points that he made because it is my thought that rangers should act in an advisory capacity. If they guide fishermen, both amateur and professional, into doing what is for the best, there will not be the problems that have arisen on other occasions. If people are advised on what they can and cannot do, there is not the problem of taking people to court for offences that they would not have committed had they been better informed. I know the honourable member accepts, too, the thoughts of the amateur fisherman who wants to share in the State's resources and take home a feed of fish.

The honourable member also raised the matter of oyster leases. These are important in this area. I have made the point that oyster beds have to be clearly marked. No-one will be allowed to go onto them in a fishing boat unless he has the permission of the owner to do so. Easements are there now and it is possible to fish and tunnel-net for them. In this way people are able to fish on oyster beds. I think this overcomes two problems because fish seem to associate themselves with oyster banks. I think this is one of the good things as far as the industry is concerned. I know the honourable member is concerned that we have not completed a survey. Certainly we have not, but we have been flat out on it. We have only just found certain discrepancies and we are progressing. Within a short period we will certainly have all the oyster banks surveyed.

Mangroves are important. I know the honourable member is concerned about them with the development of the new Port of Brisbane. If we can save a few mangroves and still have the port, I think that is about the best we can hope for.

Mr. Jensen: They can have the mangroves or the port. What do you want?

Mr. WHARTON: We want them both.

Mr. Jensen: We've got a thousand miles of mangrove coastline and you talk about a few acres down there. What rubbish! Why don't you tell them off?

Mr. SPEAKER: Order! The honourable member for Bundaberg will cease interjecting.

Mr. WHARTON: I thank the honourable member for his contribution. It was quite in keeping with his usual form.

I would like to reply to the honourable member for Wynnum on the matter of possession. It is a difficult word and one which we have had to have a look at. I had to go to the Crown Law Office and the Parliamentary Draftsman with respect to the word "possession". We certainly will look at it very carefully indeed. I raised the matter in my speech tonight, and while it is necessary to have that provision in the Bill, I do want the honourable member to know that we will look at it very carefully and with great tolerance because it would be a shame for anyone to be caught in possession when in fact he intended only to take the fish, inspect it and throw it over the side. Let us be a bit practical about this. I appreciate the honourable member's contribution because it is important that we apply the law in a practical sense.

The honourable member for Wynnum also raised the matter of research. I too have raised the matter and I think I have spelt it out pretty well in what I have said previously. He also raised the matter of the Queensland Commercial Fishermen's Organisation. I make the point that it is a good organisation and one which I would like every commercial fisherman to join to give it strength and to build it into an organisation representing the commercial fishing industry and able to speak for all in it. The amateurs have their spokesmen and the clubs have theirs, and I hope the commercial fishermen can play their part. If there is any assistance I can give them to make the organisation worthy of their calling, I shall be glad to help.

I know the honourable member is concerned about coral because it is rather important in Moreton Bay. I know he does not want to see Mud Island, St. Helena and other islands destroyed. But as I explained previously, we are watching very closely indeed operations under this part of the legislation, and any decision that we make will go before Cabinet. I am sure the wishes of the people concerned will be respected in every sense. On the other hand, we must have industry and we have to strike a balance between industry and conservation. I appreciated the honourable member's saying that this legislation is timely. Not only is it timely for us here because the legislation is now before the House, but it is timely for Queensland, too.

We found that we had to limit fishing in the gulf recently. There was a conference of all State and Commonwealth Ministers recently and another will be held soon. At that conference we found that Queensland has been lagging behind in legislation covering the fishing industry. We are now updating the legislation to meet some of the needs of the fishing industry and when this occurs we will be in a far better position as Queenslanders to argue for a Queensland industry alongside those of the other States.

The honourable member for Sandgate raised a few matters which I respect. He wants to close certain areas. He wants to close Moreton Bay for five years, but I do not think we could do that. I am sure if we did, there would be no tourists or amateur fishermen going into the bay. There would be no-one there. I just could not go along with his attitude.

The honourable member for Sandgate raised the matter of maximum penalties. I agree that the maximum penalties are high, but if we can advise people of the law and what is the correct thing to do, then I believe we will have discharged our responsibility.

The honourable member raised the question of mullet-canning on Bribie Island. I do not know what is done on Bribie Island now, but I have a feeling that there will not be a processing works there again. Processing is a matter that concerns all of us, and the Government is looking at it from a State point of view. Processing will be carried out in various parts of the State—perhaps not on Bribie Island, but in places where it is convenient to have it done.

The honourable member for Belmont made quite a good contribution. He is a good debater and does not simply accept everything that everybody says. I respect his right to have his say, and he has made his points. Sometimes he wants to have his cake and eat it too, but I respect him for the way in which he spoke.

He expressed concern about the evidentiary provisions of the Bill, and they concern all of us because we are all human beings. Let us look at them. The evidentiary provisions of this Bill are similar to those in virtually every Act containing such provisions. But this Bill is one which deals with the birds and the bees and the fauna and the fish.

Mr. Moore interjected.

Mr. WHARTON: The honourable member wants to contradict me, but it does. In a Bill covering matters such as those, provision must be made for laws under which something can be proved.

Mr. Burns: You are reversing the whole process. The inspector should do the proving, not the fisherman.

Mr. WHARTON: I say to the House that we have made provision as far as possible to take away things such as the right of entry without warrant, and so on. We have endeavoured to make the law responsible and suitable for the purpose. The provision as it is spelt out in the Bill must stand, because we have been to the Solicitor-General and to the draftsman and it is all right.

Mr. Moore: No it isn't.

Mr. WHARTON: Somebody says, "No." I am making a realistic approach to the House and saying that this is being done only because of the categories involved. When we are talking about birds, bees and fish, powers such as those set out in the Bill are necessary in order to provide some protection.

The honourable member for Belmont raised the question of the management of fisheries, and I respect the point that he made. We cannot manage fisheries or anything else unless we provide some teeth to ensure that the laws are upheld and enforced.

Mr. Casey: The same evidentiary provisions are in the National Parks and Wildlife Act.

Mr. WHARTON: Exactly.

Mr. Casey: And in the Acts relating to the protection of flora and fauna.

Mr. WHARTON: That is so.

Mr. Burns: That doesn't make it right.

Mr. WHARTON: I know it does not make it right, but it is so. I think I have made my point.

Let me reply now to the point made by the honourable member for Belmont on master fishermen's licences. A master fisherman must have his licence with him. He has not to have it in his hip pocket or in his wallet, but he must have it in his car, his boat, his house, or wherever he is. He must have it with him. I say to the honourable member that, following his suggestion, when the regulations are being framed I will be quite happy to insert in them a provision that a master fisherman may produce his licence within 24 hours. A similar provision is made in the regulations relating to a driving licence. I can see the honourable member's point. It probably was not thought of when the Bill was being framed and when there were so many matters to attend to, but it can be done in the regulations. If the honourable member, the parties and the Government wish me to do it, I will be glad to do it.

The honourable member referred also to marine parks and said that they should have been under the National Parks and Wildlife Service. I remind him that these are marine parks, not national marine parks. A marine park, as I said earlier, pertains to land below high-water mark and the water above it and, therefore, pertains to fisheries. A national park relates to terrestrial land, not tidal land, and the wildlife on it. I want to make the position quite clear. I am sure that honourable members will appreciate that by putting marine parks under Fisheries, where they will be well looked after and where the needs of the fishing industry will be catered for, we have done the correct thing.

We have imposed a restriction on commercial fishing. Previously, under the wildlife legislation, commercial fishing was allowed in marine parks. That will no longer be so. Only line fishing, that is, amateur fishing, will be allowed. It is an important tourist attraction. We have provided that marine parks can be used for various purposes, but only as required in a practical sense. Marine parks will not be established just anywhere at all, nor will the conditions that apply to one necessarily apply to the others. They will be established tactfully and only after they are proclaimed in Parliament. Before there is any revocation of marine parks, the matter will have to be brought before Parliament. All honourable members, therefore, will be given the opportunity to have some say in relation to the setting up and revocation of marine parks.

Mr. Tenni: Are you going to stop the prawn trawlers coming right in?

Mr. WHARTON: Prawn trawlers are not supposed to come in to a depth of less than 5.5 metres. Again it is a matter of policing. I hope that we can adopt a balanced approach.

Mr. K. J. Hooper: I think you are wanted on the phone.

Mr. SPEAKER: Order! If the honourable member does not behave himself he will be wanted on the phone.

Mr. WHARTON: And I will give him the call, Mr. Speaker.

The honourable member for Belmont raised the matter of fishing in a lagoon. I was talking about a private lagoon whose owner put some fish in it for his own purposes. We cannot start fiddling around with that type of private enterprise. We would not be right in the head if we did. The only matter for concern is the possibility of the introduction of noxious fish into water-holes. I want the honourable member to appreciate the difference between a private lagoon and a public watercourse. I think we would close our eyes to anyone who puts some fish into a private lagoon in the hope that they will survive and can be harvested.

The honourable member raised the matter of underwater breathing apparatus. He was not here when I introduced this Bill. It is possible to use underwater breathing apparatus, and we can limit its use to special areas or to special circumstances. All the people we have spoken to want to see a ban imposed on the use of underwater breathing apparatus for spear-fishing. I would not want the honourable member to be the odd man out—in fact, I know he is not. I make the point that provision is there to gazette certain areas in which underwater breathing apparatus can be used.

In relation to fish in dams and weirs, fish ladders are constructed by the department in dams and large streams. They are not provided in tiny streams or in home-made dams. I am talking about structures erected properly by engineers and scientists. It is necessary to provide fish ladders to ensure a supply of fish in the upper streams. We want to ensure that fish are able to move up and down these streams.

Motion (Mr. Wharton) agreed to.

COMMITTEE

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

Clauses 1 to 9, both inclusive, as read, agreed to.

Clause 10—Power to restrict operation of Act—

Mr. CASEY (Mackay) (8.6 p.m.): This clause, I believe, and I am supported by many honourable members, is one of the most restrictive of the Queensland statutes. To say the least, it is a roughie. Many honourable members have criticised the evidentiary provisions, powers of inspectors and various other matters. But surprisingly, clause 10 states that the Governor in Council may, by Order in Council, exempt from the operation of all or any of the provisions of this Act for a specified period a specified area of the State and during that period the provisions in the order shall not apply or extend to the specified area. I should like the Minister to give an example of where this provision may apply. It is rather strange to see this provision as the Minister pointed out that it was necessary to be pretty tough to make this legislation work properly. Very few Acts on the Statute Book contain a similar provision. I believe that the Minister has a responsibility to give us an example of how this provision may be used.

Hon. C. A. WHARTON (Burnett—Minister for Aboriginal and Islanders Advancement and Fisheries) (8.8 p.m.): I suppose my first reference could well be to clause 6 (2), which is to be found on page 9 of the Bill, under which the Governor in Council may by Order in Council define Queensland waters by reference to such criteria and with such reservations as he thinks fit. The honourable member will appreciate that we are holding discussions with the Commonwealth on the sea-bed and the extent to which fishing control may apply. The remote areas of the State are also of concern. I think I raised this matter on earlier legislation when we were dealing with the Fish Board, whose authority applies in various parts of the State, but we exempted Mt. Isa because it has no fish board. These are the sort of circumstances in which we could give exemption—in special cases. The legislation must be sufficiently flexible to permit this to be done. The honourable member will realise that if it is done by Order in Council it will not be the Minister acting on his own; it will go before Cabinet. That is the way it should be done.

Clause 10, as read, agreed to.

Clauses 11 to 17, both inclusive, as read, agreed to.

Clause 18—Powers of inspector—

Mr. BURNS (Lytton—Leader of the Opposition) (8.9 p.m.): I shall deal now with the points made by the honourable member for Mackay and other honourable members concerning the powers of the inspectors, and I refer specifically to clause 18 (c) which requires, as I read it, a person so found to answer the questions put and, if the inspector considers it necessary, to sign a declaration of the truth of his answers. I do not know that anyone is even required to do that by the police. Over the week-end I read of a case which I could not trace in the library where, in the Beach Inquiry in Victoria, a person having been questioned by the police refused to sign the transcript of what he was supposed to have said. If a person can refuse to sign a transcript of the evidence that the police have taken down, why should any person be required under a fishing Bill to sign for an inspector, somewhere at sea or in an estuary, a declaration as to the truth of the statements he has given? Under subclause (g), on page 13, an inspector may search any place if he suspects on reasonable grounds that an offence against this Act has been or is being committed or is likely to be committed or that there is or is likely to be in that place any fish or marine product or apparatus, explosive, noxious substance or other thing of any kind with respect to which that offence was or is being committed or is likely to be committed or that will afford evidence as to the commission of that offence, and may break open and search every bag, package, bottle or other receptacle of any kind in that place. That could refer to a bottle of rum that is carried on most fishing vessels.

Mr. Wharton: Oh!

Mr. BURNS: That is what it says. It says that he may "break open" any "bag, package, bottle or other receptacle". It seems to me again that that gives him a tremendous amount of power. I am not too certain that the police can enter a home and break open

every bag, package and bottle in the home. I do not know how far the Government can go with these things.

While I am on the subject of clause (c), clause 20 (f) says that a person—

> "shall not, when required by or under this Act to render assistance or furnish information or to subscribe a declaration as to the truth of any information furnished, fail to do so".

Later on, in clause 88, it will be found that the onus of proof is being reversed. The person who is caught or who is alleged to have committed an offence under this Act is being made to prove that the inspector is wrong. Firstly, the inspector does not even have to prove that he is an inspector. The person charged has to prove that he is not. All the time, the onus of proof is on the fisherman and not on the inspector. I do not think that clauses such as that should be in the Act. Clauses such as 18, 20 and 88 should not be in a Fisheries Bill.

Hon. C. A. WHARTON (Burnett—Minister for Aboriginal and Islanders Advancement and Fisheries) (8.11 p.m.): If the Leader of the Opposition reads the clause, he will see that it says that he has to sign the correctness of his name and address.

Mr. Burns: You read (c).

Mr. WHARTON: I am reading (d), which the honourable member mentioned.

Mr. Burns: 18 (c), lines 30, 31 and 32.

Mr. WHARTON: I am sorry. The main thing he has to do is to sign a statement as to the correctness of his name and address. Normally—and I say that this is my understanding of police matters—a person is also required to sign that a statement is true and correct. The matter goes to court for it to be proved otherwise, doesn't it?

Mr. Burns: That is what we want here.

Mr. WHARTON: The person who is being accused, shall we say, signs that he did this or that. He says what he did, and then afterwards he says that that is the truth. Then someone else has to prove otherwise. Isn't that what the honourable member wants to do?

Mr. Burns: What I want to do is to have the same law applied to fishermen as applies in police matters, where an accused does not have to sign as to the truth of a statement. Under the Fisheries Bill, people will be required to sign as to the truth of their statements. In the normal affairs of the police, a person is not required to do that. You are asking for more power for your inspectors than the police have.

Mr. WHARTON: It says "may". I take it that applies to other laws, too. All the subclauses start off with "may"; it is not compulsory.

Mr. Burns: Would you read 18 (c)? It says—

> "and require a person so found to answer the questions put, and if he considers it necessary, to sign a declaration of the truth of his answers".

That requires him to sign a declaration that his answers are truthful. No-one has to do that under any other law. He will have to now under the Fisheries Act.

Mr. WHARTON: If a person made a statement, he would hope it was the truth, wouldn't he? Wouldn't he be glad to sign it as the truth? It would then be up to the inspector, who would have to prove that the statement was not the truth. I would say that the Leader of the Opposition is arguing against himself.

Mr. Burns: I don't think I am.

Mr. WHARTON: If a person is not guilty, he signs a statement as to its being the truth.

Mr. Burns: It is an offence under the Act for him not to sign the statement.

The CHAIRMAN: Order!

Clause 18, as read, agreed to.

Clause 19, as read, agreed to.

Clause 20—Offences with respect to inspectors and honorary rangers—

Mr. BYRNE (Belmont) (8.14 p.m.): I refer to the attention of honourable members subclauses (c) and (d). Many of the comments made by the Leader of the Opposition on clause 18 are relevant to this. I point out that it says that a person—

> "shall not fail to facilitate by all reasonable means the boarding or searching of a vessel, vehicle or other conveyance by an inspector".

First of all, then, it shall be an offence if a person fails to assist to facilitate—to make easy—by all reasonable means the boarding or searching of a vessel, vehicle, or other conveyance by an inspector. I point out that if a person is presumed to have committed a traffic offence or some other offence the presumption is not that there is an imposition on him that he commits an offence if he fails to facilitate the carrying out of the duty, although he is not allowed to interfere. That is the first point.

Paragraph (d) is even more obnoxious. It reads—

> "shall not fail to answer any question put to him for the purposes of this Act by an inspector or honorary ranger or give a false or misleading answer to any question so put."

What that means is that a person is not even allowed to remain silent. If the provision of the preceding paragraph holds, it means that a person can be asked any question which is in any way relevant to

that Act. He has to answer it and then sign as to the truth of it. If he does not do that, he commits an offence.

Surely one of the tenets of the rights that we have before the law is that at least we do not have to say that we are guilty. We are at least given the right to have our guilt proved. We do not have to answer that question, perhaps being misleading, and sign it as well, so committing perjury before an inspector. Therefore I move the following amendment—

"Omit all words on lines 46 to 48 on page 15 and all words on lines 1 to 3 on page 16."

Mr. GYGAR (Stafford) (8.17 p.m.): I must support the honourable member for Belmont because of the grave reservation I have about the same two subclauses. In particular I should like to draw the Minister's attention to subclause (d). It is really quite appalling. I do not think the Minister appreciates what he is doing or what his advisers have put him up to. He should discuss this matter with his colleague the Minister for Survey and Valuation, who is sitting next to him. The Minister could tell him that this clause contravenes hundreds of years of what we have come to know as British Justice. There used to be such a thing as the Evidence Act. Perhaps the Minister's committee was under the misapprehension that we were amending it. Then there is the Oaths Act. Yet this simple clause to make things easier for the Minister will overthrow both of those conditions. Under the Evidence Act there used to be classes of people called compellable witnesses. There used to be a deal that a wife could not be forced to testify against her husband. But that is out under (d). There used to be an old provision in British justice that a person could not be compelled to hang himself by his own words. That is out under (d).

Paragraph (d) provides that a person—

"shall not fail to answer any question put to him . . ."

If he is asked, he has to answer, even if it means hanging himself and even if its means the question is asked of his wife who, under the Evidence Act, has never been required to testify against her husband; the question must be answered. What if she is an accomplice? She has to hang her husband and hang herself. That is what justice has been about. The Minister is pushing this further than he appreciates. Might I suggest that he report progress and get his officers to have another look at it?

There used to be a contention under British justice that the time a person was punished for not telling the truth was when he took a false oath or made a false declaration. If the person put his hand on the Bible and made a false oath he suffered the consequencies. Now we are introducing a new standard of judgment. A person does not have to put his hand on the Bible. All he has to do is to front up to a fisheries inspector and if he does not tell him the truth, he is gone a million. Under this paragraph, not only is the person forced to testify against himself under threat of punishment but he is also forced to tell the truth.

It has been broadcast, and currently in Victoria great attention has been drawn to the fact, that a person is not required or forced to say anything to the police. In fact, according to "TDT" a person has to sign a statement acknowledging his right not to say anything. But unfortunately this Government appears to be taking a retrograde step. A person does not have to sign anything. He is asked a question; if he does not answer he is for the high jump. I suggest that the Minister discuss this and other interesting matters such as the Judges' Rules, which used to govern the admissibility of evidence and what a person had to say and did not have to say. If the Minister will consult with his colleague, an experienced legal man who is now the Minister for Survey and Valuation, I am sure that he will point out to him that this clause is against every principle of British justice as it has been handed down over the years.

Mr. LOWES (Brisbane) (8.20 p.m.): I support the amendment moved by the honourable member for Belmont and the remarks made by the honourable member for Stafford. Clause 20 (c) is quite a departure from the usual clause that provides that a person shall not obstruct an inspector in the course of his duties. This goes quite a deal further in that it not only enlists but conscripts the aid of a person by saying that he "shall not fail to facilitate by all reasonable means the boarding or searching of a vessel, vehicle or other convenience by an inspector." That is not the way in which I believe we should legislate. It is quite contrary to all prescribed and accepted methods of legislating, certainly in this State. Subsection (c) is, in my view, not acceptable.

I have been on the Minister's committee and we have discussed a number of proposed sections in the Bill. I must say that there are a number of issues that struck me as being novel. This was only one of them.

Subsection (d) is a negation of the principle that no person shall be required to incriminate himself out of his own mouth. This subsection provides that a person "shall not fail to answer any questions put to him for the purposes of this Act . . ." I can only repeat the remarks of the honourable member for Stafford, who raised principles of English justice that have existed for many years.

I might also refer to the Evidence Bill, which has been read a first time in the House. Clause 92 of that Bill, which may later become law, provides that a statement made by a person, not necessarily in a court when giving evidence under oath that has

been, or is liable to be, subject to cross-examination, can be taken not merely as proof of the credibility of the person but rather as proof of the guilt of the person accused. If that Bill becomes the law of the State, as it may well do, that section combined with section 20 (d) of this Bill would produce a situation that was quite intolerable.

I urge the Minister to reconsider the situation and review the Bill in its present form. There are other subsections that we will look at later.

Progress reported.

GRAIN RESEARCH FOUNDATION BILL

SECOND READING

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (8.25 p.m.): I move—

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

As I indicated in my introduction, this Bill is simple and straightforward. It is designed to assist the Queensland Graingrowers' Association in its efforts to support my department's research work in its industry. To this end it provides for a Grain Research Foundation to be set up as a body corporate and for it to be declared a local body within the meaning of the Local Bodies' Loans Guarantee Act. This will permit the Government to guarantee loans raised by the foundation, subject, of course, to the necessary controls.

It was pleasing during the introductory debate to hear the Deputy Leader of the Opposition express support for the principles behind this Bill. He pointed out the importance of the grain industry to this State and to so many of its people. But he also issued a word of warning of possible problems in repayment of loans by the foundation in poor seasons. I can assure the Deputy Leader of the Opposition that this point has received considerable thought by the foundation and it believes that there are adequate safeguards.

The Queensland Wheat Research Committee, which disburses the funds collected from the wheat research levies, maintains a financial reserve to tide it over lean years. The foundation has also arranged flexible repayment terms to allow for seasonal fluctuations.

The honourable member for Mackay was concerned about grain transportation and grain freights. These are not matters which normally come within the field of grain research. I can assure the honourable member, however, that the Grain Research Foundation will certainly cater for all of our grain and oilseed industries.

Sorghum production in central and northern areas and rice production in the Burdekin have been the subject of considerable research by my department. A handsome new research and extension centre was established at Emerald in 1971, providing laboratories and land for an expanding research programme in the Central Highlands. The Biloela research station has conducted sorghum research in Central Queensland for many years. Likewise, the Millaroo research station in the Burdekin Valley continues to carry out a comprehensive rice research programme. Should the need arise and circumstances permit, the foundation has the charter to support these and other grain research centres.

The honourable member for Kurilpa highlighted a vital issue when he said that productivity is essential if farmers are to cope with inflation. The basic aim behind much of my department's research programme is just that; to increase productivity while containing costs and conserving our natural resources. It has often been said by graziers applying these techniques that if they can get two blades of grass to grow where one grew previously, they double their carrying capacity, so if grain producers, with the development of new varieties, get two grains to grow where one grew before they double their yield, and this is pretty important in these times of high costs. The honourable member's point on the importance of output in a dryland environment was well made and most of our grain research will continue to be focussed on this area.

The honourable member for Cunningham raised two important wheat industry problems; frost injury and rain damage to ripening grain. By a strange coincidence, grain farmers have experienced both of these this year. I have lived on my farm for 52 years, and this is the first year that I have suffered frost damage. This happened to me in the first week of September, so I suppose we cannot blame researchers for the type of wheat they are breeding in this regard when we get unseasonal frost like that. But in so far as rain damage of ripening grain is concerned, regrettably a large percentage of our wheat has not been harvested yet and it is suffering just this damage. If in the black soil areas of the Downs weather conditions are satisfactory from now on and the farmers are able to harvest their grain, there will still be great deterioration in quality. Only yesterday I was talking here to Sir Leslie Price and he is very concerned about the big carry-over of downgraded grain. As honourable members are aware, Queensland wheat always attracts a premium because of its hardness and quality; but this year we are going to be faced with a big surplus of downgraded feed grain.

As a practical wheat farmer, the honourable member for Cunningham has encountered both frost damage and rain damage this season, and he is probably still encountering difficulties with harvesting. The Wheat Research Institute recognises the importance of both these weather problems. It has encouraged and carefully watched the frost research programme conducted by the New

South Wales Department of Agriculture at Tamworth, which is financed by the Federal Wheat Research Council. I understand that promising results are now coming forward in the form of some frost-tolerant lines. These are not commercial varieties, but if they continue to show promise they will be used as parents in our wheat-breeding programme. Similarly, our plant breeders are very conscious of the grain-weathering problem and are striving for varieties with some resistance.

The honourable member will realise that he has pinpointed two very difficult problems and that they may not be solved quickly despite our research efforts.

It was pleasing to me to hear all honourable members who spoke in the debate support grain research and the principle of a Grain Research Foundation to back up this research. We are fortunate on two scores: firstly, we have a Graingrowers' Association in this State that has shown vigour and foresight in supporting research in its industry; secondly, we are fortunate to have in my department a group of keen and capable grain-research officers. This Bill, and the foundation it constitutes, will help support grain research and the industry and people it serves.

I believe that I have covered all the relevant points raised during the introductory debate, and I commend the Bill to the further consideration of the House.

Mr. HOUSTON (Bulimba) (8.32 p.m.): As I indicated on behalf of the Opposition at the introductory stage, the Labor Party supports research programmes. It supports the provision of assistance to those who have chosen to grow grain for their livelihood.

As I said earlier, one of the worries that the Government faces is in the sale of the product once it has been grown. I reiterate that I think one of the most frustrating things that can happen to anybody, but particularly to a primary producer, is to produce a quality product and find that there is no market for it or that the market price is such that there is virtually no profit in it for him. I know that the Minister is not responsible for that; but as a member of Cabinet it is a matter of concern to him, having in mind the department that he leads.

As to the research programme—again the Opposition thanks those who have been engaged in the industry for their contribution. I have a very high regard for the people engaged in research because I have seen so much of their work at first hand. A few years ago I had the privilege of visiting many of the experiment stations and farms and other areas associated with investigations. As all honourable members are aware, the efforts of those engaged in research over the years have proved to be very worth while.

After analysing the Bill, the Opposition believes that its interpretation is the same as the Minister's, so we support it.

Mr. NEAL (Balonne) (8.34 p.m.): I support the motion for the second reading of the Grain Research Foundation Bill. As I was not in the Chamber, I did not have an opportunity of taking part in the introductory debate, but, as the Minister has outlined, the purpose of the Bill is to assist the Queensland Graingrowers' Association in its endeavours to provide research facilities within its industry. That is very commendable.

The Queensland Graingrowers' Association is a very active and forward-thinking association and is doing a tremendous amount for its members. As the Minister said—and, being a wheat grower myself, I am aware of this—many wheat growers contribute a voluntary levy that has assisted in the establishment and operation of the Queensland Wheat Research Institute.

The research that will flow from this measure will increase production and will enable a better product to be placed on the market. It will also result in a product that should be easier to harvest. A wide range of benefits will flow from the research that will be undertaken by the institute.

There is a whole host of areas in which the foundation will play an important role. At the introductory stage a number of speakers outlined the problems that arise in relation to the cultivation of wheat. One that I refer to specifically is frost. As stated by the Minister, it constitutes a very grave problem and I hope that it can be overcome. I have seen crops of wheat side by side, one hit by frost and the other not hit by it. The damage that is done by frost depends not only on the susceptibility of certain varieties to frost but also on the stage of growth at the time the crop is hit by it. A crop that is hit by frost might yield about five or six bags to the acre, whereas one that is not hit by frost yields as much as 10 or 11 bags per acre. Frost has an important bearing on wheat production. Bad frosting certainly leads to loss of production.

Problems are also brought about by root-rot disease and smut. Since the Wheat Board stopped using mercury-based pickling agents, the incidence of smut disease in wheat has increased. No doubt research will be conducted into this also.

As outlined by the Minister, weathering of grain results in lower premiums and further loss of income. Loss is also sustained by the lodging of wheat. Wheat that has a very large head and a heavy ear of grain and also has a weak stalk will fall to the ground in a strong wind. This is very difficult to harvest.

We must aim for increased production and higher quality to offset rising production costs. As costs continue to escalate, farmers in the more favoured areas will be forced to turn to higher-return crops. Production of wheat will continue to expand out into the drier areas. Owing to the drop in prices of other rural commodities, grain-growing is now carried on in areas that until a few years ago were devoted solely to grazing.

This will continue to happen. The foundation, through the institute, will play its part in breeding new varieties of wheat and improved varieties of other grains. I am sure that new varieties that will be able to withstand harsh conditions in the western areas will be bred. The foundation will play an important role in the future of the grain industry. One benefit will be the flow-on of information from its experiments to the producers. With such information growers are better informed as to the most suitable varieties in terms of yield and resistance to frost and disease. I support the Bill.

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (8.40 p.m.), in reply: I thank the Deputy Leader of the Opposition for his whole-hearted acceptance of the Bill. I thank the honourable member for Balonne for his contribution. As a practical farmer he indicated that he values the work of the researchers. He also pointed out that members of the Graingrowers' Association (which is the real basis of this foundation) have made a great contribution to the industry. If this is what it wants, I think we are wise to implement this legislation.

Motion (Mr. Sullivan) agreed to.

COMMITTEE

(Mr. Kaus, Mansfield, in the chair)

Clauses 1 to 28, both inclusive, as read, agreed to.

Bill reported, without amendment.

SUGAR EXPERIMENT STATIONS ACT AMENDMENT BILL

SECOND READING

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (8.44 p.m.): I move—

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

I would like to thank the Honourable the Deputy Leader of the Opposition for his support in principle during this Bill's initiation in Committee. There were, however, one or two points he raised which needed clarification.

While the honourable member stressed that the industry is well organised and regulated he did imply that the industry was a closed shop and was lacking in competition. This is far from reality.

Cane farms and mills do change ownership and are therefore subject to the normal pressures of private enterprise. A grower does compete against other growers for a share of the mill peak, and peak reviews are based on production. This competition and advances in technology are the main ingredients for the increasing levels of productivity recorded for the sugar industry.

The industry provides the bulk of the funds for the operation of the Bureau of Sugar Experiment Stations and all the money for cane pest and disease control boards. It is only on rare occasions that cane pest and disease control boards find it necessary to borrow money. On such occasions, the borrowing is related to the upgrading of facilities for pest and disease control. This Bill proposes that the Sugar Experiment Stations Board may act as guarantor if it is satisfied of the urgency of the loan and the ability of the cane pest and disease control board to repay it.

The honourable member for Mackay highlighted the high regard in which the Bureau of Sugar Experiment Stations is held by the industry, particularly for its contribution through technology to the industry's productivity. His suggestion that other honourable members should attend bureau field days has my endorsement, and I was happy to hear the honourable member for Barron River strongly supporting the proposition. Actually, I find that members regularly attended field days held in their areas, but I agree with the honourable member that it may be a good thing if members from areas interested in other primary industries—or even urban members—took the opportunity to attend these field days.

Some pertinent comments were made on the problems of mechanical harvesting during wet weather and the necessity to prevent the spread of disease by cleaning machines before they move from farm to farm. Great care is taken to ensure that diseases and pests such as rats are kept under control, and this Bill is aimed at improving these control measures.

The varying pressures from conservation groups to bring about major changes in industries require close evaluation. The burning of cane is one subject under constant review by the industry. This has problems, as the honourable member for Mackay would know, when cane is grown right up to the back fences of dwellings. I suppose that the housewives in the area have learnt to live with it, and do not wash in the afternoon. They wash in the morning, because cane is burnt in the afternoon and the ash from it is a real problem.

Intensive studies in Hawaii, prompted by the Environmental Protection Agency, indicated that no noxious gases were produced by burning of cane. The main item of concern is the wind-blown, burnt-cane debris that follows in the wake of a cane fire. To some, the burnt debris is viewed in the same light as dust from roads or ploughed fields. The Bureau of Sugar Experiment Stations is investigating the advantages and disadvantages of green-cane harvesting over burnt-cane harvesting.

The honourable member for Mackay stated that he feels that I am not being given correct information to answer some of the questions he has put to me on the sugar industry. In support of this contention he instanced two replies given by me to questions asked by him on 2 September and 11 November.

I would inform the honourable member that I have taken the opportunity to check the answers I gave on both these occasions, and I would assure him that those answers were factually correct replies to his questions. I do not propose, therefore, to expound further the subject matter of such quesions and answers.

However, the honourable member also suggested that a certain person in a radio broadcast had given out information made available to him confidentially by the Sugar Board. I now have details of the particular instance to which I believe the honourable member referred and, if so, I find this criticism also to be unfounded. In a question and answer radio session the industry official concerned was asked, "What can a cane farmer do to not contribute to the oversupply situation?" The answer given was to the effect that the management of the industry is tied to mill and farm peaks and that the acquisition of over-peak production is not guaranteed. The answer did not draw on confidential information made available by the Sugar Board. It simply dealt with the application of the peak system and the wisdom or otherwise of guaranteeing over-peak production.

Mr. Casey: Other sugar leaders have even gone to the trouble of issuing statements on this matter in order to dispel the alarm generated amongst growers by that programme.

Mr. SULLIVAN: I am giving the answer. I am not trying to smooth over anything. That is the factual answer.

I would be happy to make a copy of the details of the particular radio question and answer available to the honourable member if he so wishes. However, I would thank the honourable member for his evident concern in this matter.

The honourable member for Cooroora referred to new land being brought into cane production during expansions. I am informed that in the Moreton Mill area every effort is being made to improve drainage of the old and new land by the bureau extension officer in that area.

The honourable member for Barron River highlighted a problem throughout the industry, that is, abandoned cane growing on land which has been de-assigned. Amendments contained in this Bill will assist in the elimination of this cane.

I again thank honourable members for their acceptance of the general provisions of this Bill, and commend it for the further consideration of the House.

Mr. HOUSTON (Bulimba) (8.51 p.m.): As indicated at the introductory stage, the Opposition accepts the Bill and the propositions that it contains.

There are one or two of the Minister's comments that I should like to refer to. He queried my statements on the lack of competition. He suggested that I implied that there was no competition within the cane industry. I think in suggesting I said that he is taking the matter to the extreme. I am sure he will agree with me that in the cane industry the person next door cannot grow cane simply because he decides that he wants to. The Minister knows as well as I do that one of the problems in the beef industry today results from the decision of those who were growing wool a few years ago that because of many factors, wool was not payable so they would swing into beef production. They bought old cracker cows and tried to start in the beef industry. Those were desperate times and they were desperate men. I do not criticise them for doing it. It is just something that happened at that time. If grain producton is very profitable some people in the other primary industries will switch to it. This goes on and it is quite legitimate. But every time someone new comes into that type of industry, he can create a problem with over-production. It is in that sense that I was talking about competition.

Naturally I know the set-up with regard to peaks, overpeaks and what not. I think the Minister said that mills change hands. I do not think that was quite an appropriate statement to make. My adviser from Bundaberg assures me that there have been quite some changes. I do not think this is in the interests of the general industry. After all, I believe that in this type of industry there is a need for as much competition as can be had, provided it is regulated and controlled. We have CSR taking over the mill in Kalamia, Pioneer taking over the Plane Creek mill, Bundaberg taking over Millaquin and Bingera taking over Gin Gin. So some mills have changed hands. This has put the mills under the control of companies that already had other mills. Whether or not that is good for the industry depends on economics and many other factors. I do not think it could be said that, because those mills were taken over, we were increasing competition at all. The number of controlling authorities was reduced. That is only by the way. I thought I would mention that to put the Minister straight.

Seriously, what the Bureau of Experiment Stations and the industry as a whole have to finally come to grips with is the cutting of the cane. We have seen the advances made over the years from manual cutting to mechanical harvesting. We know that cane was burnt in the early days because of disease and we know that the mechanical harvester was developed to cut burnt cane. It is also true to say that the new green-cane cutter is quite an expensive item that has been introduced into the industry. I feel that that is what the industry will eventually need. I believe for the many reasons the Minister outlined, pollution and all the other things—the quality of the cane, the length of time the

green cane can be kept between cutting and milling and so forth—will have to be looked at.

As the Minister and the industry know, one of the problems is the difference in price. I hope that one of the jobs of the bureau will be to try to help in having these cutters made in this country, perhaps under licence, at a lower price, so that as producers decide to get new machinery they can come into this new field. I would not like to think that production of one of the major mechanical devices used in the sugar industry was left to overseas manufacturers. After all, the manufacture of cane cutters in Queensland provides much employment. Local people are employed in the manufacture and maintenance of machines used in the sugar industry at present and there has been an export market for these products. I trust that some arrangement can be made between local manufacturers and those who hold the patent rights for this machinery so that our own people employed in secondary industries can play their part in sugar production.

I do not want to labour my points any further. The Opposition supports the principle of assisting further investigations in the development of the sugar industry.

Mr. ROW (Hinchinbrook) (8.56 p.m.): Regrettably I was absent from the Chamber during the introductory debate on this Bill, but I assume from the Minister's remarks that there was then a wide-ranging discussion. I am pleased to hear that, because I think there should be such a debate when amendments are being considered to legislation dealing with an industry that is one of the best organised and best managed in the world. It is a great credit to Queensland and Queenslanders that this State has a major primary industry that has survived the many vicissitudes of the sugar market and it is a credit to the board, directorship and management of the Bureau of Sugar Experiment Stations that this industry in Queensland has withstood the test of time.

It is also worthy of note that the sugar industry has produced and accepted, through its own initiative, Acts and regulations that many other primary industries in Queensland could do well to follow. Because of a fear of removal of competition, the curtailment of enterprise, or some such feeling, there seems to be a reluctance in some quarters to accept this kind of management. I was pleased to hear a member of the Opposition mention tonight competition in the sugar industry. He said that he had probably been misunderstood.

There will always be a good deal of competition in the sugar industry. Indeed, competition is very natural when one considers some of the factors associated with it. The long coastal strip of Queensland where the sugar industry operates is a geographical factor which in itself produces a natural degree of competition. I think that cane growers, advisers and managerial organisations within the industry have dealt very effectively with that situation.

Probably the greatest level of competition is seen in the submissions made each year to the tribunal which hears the cases submitted by various sections of the sugar industry on the distribution of sugar moneys. I should like to assure the Deputy Leader of the Opposition, and indeed all other members in the House, that this kind of competition is very evident, and the effectiveness of the way in which the industry deals with it is shown by the fact that determinations are competently made by the Central Sugar Cane Prices Board, which is the responsible tribunal.

It ensures that in spite of competition the various elements of the industry receive something like equity but, of course, real equity is never properly achieved in the eyes of those people who participate in the industry. Some people are inclined to think in terms of equality, but I do not think it is proper to think that in any industry total equality is achievable, and for that reason I commend the amount of competition that in fact does exist in what is considered by many people to be an over-regulated industry. I do not think it is over-regulated at all.

Getting back to the Bill, I would suggest that the amendments proposed are more or less of a machinery nature, particularly those in the first part which seek to cover situations which did not exist in the old legislation. When we look at the amendments dealing with administrative procedures, we might gain the impression that the Sugar Experiment Stations Board is probably wishing to hand over some of its discretionary powers to the director, but I feel that this is purely a machinery amendment. In some of the preliminary comments which the Minister circulated in relation to this Bill, it was said that the amendment is an auditor's requirement, and having served a term on the Sugar Experiment Stations Board I can understand the necessity for some of the amendments.

The funding of the Sugar Experiment Stations Board is based on a precept levied on the sugar cane harvested in the State, and as harvesting proceeds the money is made available to the board. To gain the best possible financial result, the board has to utilise the short-term money market to make the most profitable investment of the funds while they are being absorbed in the budget of the board, and in order to do this the director must have the discretion, and also must have power to delegate his discretion to the appropriate members of the staff of the board charged with the handling of these financial transactions. I feel that that is quite in order, and in fact will improve the management of the Sugar Experiment Stations Board considerably.

There is reference in the Bill to statistical requirements of mill owners. It will not be an imposition on mill owners or any other

section of the industry to produce these statistics; they are already available. The only problem in the past, I think, is that they have not been produced in a form which suits the board's purposes. It is necessary for the director to have access to these figures so that he can compile appropriate, complete and comprehensive records of the performance and affairs of the industry. I do not feel that there is any imposition on anyone. The provision will merely give the director the power to consolidate information which is available but probably not always produced in the manner which he requires.

There is reference in the Bill to other inspectorial powers in connection with cane growing on abandoned land. This has already been mentioned in the debate and has been a cause of concern to most people who are charged with the responsibility of the administration of the sugar industry. For many years power has existed under the cane pest control powers legislation to destroy diseased cane, but it has been somewhat curtailed in respect of cane growing on land not presently assigned for the production of sugar cane. This occurred because previously the power of inspection and the power to order the destruction of surplus sugar cane was vested only in the people who had control over assigned areas.

Cane growing on abandoned land is a very real hazard. Fortunately, by world standards, Queensland has been remarkably free from sugar cane diseases. In a tropical climate, of course, sugar cane is susceptible to many diseases that could be disastrous to the industry. In the south-eastern part of the State we have had a disease that has given a considerable amount of trouble, and it is necessary to have legislation readily available under which regulations can be brought down to empower the destruction of any sugar cane that is likely to cause problems in other sections of the State, thereby prejudicing productivity. I refer, of course, to Fiji disease. It is well known that it has created problems for a considerable number of years in Queensland—in fact, probably the biggest problem the industry has had—but there are also other factors such as the existence of abandoned sugar cane that may be a harbourage for rodents and other pests that need to be brought under control.

The other amendment to the legislation relates to the anomaly that is considered to exist in the case of a cane grower who has disqualified himself from serving on a sugar cane pest and disease control board by ceasing to be an individual cane grower and diverting his interests into a company or some type of corporation. Although it has been suggested that this will create a loophole in the legislation that will allow people who are not cane growers to come out of corporations and be instrumental in influencing the affairs of cane growers, I think there is sufficient power in the relevant clause to cover the situation adequately, because it states clearly that a nominee to represent a corporation that is now allowed to nominate him must be a person engaged in cane-growing. I do not think that will create any particular problem.

The provision of sufficient power under the Act to enable cane pest and disease control boards to invest funds and borrow money is, I believe, another machinery amendment. The Solicitor-General has suggested that this should be done to legalise something that probably will need to be done by the boards as their activities become more general and more uniform throughout the State. As their effort is consolidated, and probably put into practice to a greater extent as each sugar-growing season comes along, the boards will have funds that they need to invest on the most profitable money markets they can find or spend in the interests of the industry without the hindrance of cumbersome legislation. I do not think any problem will arise there.

If anything, the whole Bill deals with expediting administration of the sugar industry, and I have great pleasure in commending the amendments to the House.

Mr. JENSEN (Bundaberg) (9.9 p.m.): I will not take two hours to tell the House of my experiences in the sugar industry and the ramifications of the industry. I have been through the Bill and there are some provisions in it about which I am somewhat concerned.

I should say that it has taken the Minister a long time to wash his hands of some of the detail, but he is now doing so. Perhaps the present director is more the managerial type and has found that we can do without half the detail of going to the board and to the Minister, and that the authority can be put into his hands. The former directors—Norman King, Roley Behne and some of the others—did not worry about these matters. However, it has taken all this time to give the director much of the power. I do not mind that, as long as the director can handle that power. The Bill provides that the board can delegate all or any of its powers, authorities, functions and duties under the Bill, including the power of delegation and the power to expend or invest funds of the board, to the director. The Minister has passed on to the board and the board has passed on to the director all those powers, including the power to invest funds. I would not say that the present director would consider taking on the S.G.I.O. and erecting seven-storey mansions for his staff to sit around in. However, the powers are there.

The Bill goes on to provide that a delegation under the section to which I am referring may be varied or revoked by resolution of the board, and this does not prevent the exercise of any power or authority or the performance of a function or duty by the board. That is good. The board can prevent the director from going too far. Now that the Minister seems to have learned something about the industry, he does not want to be worried about the details of it. The power goes straight to the director.

I know the present director very well. I also know that power will not go to his head. But at some time in the future power might go to the head of the person who is director at that time, and he might go too far before the board wakes up. Probably it will meet only once every three months. This delegation of powers must be watched.

The Bill provides that the director may delegate these powers to his officers. He cannot, however, delegate that power of delegation. That is quite in order, because the director would need to delegate power to some of his officers in various areas.

The Bill also provides that a mill has to provide full details of variety, the area harvested, the cane condemned and the weighted average commercial cane sugar of every variety of cane received and crushed by it. There is nothing wrong with that; it is quite in order that the mill should provide that information to the bureau. However, the penalty prescribed by section 17 of the Act has not been increased. It stands at $1,000. All other penalties, with one exception (that is, the penalty of $14,000) have been increased, some five times, some 10 times and one 12½ times. I would ask the Minister why the penalty prescribed by section 17 has not been increased.

Mr. Row: I thought you were a miller's man.

Mr. JENSEN: I am a miller's man. But some co-operative mills do not supply this information. I know that the proprietary mills do. Some of the co-operative mills think they can get away with anything and, half the time, the co-operatives take no notice of the director and refuse to supply him with the figures. So why hasn't this penalty been increased? Why should all other penalties be increased—one from $40 to $500—when this one is not increased? Under the Bill the secretary and every member can be fined $500. The penalty has been increased 12½ times. Every other penalty has been increased from five to 10 times, but this one has not been increased.

Mr. Row interjected.

Mr. JENSEN: I am just asking the question through you, Mr. Speaker. It is no good asking the honourable member for Hinchinbrook. When he was on the board he did nothing. These powers have to be given to the director because people of his type were on the board and did nothing. The honourable member knew nothing about the history of the industry; he was put there by his cousin Sir John Row when he was the Minister. The people who have undermined the proprietary millers will not take notice of the cane growers.

Mr. ROW: I rise to a point of order. The honourable member has cast personal aspersions at my family. I ask that he withdraw them.

Mr. SPEAKER: Order! I ask the honourable member to accept what has been said.

Mr. ROW: I ask that the remark be withdrawn.

Mr. JENSEN: I withdraw it if I have insulted the poor fellow. Sir John appointed him and that is the only reason he got there.

The Bill confers increased powers on the officers of the cane pest and disease control boards to inspect all cane for planting to prevent the spread of Fiji disease. For almost 10 years these officers did not know that Fiji disease was in the Bundaberg area. Today, Fiji disease is supposed to be rife on 85 per cent of farms in the Fairymead area. Yet this year we grew the greatest crop in history in the Bundaberg area. Fiji disease may be the disease that affected varieties 2878 and 2725, but it did not affect this present crop so seriously. When I was on disease control in the 1930s, 2878 and 2725 ratoon crops were completely stunted.

Mr. SPEAKER: Order! I asked the honourable member to return to the Bill.

Mr. JENSEN: I am talking about Fiji disease, which this penalty is prescribed for.

Mr. SPEAKER: I thought the honourable member was away in Ireland.

Mr. JENSEN: I am talking about the board which is given the power to inspect cane. The powers are conferred because of the seriousness of Fiji disease in the Bundaberg and southern districts. It was said that the disease was only in Bundaberg, but now it is at Childers and Maryborough. It will be at Rocky Point next. Probably it has been there for years, just as it is in the C.S.R. mill areas in New South Wales. The powers are needed to prevent the spread of disease, but we must ensure that we do not plough out varieties before we have others to take their place. I know that the present director is not going ahead with that; but two or three years ago there was talk about ploughing out virtually all of the Bundaberg cane. Until we get planting material to take the place of the present varieties, the ratoons must be maintained.

It is remarkable that this year the Bundaberg area, which is 85 per cent affected by Fiji disease, had its greatest crop on record. If 2878 had been ratooned, there would have been no crop—not one stick of cane. Yet 10 years ago none of the board officers knew it was there. When it was pointed out to the officers, they did not know a thing about it. They blamed nematodes for the loss of cane when it was probably Fiji disease. They talked about nematodes for 10 years when Fiji disease was rife in the area. Now they say it is affecting 85 per cent of the area. They said it was not in the Millaquin area but

it is in Millaquin and it is down as far as Isis. We must ensure that the boards know what they are doing.

We must be careful about the power given to boards to invest money. The levies are paid for the eradication of disease—to look for it, find it and control it—not for investment. The levy is imposed for one purpose only. If there is a bit of a surplus, nobody minds if that money is soundly invested. I have nothing against that. We know that the accounts are audited. But all levies imposed have to be watched. The boards are always wanting to get a little bit more in for investment. I see that the amount has been increased from 5c to 10c. If it is not required, there is no need for a levy.

However, there has always been a need for somebody in the industry to keep an eye on diseases. There is always the chance of a disease coming in from other areas. I have known diseases in sugar-cane all my life. I have had to dig out diseased cane. I can remember digging out 135 stools of mosaic, and the field manager came along and said, "Look, you are spoiling the block. We will get you put off the job. You go back to irrigation." Because it was not causing much loss of cane, they didn't want the mosaic dug out. It is said that Fiji disease is not causing much loss of cane at the moment. We still have to control the planting to see that the disease does not get completely out of control. It is supposed to be completely out of control now with 85 per cent of Bundaberg farms being infected. However, it is still not doing much damage. I think it could be said that the nematodes were doing more.

The Bill also mentions that a member of a body corporate can vote in the future or be elected to a board. There is nothing wrong with that.

I have mentioned the investment of moneys. I think it could get out of control. The power is with the director. He is the person who has to watch the situation. The Cane Prices Board, too, should be watching that levies and the investment of moneys do not get out of hand.

The cane pest and disease control boards may borrow money. That is sound, too. If there is an outbreak of disease and money is not available, they would need to borrow money to put on more men to control the disease. That would be facilitated by the Sugar Experiment Stations Board being the guarantor. That would ensure that the borrowing did not get out of hand or that too many men were not employed to control the disease.

I believe that the Sugar Experiment Stations Board itself will look after the investment of moneys. Under the first section, the powers could be delegated to the director. I do not know whether the director will control all the investment without any advice from the board. A person like the late Jack Webster knew a little bit about investing, because his company took over an investment company. Members of that board may have some knowledge. If the board is going to wash its hands of this and hand it all over to the director, I do not know where he is going to get his advice from. He may get it from my good friend Roy Diecke of the Bundaberg Sugar Company. He would be able to give some good advice to the Bureau of Sugar Experiment Stations. However, the Minister seems to have washed his hands completely of the Act and the board has washed its hands of its responsibility.

Mr. Casey: Do you think he has washed his hands like Pontius Pilate?

Mr. JENSEN: The Minister thinks these are only details. He does not realise the full implications of the sugar industry. He thinks that some of these things are details. I am just trying to point out to him that they are more than details. There is big money in this game—money in levies and money going out—and these things should be under the control of the Minister or the board.

I do not mind certain powers being delegated to the director. It has taken some people a long time to wake up that these powers should be in the hands of the director. For the last 76 years, since the board was formed, they have been in the hands of the Minister or the board. Now they are going to be handed over. I hope it is not going to be willy-nilly. I hope it is not going to be passed over with the statement, "Well, you handle this." I know that Mr. Sturgess has ability. He may have that ability. Norman King and Roly Behne were practical men but they were quite good men in administration later on.

I could not understand when reading the Bill, and I still cannot understand, why some of the penalties have been increased 10 times. It may have been that they were not increased the last time they were reviewed. Most of them have been increased five times and one has been increased 12½ times. I know why one was not increased. There is no proposal in the Bill for some other penalties to be increased. The Bill provides for an amendment to section 17 but there is no increase in penalty provided for.

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (9.26 p.m.), in reply: I again thank the Deputy Leader of the Opposition for accepting the measures contained in the Bill and also the honourable member for Hinchinbrook for his acceptance. Because of the experience of the honourable member for Hinchinbrook as a board member he is well aware of what this is all about and the need for it. I am not quite sure whether the honourable member for Bundaberg accepts the Bill or not. I am not even sure whether he is sure what he wants.

Some speakers referred to the need for research into green-cane harvesting. This is going on. These machines are working in Queensland at present. No doubt the manufacturers of sugar-cane harvesters in Australia will be looking at the development of green-cane harvesters. The bureau is doing research in this field.

A point was made of the problems of burning cane. It is a real problem in the areas I mentioned earlier. The debates do become a little dull at times so I should like to tell the story of a dear old lady who was in the cattle industry in Jericho in the electorate of Belyando. When things were really flat in the beef industry and producers were getting about 10c a lb. she and her husband took a holiday and went to North Queensland. When she returned she went to the local C.W.A. meeting and said, "Things are bad in the cattle industry but no matter how badly off we are there is always somebody worse off. Would you believe that things are so bad in the sugar industry that we saw the poor old farmers burning their cane?" So burning does create problems.

Mr. Houston: Did you tell the honourable member where he was wrong when he related that story?

Mr. SULLIVAN: It is not one of the stories of the honourable member for Belyando but he is a hard-working member.

I do not think I need delay further other than to put the honourable member for Bundaberg straight on a couple of points. Anything that is being done in the delegation of authority and the increasing of penalties is not the result of the work of the director; it is the result of the work of the board of which I am privileged to be chairman. As the honourable member would know, the growers and the millers have been and are very efficiently represented on the board by the late Jack Webster, Jack Elliott, Harry Bonanno and Rex Shields.

The board has looked at the need to increase penalties. Some penalties have been increased tenfold or fivefold for a very good reason. The one the honourable member referred to that we did not increase was not increased for a very good reason. I do not want the honourable member to mislead the House by suggesting that this was the result of the work of the director; it was the result of the work of the board, and the board members accept full responsibility.

The board is delegating certain authority to the director, and in turn he will be empowered to delegate authority to fellows in the field to make on-the-spot decisions. It could well be, of course, that this is the last opportunity for the honourable member for Bundaberg to speak in this Chamber on a primary industries matter as I do not have any more legislation coming forward. If it is, I may say that I think at heart he has meant well for the people he has served in the sugar industry and I thank him for the suggestions that he has made in the past.

Motion (Mr. Sullivan) agreed to.

COMMITTEE

(Mr. Kaus, Mansfield, in the chair)

Clauses 1 to 19, both inclusive, as read, agreed to.

Schedule—

Mr. JENSEN (Bundaberg) (9.32 p.m.): At the second reading I could not refer to the schedule because members can speak then only to the principles of the Bill. When I referred to section 17 (2) and the fact that the penalty had not been increased, the Minister said that this was for a very good reason. When the Bill has amended all other penalties, I cannot for the life of me see that there is a very good reason for not amending this one. I should like to know why this penalty has not been increased. I believe that it, too, should have been increased fivefold. The schedule provides increases such as from £100 to $2,000; from £500 to $10,000; again from £500 to $10,000. In the case of section 17 (2), the penalty has not been increased.

I want to put the Minister right. I did not say that the director put these penalties out. Probably the board has agreed to them. I do not know whether the millowners' representative made sure that the cane-growers' representative was on side so that this penalty was not increased. Similarly, there is no increase in section 9 (b); the penalty there is changed from £7,000 to $14,000. But section 9 (b) has not been amended by the Bill. Section 17 has been amended, as have many other sections, and every penalty, with the exception of the one that I have mentioned, has been increased.

The penalty prescribed in section 31 (5) has been increased from £20 to $500, which means that it has been increased to 12½ times. That is now a severe penalty. It applies if a cane pest and disease control board fails to have an audit. In that case, the secretary and every member is fined $500. Previously the fine was only £20. Yet if a mill refuses to supply the director or the board with certain statistics that are most important, such as the cane that is being crushed, where it has come from, the number of acres and the amount of diseased cane that has been crushed, the attitude seems to be, "Oh, well, it doesn't matter. It's only $1,000. We won't bother about it."

Mr. N. T. E. Hewitt: What do you think the penalty should be?

Mr. JENSEN: If the penalties have risen in some cases to a minimum of five times their original amount, in other cases to 10 times their original amount and in one case to 12½ times the original amount, why didn't this particular penalty increase to at least

the minimum of five times the original amount? Why was it not raised with the others when the schedule was being amended?

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (9.35 p.m.): The penalties were considered by the board because they had not been reviewed since 1938. The board considered penalties individually and decided to increase them. They decided the penalty to which the honourable member is referring was sufficient, and the decision was taken not to increase it.

Schedule, as read, agreed to.

Bill reported, without amendment.

LAND TAX ACT AMENDMENT BILL

INITIATION IN COMMITTEE

(Mr. Kaus, Mansfield, in the chair)

Hon. W. E. KNOX (Nundah—Deputy Premier and Treasurer) (9.37 p.m.): I move—

"That a Bill be introduced to amend the Land Tax Act 1915–1974 in certain particulars."

Honourable members will recall that in presenting the Budget for 1976-77 I indicated that steps would be taken to increase by one-quarter the exemptions applying to resident landholders under the Land Tax Act in respect of both town land and land used for primary production. The proposed amendments which I outline will give effect to the increased exemptions. It is the Government's intention that the increased exemptions be applicable during the financial year 1976-77. The Bill therefore provides that the amendments shall be deemed to have commenced on 29 June 1976.

It is proposed that the statutory exemption to an owner other than an absentee or a company be increased from $20,000 to $25,000 and that the special exemption on country land personally worked by the owner be increased from $60,000 to $75,000. The amendments to section 11 of the Principal Act as outlined in the Bill provide for these increased exemption levels. By way of explanation, I mention that an "absentee" is, briefly, a person owning freehold land in Queensland but who does not ordinarily reside in Australia or in a territory under the control of the Commonwealth of Australia.

The present level at which an owner other than an absentee or a company becomes liable to lodge a return is $22,000. Present liability for an absentee or a company is $2,000. The adoption of the higher levels of exemption and minimum tax will allow these figures to be increased to $29,000 and $4,000 respectively. Under section 18, the Commissioner of Land Tax may, in his discretion, refrain from levying an amount of tax less than $6. This figure for minimum tax is now to be increased to $12.

The combination of the special exemption at new levels and the minimum tax will mean that a farmer or grazier who personally works his land will not pay land tax if the unimproved value of his land is less than $79,000. In the case of a taxpayer other than a primary producer, an absentee or a company, the figure is $29,000. There is no statutory exemption for an absentee or a company. The proposed exemption levels and adoption of the increased minimum tax in this year's Budget will reduce the number of farmers paying land tax from 401 to 190 and the total number of taxpayers from 12,903 to 12,504. I commend the Bill to the Committee.

Mr. HOUSTON (Bulimba) (9.40 p.m.): I think it would be true to say that the Government's proposal to reduce land tax was put forward because by-elections were to be held in Clayfield, an area in which many land values are rather high, and in Port Curtis and Lockyer. I do not think there is any doubt that it was because those by-elections were to be held that the Treasurer said, "We will reduce land tax."

I say that because the reduction that the Treasurer is giving on this occasion is much lower relatively than reductions given by other Treasurers from time to time when they found that land values were being increased by the Valuer-General's Department. From the financial tables issued by the Treasurer each year, it will be seen that back in 1966-67 revenue from land tax was in the vicinity of $4,700,000. It remained at about that figure in 1967-68 and 1968-69, and even as late as 1971-72 it was only $5,500,000. I can recall Treasurers coming into the Chamber and using the same argument in support of a reduction. In 1974-75 revenue had increased to $7,740,000 and last year it was up to about $8,790,000.

The Treasurer is now suggesting that there should be this further reduction in the rate. I say that it is not sufficient to maintain the status quo. It may be said that many primary-producing areas will not be affected, and it is true that some city dwellings will not be affected. However, the fact is that, although in last year's Budget the revenue was $8,790,000, even with the reduction now proposed the Treasurer still expects an income of $12,000,000 from land tax. According to the Treasurer, this is a tremendous reduction, but the Government will still receive an increase of $3,000,000, which is a substantial amount.

Therefore, although the Opposition supports the measure, it questions why the reduction has been made, because it is not nearly as high as the reductions in former years to compensate for the increase in land values. However, I suppose that any relief given to people from this type of taxation is acceptable because quite a few land values given by the Valuer-General have no relation to the productivity of the land, if it is productive land, or to the use of the land, if

it is a town allotment, nor do they take any account of the ability of the person to pay. If it is commercial land, whether primary or secondary, the profit made from the land is not taken into account; if householders are involved, the return to them is not taken into account.

This is one type of State taxation that has not progressed very much over the years, and I reiterate that on this occasion the estimated increase in revenue is the largest since records relating to land tax have been kept. Although the Opposition supports the measure, I point out that the reduction proposed is much smaller than the reduction which would have been made under normal conditions.

Mr. AHERN (Landsborough) (9.45 p.m.): I rise to support this measure and to comment on the extent of it as outlined in the Treasurer's speech.

A study of the number of persons who have been enjoying this section 11 exemption since 1969-70 reveals that in that year the number of persons totally exempt from paying tax—that is, farmers and those exempt for other reasons under the Act—was 2,300; in 1970-71 the number rose to 2,700; in 1971-72 it fell to 2,500; in 1972-73, to 2,400; in 1973-74, to 1,100; and in 1974-75, to 968. In 1975-76 it rose again, to 1,314. With inflation in land values the number of persons who have actually been enjoying this land tax exemption has declined.

Since 1969-70, when land tax receipts rested at $5,000,000, they increased in the next year to $5,100,000; in 1971-72, to $5,480,000; in 1972-73, to $6,110,000; in 1973-74, to $6,420,000; in 1974-75, to $7,700,000; in 1975-76, to $8,800,000; and this year the estimate is $12,000,000. Despite the exemption levels, receipts from land tax have shown a very sharp increase over the past couple of years. Property taxation by way of land tax is now quite a significant item in the Budget.

What I am saying is that, despite the exemption levels, a very significant number of landholders in Queensland are paying this tax—many more than were paying it in the early 1970s. This is something that the Treasurer, in the light of happier times, might look at when preparing his Budget.

In his introductory speech he said that this concession will mean that the number of farmers paying tax will drop from 401 to 190. I was very glad that he provided this information for it is not contained in the report of the Commissioner of Land Tax. The first point I wish to make is that the land taxes have been going up quite significantly in recent times; the graph has shown a very steep upward incline. This tax is in no way indexed to the rate of inflation.

I wonder whether the primary-producing situation is quite as good as has been described by the Minister, and this brings me to my second point. Many primary producers in Queensland enjoy total exemption from land tax simply because of the section 11 provisions. However, for a lot of very good economic reasons, many primary producers have formed small family companies and, upon doing so, no longer enjoy the section 11 concession. I would like the Treasurer to look at this aspect. There are a lot of good accountancy reasons why family companies should be formed on the land. Figures that I had prepared for my 1975 Budget speech show that the number of companies holding rural land went up from 6.7 per cent in 1969 to 10.5 per cent in 1974-75. This does not mean that companies are buying up land; it means mainly that those persons engaged in rural production today are becoming more cognisant of the need to adopt proper accounting procedures and that their accountants are advising them for one reason or another to form family companies. When they do so they do not enjoy section 11 concessions under the Land Tax Act. I believe that they should. In no way are there as few farmers affected as the Minister outlined. A great number of bona fide one-unit enterprises, which should be enjoying the concession—and it was our intention that they should enjoy it—are not doing so. Because their accountants advised for estate planning purposes, asset-sharing purposes or security-accounting reasons of one type or another, they formed companies and therefore do not enjoy the concessions. I should like the Minister to look at that point.

In general, as land values have increased throughout Queensland, statistics show that more and more people pay land tax. The concessions provided in this year's Budget, which were very welcome and timely, are still insufficient to offset the normal inflation in land values that brings more and more people into the purview of the Land Tax Commissioner. This is shown in the growth of land tax receipts. When the exemption in 1969-70 was $30,000, land tax receipts totalled $5,000,000. Under the Bill, the receipts will be $12,000,000. That shows clearly that exemption levels under section 11 are not big enough to cope with the inflated land values. However, the concessions in the Budget are very welcome. As it was a very difficult Budget to formulate, I suppose we should be happy that there are any concessions.

Hon. W. E. KNOX (Nundah—Deputy Premier and Treasurer) (9.52 p.m.), in reply: I welcome the comments made by the two speakers. The point raised by the honourable member for Landsborough about the amount of tax collected is quite true. We have been trying to keep down the number of taxpayers. When samples are taken we find that the greatest escalation in land values has occurred in Queen Street; the great bulk of land tax is paid on property in that area. The suggestion by the Deputy Leader of the Opposition that the people of Lockyer, Gladstone or Clayfield influenced the decision on land tax shows that he

does not really understand the nature of the problem. If we were to give further exemptions, we would still find that the tax collected this year would be greater than last year because of the enormous escalation in values of some of the central city properties.

As I said in my speech, the number of farmers paying tax will be halved. I imagine that the next time we review this tax no farmers will pay land tax, yet the amount of money collected will tend to increase.

Mr. Ahern: Except in the case of family companies.

Mr. KNOX: I do not think there will be many in that category. I shall make inquiries, but I doubt that many will be in that category. I shall find out more about it.

Motion (Mr. Knox) agreed to.

Resolution reported.

FIRST READING

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

GOVERNMENT LOAN BILL

SECOND READING

Hon. W. E. KNOX (Nundah—Deputy Premier and Treasurer) (9.56 p.m.): I move—

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

As I indicated at the introductory stage, this is a machinery Bill which provides the necessary legislative approval for the raising of $300,000,000 from the Loan Council. The honourable member for Bulimba indicated that the Opposition realised the necessity for the Bill and supported it. I feel there is nothing more I can add at this stage.

Mr. HOUSTON (Bulimba) (9.57 p.m.): As I said at the introductory stage, I realise that the State has to borrow money. What we will be doing, of course, is closely watching the spending of the money that is borrowed.

Motion (Mr. Knox) agreed to.

COMMITTEE

(Mr. Kaus, Mansfield, in the chair)

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

Bill reported, without amendment.

The House adjourned at 9.59 p.m.