Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 30 NOVEMBER 1976

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Mr. ACTING SPEAKER (Mr. W. D. Hewitt, Chatsworth) read prayers and took the chair at 11 a.m.

ASSENT TO BILLS

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

Electricity Bill;

Sawmills Licensing Act Amendment Bill.

PAPERS

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

Reports—

Registrar of Friendly Societies, for the year 1975-76.

Department of Works, for the year 1975-76.

The following papers were laid on the table:—

Orders in Council under—

The State Electricity Commission Acts, 1937 to 1965.

The Southern Electric Authority of Queensland Acts, 1952 to 1964.

Forestry Act 1959–1976.

Libraries Act 1943–1974 and the Local Government Act 1936–1976.

Jury Act 1929–1976.

Magistrates Courts Act 1921–1976.

The Supreme Court Act of 1921.

State Housing Act 1945–1974.

Regulations under—

Harbours Act 1955–1976.

Queensland Marine Act 1958–1975.

The Canals Acts, 1958 to 1960.

Education Act 1964–1974.

Rule under the Coroners Act 1958–1976.

FEES PAID BY CROWN TO BARRISTERS AND SOLICITORS

RETURN TO ORDER

The following paper was laid on the table:—

Return to an Order made by the House on 26 August last, on the motion of Mr. Muller, showing all payments made by the Government to barristers and solicitors during the 1975-76 financial year, stating the names of the recipients and the amounts received separately.

MINISTERIAL STATEMENT

POLICE ADMINISTRATION; STATEMENTS BY FORMER COMMISSIONER OF POLICE

Hon. T. G. NEWBERY (Mirani—Minister for Police) (11.8 a.m.): I want to open by quoting a passage from the Police Acts relating to the role of the Commissioner of Police. That passage states—

> "The Commissioner shall, subject to the direction of the Minister, be charged with the superintendence of the Police Force of Queensland."

Queensland is no different from any other State in this regard. The commissioner runs the force, subject to the direction of his Minister. The degree of ministerial direction required depends primarily on the performance of the commissioner, the trust the Minister has in his commissioner and the willingness of the commissioner to keep his Minister properly advised and informed. This is necessary for any Minister who is responsible to his Government, to the Parliament and to the citizens of this State.

The previous Commissioner of Police was most reluctant to recognise my responsibilities. This made my job as a new Minister extremely difficult. I feel that Mr. Whitrod wanted to be a power unto himself—responsible to no-one. I do not feel this was a reflection on me as Minister but merely Mr. Whitrod's firm attitude to the way he saw his role as commissioner. What Mr. Whitrod considers to be political interference is, as I see it, only responsible interest and concern by the Government. After all the Government is responsible to the people; the commissioner is not. There is no more political control over police than there is over any other arm of the Public Service.

Mr. Whitrod never sought discussions with me on any problems he saw in this area, although he had a clear responsibility to do so, and it is a matter of concern to me that he has waited until his retirement to come forward with these complaints.

On the question of Cedar Bay, I want to say that at no time did I act contrary to the advice of the commissioner. As soon as Mr. Whitrod advised that the time was appropriate for a full investigation to be conducted into formal complaints against police, that investigation was immediately put in train.

Allegations have been made that I ordered the destruction of the original report on Cedar Bay. That is not true.

Mr. Wright: Where are they, then?

Mr. NEWBERY: The report was not destroyed. A copy was made available to the two senior police officers assigned to investigate the Cedar Bay allegations. A copy of this original report is included in the total report prepared by Mr. Becker and submitted to the Crown Law Office. My own

copy of the original report—and it is the original—was also sent to Crown Law for assessment.

I feel that Mr. Whitrod slanted the truth yesterday when he accused me of arranging the extradition of two people to Western Australia. As the former commissioner knows, I have no authority to order extradition. That is a matter between the police and the courts.

Mr. Burns: Did you ask him to do it for you?

Mr. NEWBERY: My only action in this case was to report to my counterpart——

Opposition Members interjected.

Mr. AIKENS: I rise to a point of order, Mr. Acting Speaker. Will you please try to quieten——

Mr. ACTING SPEAKER: Order!

Mr. AIKENS: . . . these political donkeys of the A.L.P.?

Mr. ACTING SPEAKER: Order! The honourable member will resume his seat.

Mr. AIKENS: I want to hear what the Minister is saying.

Mr. ACTING SPEAKER: Order! The honourable member has been in this House long enough to know that when the presiding officer is on his feet everyone else will be seated. I want no assistance from the honourable member or from anyone else in running the proceedings of this House.

Mr. NEWBERY: As the former commissioner knows, I have no authority to order extraditions. That is a matter between the police and the courts. My only action in this case was to report to my counterpart in Western Australia the whereabouts of two people who were wanted on serious charges in Western Australia. The charges involved breaking and entering a veterinary surgery, stealing drugs and escaping from lawful custody. It was reported to me that the two persons involved were living in complete freedom in Cooktown. I could see no valid reason why time and distance should provide such apparent immunity from the law. The matter of whether the two persons should be returned to Western Australia to face the charges against them was one to be decided by the Western Australian Police, having regard to the nature of the charges.

It is not within the province of any Minister to direct the commencement of extradition proceedings. The commencement of those proceedings is a matter for the police. If warrants of extradition are issued, it is then a matter for the courts to decide if such extradition should be carried out. Allegations that the two people involved were suddenly prevented from giving evidence in pending Cedar Bay drug cases were completely false. The question of whether the two had any evidence to offer was fully considered by the court. The court decided that the extradition should proceed.

Mr. Elliott has given a full statement to the two senior police officers sent to Cairns to investigate allegations against police at Cedar Bay. Mr. Elliott was interviewed by the two investigators prior to his extradition and his full statement appears in the final report of the investigators which was sent to the Crown Law office for assessment. I reported the whereabouts of the Elliotts to the Western Australian authorities as a responsible member of the Government and as a concerned citizen. I made no request for their extradition.

I am deeply concerned at the motives behind Mr. Whitrod's accusation against me. Soon after I reported the matter to Western Australia, I was informed that I could be accused of political interference in the proceedings. I did not consider that I had acted in anything other than the best interests of the people of Queensland or that I had done anything more than a normal responsible citizen in reporting the matter to the police. However, I immediately raised this question with Commissioner Whitrod and asked him if the extradition should proceed in view of allegations that might be raised about political interference. Mr. Whitrod said that I was not involved. He said it was a routine police matter and the extradition should proceed.

PETITION

FUNDS FOR BOARD OF ADULT EDUCATION

Mr. POWELL (Isis) presented a petition from 577 electors of Queensland praying that the Parliament of Queensland will provide an increased budget allocation to the Board of Adult Education to allow it to fully meet the growing public demand for its services.

Petition read and received.

QUESTIONS UPON NOTICE

1. FULL WAGES FOR EMPLOYEES OF COMPANIES IN LIQUIDATION

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

What action is his Government prepared to take to ensure that workers receive their full wages and other monetary entitlements when a company goes into liquidation or takes other action which could result in liquidation?

Answer:—

I refer the honourable member to section 292 of the Companies Act 1961–1975, which stipulates the preference in which unsecured debts are to be paid in a winding-up. All wages, salary, workers' compensation entitlements and long service leave, extended leave, annual leave,

recreational leave and sick leave entitlements rank in priority immediately after the costs of winding-up, and, where a winding-up commences within two months of the determination of a period of official management, the costs of that official manager and debts properly and reasonably incurred by him.

2. EFFECT OF REDUCED INCOME TAX ON GRANTS TO STATE

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

What action has his Government taken to make sure that any Commonwealth Government action to reduce income tax will not affect the over-all financial assistance grant to the State, particularly as a reduction in the income tax rate would be compensated by some other form of Commonwealth taxation to the Commonwealth Government?

Answer:—

Under the arrangements with the Commonwealth relating to the sharing of personal income tax, a reduction by the Commonwealth in personal income tax rates would affect the grants payable to the States unless other arrangements were agreed upon.

In the event, however, that changes are effected in Commonwealth tax legislation which are of major significance in the determination of the States' entitlements, the Commonwealth has agreed that there would be a review of the tax-sharing arrangements. Specifically, it has been agreed that changes in the relative importance of personal income tax vis-a-vis other taxes will be kept under notice between the Commonwealth and State Governments.

I would also point out that, under the arrangements made with the Commonwealth, the States are guaranteed a minimum entitlement in each year up to 1979-80 which cannot fall below the amount which they would have received in each of those years if the previous formula arrangements had continued, or below the amount received in the preceding year.

3. WORKING CONDITIONS AND ACCOMMODATION OF PUBLIC SERVANTS

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

(1) Since 1 January this year, has the State Service Union made any representations to the State Government over unsatisfactory working conditions for Queensland Public Service officers? If so, will he supply a list of the offices and buildings concerned?

(2) Have discussions been held between the Government and the union over these buildings and are there any continuing discussions concerning unsatisfactory accommodation at the present time?

(3) If there are continuing discussions, which buildings are involved?

Answer:—

(1 to 3) These matters are commonly discussed at the regular monthly meetings which are held between the union and the Public Service Board. It is believed that most outstanding matters have been resolved to the satisfaction of both parties, although where accommodation is being arranged in buildings still under construction the matters remain on the formal agenda.

4. PERJURY AND FALSE SUBMISSIONS IN DEFENCE OF CRIMINALS

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

Has he seen the Press report attributed to Mr. Dan Casey, a leading barrister, that some evidence presented by police in criminal cases is fabricated and, if so, will some effort be made to expose the irrefutable fact that frequently barristers and solicitors not only fabricate evidence in an attempt to get criminals off the hook, but rehearse the perjurers extensively on the evidence to be given and that, in addition, barristers and solicitors representing criminals in court proceedings often lie and know that they lie in sympathetic submissions to the bench after the criminal has been found guilty by the jury, in an endeavour to secure a lighter penalty for the criminal than would otherwise be the case?

Answer:—

I have seen the report referred to. The question is not properly framed as it assumes something to be an irrefutable fact. If there is evidence of such practices, the honourable member could bring them to my attention and it is open to him to place such material before the committee of inquiry presently inquiring into these matters.

5. DECLARATION OF DISASTER AREA NORTH OF FLINDERS HIGHWAY

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

(1) Could he have the area north of the Flinders Highway, which is larger than Tasmania and which was burnt out in recent fires, declared a disaster area?

(2) As the Commonwealth Primary Industry Minister advised that requests for $2,000 for each station owner in the

area were rejected because the area must first be declared a disaster area by the State Government, will he request the Commonwealth Government for $2,000 for each holding in the area, where the hardship of these people at the moment is unbelievable?

Answer:—

(1 and 2) The joint Commonwealth/State Natural Disasters Committee has established a basic list of approved measures for natural disasters other than drought. This list indicates the type and range of relief which is normally funded by the Commonwealth when the "trigger" point for each of the States has been reached. Bush-fire relief is included in this list.

Grants are made available only where loss or damage of a personal nature (home and personal effects) has been sustained. Reports from the area have not indicated that this has occurred to any extent and it would therefore appear that most graziers would not be eligible for this type of assistance.

6. DECLARATION OF DROUGHT AREA NORTH OF FLINDERS HIGHWAY

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

Will he immediately arrange to have the 35,000 square miles burnt out in the recent devastating fire north of Richmond declared a drought area, as the area more than adequately fits all existing criteria?

Answer:—

From reports I have received, there are many areas, particularly in North-west Queensland, which have been burnt out by bush-fires. However, not all properties within those areas have suffered to the same extent. Therefore, it is proposed to provide relief measures on a property, rather than an area, basis.

Cabinet has decided to provide bush-fire relief measures, similar in nature to those provided under drought relief, primarily to individual properties located within the shires of McKinlay, Flinders, Richmond, Croydon, Carpentaria, Cloncurry, Mt. Isa and Winton.

7. IMPROVED HOUSING FOR RAILWAY EMPLOYEES, HUGHENDEN

Mr. Ahern for **Mr. Katter,** pursuant to notice, asked the Minister for Transport—

Will he arrange for an official opening ceremony for the first of the Hughenden railway houses, to highlight the very creditable efforts of his department in improving living conditions for railwaymen working along this line?

Answer:—

I am grateful to the honourable member for his acknowledgement of the fact that the provision of housing for railway employees continues to receive the close attention of the Government.

It may not be possible to organise a function on the completion of the first house. However, appropriate arrangements will be made at some stage of the entire project.

8. REINTRODUCTION OF FREE MILK FOR SCHOOL-CHILDREN

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

As the abolition of the issue of free milk to school-children by the Whitlam Government would have had a deleterious effect on the resistance of many children who do not have the advantage of this complete food and in view of the importance of milk in the diet of growing children, will he try to induce the Commonwealth Government to reintroduce free milk to schools and, if unsuccessful, consider the introduction of the scheme at State level?

Answer:—

Previous representations to the Commonwealth Government for the reintroduction of the free milk scheme to schools have been unsuccessful, and it is felt that no good purpose would be served by pursuing these representations at the present juncture.

No State funds were utilised when the scheme was formerly in operation, and there is no State finance now available to conduct the scheme at State level. Obviously the boys and girls of Queensland, indeed of the nation, have suffered very greatly because of this unjust act by the previous Government in Canberra under Mr. Whitlam. It was that Government that took it away from the boys and girls of this nation. Of course, that was typical of the way that Government operated.

9. CAUSES OF MENTAL RETARDATION IN CHILDREN

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

As Foundation 41, the Sydney-based research organisation, has stated that one in every 12 children born in Australia have some degree of mental retardation, has a survey been taken in this State into the number of children born with some form of mental retardation and, if so, what percentage could be attributed to (a) the use of drugs and alcohol by the pregnant mother, (b) inherited mental and physical disorders and (c) pathogenic disorders contracted by the mother during pregnancy?

Answer:—

A survey has been carried out in Queensland in respect of the prevalence of mentally retarded children. This survey does not differentiate between those children who are born intellectually handicapped or those who fail to develop. It is a survey of prevalence rather than of incidence and is not based on an at-risk register at birth.

I would be only too pleased to further discuss the matter with the honourable member.

10 and 11. GOVERNMENT DEPARTMENTS OCCUPYING LEASED OR RENTED PREMISES

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

(1) What departments and/or subdepartments under his control 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?

Answers:—

(1) (a) The regional offices of the Irrigation and Water Supply Commission at Toowoomba and Townsville are located in premises not owned by the State Government. The regional office at Rockhampton is located in a modern, air-conditioned building owned by the S.G.I.O.

(b) Rent and leasing is arranged by the Works Department. Costs for the current financial year are—

Toowoomba	$5,947
Townsville	$4,800
Rockhampton ..	$9,318

(2) Staff at the centres number 93.

Toowoomba	21
Townsville	38
Rockhampton	34

(3) The date of occupancy of the buildings and date for review of rental agreements are—

Toowoomba ..	2-2-1971	2-2-1979
Townsville ..	1-1-1966	1-1-1977
Rockhampton ..	7-11-1969	7-11-1977

I am unable to indicate when the offices at Toowoomba and Townsville may be relocated.

Mr. Jensen, pursuant to notice, asked the Minister for Lands, Forestry, National Parks and Wildlife Service—

(1) What departments and/or subdepartments under his control 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) The following departments and subdepartments under my control are located in premises in Brisbane not owned by the State Government, namely, National Parks and Wildlife Service, Rural Reconstruction Board, Land Court Office and Department of Lands (part); these offices are situated respectively in the Professional Suites Building, 138 Albert Street, Brisbane; B.P. House, Herschel Street, Brisbane; and Watkins Place, Edward Street, Brisbane; tenancies commenced respectively: 1 July 1975; 1 August 1973; 1 January 1972 and 1 May 1976. Rents thereon are due for review respectively: 1 July 1978; 1 August 1978; 1 January 1982 and 1 November 1980; anticipated rentals for the financial year 1976-77 are respectively: $37,485; $10,080; $28,273 and $108,901; number of officers working in these departments and subdepartments are respectively: 49, 22, 17 and 35.

As a survey of the information on a State-wide basis would require considerable research by the Public Service Board and Works Department, it is suggested that the question in relation to areas outside Brisbane be referred to the respective honourable Ministers administering the Department of the Public Service Board and the Department of Works and Housing.

12. CURTAILMENT OF RAIL SERVICES TO DIRRANBANDI

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

Are rail services on the South-western line to Dirranbandi to be curtailed on two days per week and, if so, what are the reasons?

Answer:—

No. On and from Monday, 15 November, the passenger train from Dirranbandi due to arrive Toowoomba at 6.5 a.m. on Thursdays and Saturdays terminates at Toowoomba and passengers

travel from Toowoomba to Brisbane by co-ordinated road/rail service via Helidon. This provides an arrival in Brisbane approximately one hour earlier than formerly was the case.

13. VALUATION OF LEASEHOLD LAND AT URANGAN BOAT HARBOUR

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

(1) Who valued the land available for lease at the Urangan Boat Harbour?

(2) When was it valued?

(3) What valuation was placed on each lot?

Answers:—

(1 and 2) The valuation of the Urangan Boat Harbour lands was made by the Land Administration Commission in January 1976.

(3) The valuation of the developed land of the boat harbour for business purposes is $30 per square metre and for non-business purposes $5 per square metre.

The respective areas and valuations of the allotments concerned are as follows:—

Lot No.	Area (sq. m)	Proposed Use	Valuation
153 ..	2 104	Slipway	$63,120 Business
Mb 30 ..	2 133	Boat hire	$10,665 Non-business
Mb 31 ..	2 922	Boat club	$14,610 Non-business
Mb 32 ..	675	Barge operator	$20,250 Business
Mb 33 ..	657·8	Float plane operator	$19,734 Business
Mb 34 ..	1 405	Air Sea Rescue	$ 7,025 Non-business

14. CRITERIA FOR DECLARING DISASTER AREAS

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

With reference to the mini cyclone of 22 and 23 February and the tornado of 21 November which caused extensive damage to Bundaberg, what are the criteria for establishing an area a disaster area for the purposes of Government assistance?

Answer:—

I refer the honourable member to the provisions of the State Counter-Disaster Organization Act 1975, particularly Part III thereof, which lays down the circumstances in which any area or locality affected by natural or other catastrophes may be declared a "disaster area" in terms of the Act. The district controller for the Bundaberg area did not make any declaration in this regard during or after the incidents mentioned by the honourable member.

15. SPEED LIMIT FOR BOATS ON BRISBANE RIVER

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

What is the speed limit for boats on the Brisbane River downstream from the Centenary Bridge?

Answer:—

The Motor Boat and Motor Vessel Regulations provide two separate schedules setting out speed limits in the various water-ways. One schedule is in respect of planing hulls or speedboats; the other schedule is in respect of displacement hulls or conventional launches.

The speed limits in the Brisbane River are—

For speedboats—40 knots beyond 61 metres of the bank, and 15 knots within 61 metres of the bank.

For displacement hulls—Downstream of William Jolly Bridge 8 knots, and upstream of that bridge 6 knots.

16. BAILEY BRIDGES FOR FUNNEL CREEK AND CONNORS RIVER

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

(1) Is he aware that during the last wet season all traffic north of Rockhampton on the Bruce Highway was completely blocked by flooding on the Marlborough to Sarina Road via Lotus Creek for a total of almost three weeks and that during the 1973-74 wet season the total closure time was almost six weeks?

(2) As the closure of this highway, particularly during holiday-time, causes complete disruption to life in North Queensland and is disastrous to the tourist industry from Mackay north, and as the two main offending streams are Funnel Creek and the Connors River, will he support submissions that have been made from northern organisations to the Commonwealth Government seeking the installation of Bailey bridging on both streams as a military exercise before the wet season?

Answers:—

(1) I am fully aware of the interruption to traffic between Marlborough and Sarina on the inland route and this is why the coastal route is being constructed as quickly as funds will permit.

(2) If it is feasible to improve the flood immunity by Bailey bridging and the Commonwealth will do this as a military exercise, then of course I would support the proposal. However, it is not desirable to divert current funds to such work, since these funds must be used to keep the coastal route progressing as fast as possible.

17. COMPLETION DATE OF SARINA–MARLBOROUGH SECTION OF BRUCE HIGHWAY

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

As the North's wet season is fast approaching and the people of the North are becoming concerned that they will again be cut off by floodwaters north of Rockhampton, what is the anticipated date for the completion of construction of the Sarina to Marlborough via St. Lawrence section of the Bruce Highway and what is the proposed programme of work on that section between now and that date?

Answer:—

The honourable member is aware that the Commonwealth accepts responsibility for national highways. The Bruce Highway is a national highway. As I have stated on numerous occasions, the plans are to complete the coastal route by 1980 on the present level of national highway funding, or before that date if there is an increase in national highway funds.

The programme will close the present gap from the north and the south with first preference for bridging to provide reasonable wet-season immunity and then complete the road-works as soon as possible.

18. STATUTORY PRIMARY-PRODUCER BODIES

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

(1) How many different primary producer organisations exist in Queensland which are statutory bodies formed in accordance with the Primary Producers' Organisation and Marketing Act?

(2) Is membership of every organisation or payment of a levy to it compulsory for the primary producers or suppliers engaged in their respective industries?

(3) Do statutory bodies exist under this Act to represent (a) the beef producers and (b) the wool producers and, if so, which organisations, and is membership compulsory for each primary producer engaged in those industries?

(4) What efforts have been made by the present Queensland Government to create statutory bodies for the beef and wool industries, in accordance with the Act?

Answers:—

(1) Eighteen. In addition to these statutory producer boards constituted under the Primary Producers' Organisation and Marketing Act, there are the State Wheat Board, constituted under the Wheat Pool Act; the Sugar Board, constituted under the Sugar Acquisition Act; the Committee of Direction of Fruit Marketing, constituted under the Fruit Marketing Organisation Acts; and the Brisbane Milk Board, constituted under the Milk Supply Act.

(2) Where a statutory marketing board or statutory growers organisation imposes a levy on a particular class or classes of producers, the levy applies to all of the producers in that class.

(3) There are currently no organisations constituted under the Primary Producers' Organisation and Marketing Act to represent beef and/or wool producers.

(4) Any initiative for the creation of a statutory body under the provisions of the Primary Producers' Organisation and Marketing Act must come from the producers themselves. It is not the role of the Queensland Government to initiate and force these organisations upon producers.

Last year, initial moves were undertaken by the United Graziers' Association to have a statutory graziers' organisation constituted under the Act. I understand that the matter is still under consideration by the association.

19. PLAGUE OF PHASMATID GIANT STICK INSECTS

Mr. Doumany, pursuant to notice, asked the Minister for Lands, Forestry, National Parks and Wildlife Service—

(1) Will he investigate reports of a plague of phasmatid giant stick insects afflicting gum trees on a 1 000 km front in Queensland and New South Wales?

(2) How extensive is this problem in Queensland and are its consequences likely to prove serious in the long term?

(3) Is there any way in which the thousands of native-tree lovers may be able to assist in dealing with this problem?

Answers:—

(1) It is normal practice for the Department of Forestry to investigate reports of insect attacks on tree species, and minor attacks by stick insects in Queensland have been under observation for several years.

(2) A report in the Press on 25 November 1976 was grossly misleading and inaccurate so far as Queensland is concerned, although crown dieback and

sporadic deaths have occurred in hardwood species on coastal areas between Bundaberg and the New South Wales border from a variety of causes such as stick insects, sawflies, beetles, bugs and caterpillars. Present indications are that stick insect attacks are not likely to be serious in the long term.

(3) No.

20. YERONGA INFANTS SCHOOL

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

(1) How many teachers have been transferred from the Yeronga Infants School since 1 January 1975?

(2) How many applications for transfer have been made and what were the reasons given?

(3) How many of these applications were approved and, if any were rejected, what were the reasons?

(4) Is the number of applications unusual for a school of this size?

(5) What was the enrolment at the end of the 1974 school year and what is the present enrolment?

Answers:—

(1) Five teachers have been transferred from the Yeronga Infants School since the commencement of the 1975 school year. Two of the transfers were made to balance out staffing in the region when enrolments became firm.

(2) Four written requests and one verbal request for transfer were received. Research of teachers' files has revealed that the following reasons were given in the applications:—

(a) Daily distance travelled was too great (36 km).

(b) Teacher felt she preferred a change.

(c) Family moved to a distant area to live.

(d) Teacher wished to become an in-service relief teacher.

(3) No applications for transfer were rejected. Efforts are being made to meet the requests of two teachers who have expressed desire for transfer (one written, and one verbal).

(4) The number of applications for transfer is not unusual for a school of this size.

(5) Enrolment at the end of 1974 school year was 252. Present enrolment is 235.

21. OIL SPILLAGE IN BRISBANE RIVER NEAR REDBANK

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

(1) With regard to a spillage of oil or similar substance in the Brisbane River near Redbank earlier this year, what person, firm, company or organisation was responsible?

(2) What was the cost of the clean-up operations and who met the cost?

(3) Has any action been taken against those responsible and, if not, is it intended to do so?

Answer:—

(1 to 3) I am advised that the incident referred to by the honourable member may relate to an oil spill alleged to have come from an industrial establishment on the river-bank at Redbank. If so, the clean-up operations would have been carried out by the Department of Harbours and Marine and the question should accordingly be directed to my colleague the Honourable the Minister for Tourism and Marine Services.

Mr. Marginson: I do so accordingly.

22. AIR POLLUTION BY P.G.H. BRICKWORKS, NEWMARKET

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

(1) Has his department received any complaints under the Clean Air Act in respect of the brickworks at Yarradale Street, Newmarket, and, if so, how many?

(2) What action has been taken to overcome the existing dust, soot and smoke nuisance from the works?

(3) Have the works been exempted from the provisions of the Act?

(4) Has a licence under the Act been issued to P.G.H. in respect of the works?

Answers:—

(1) Yes. Three complaints since 1970.

(2) To comply with the smoke requirements of the Clean Air Act the brickworks changed from hand-fired coal to fuel oil in 1971–72. The manager has had verbal and written requests to minimise by watering or other means emissions of ground-level dust caused by operations within the yard.

(3) No.

(4) Yes.

23. TRAFFIC ACCIDENTS ON BUNDAMBA-OXLEY SECTION OF CUNNINGHAM HIGHWAY

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

(1) How many traffic accidents were recorded on the Cunningham Highway between Bundamba Creek Bridge, Bundamba, and the intersection of the highway with Blunder Road, Oxley (a) during 1975 and (b) from 1 January 1976 to date?

(2) How many fatalities occurred during each period as a result of the accidents?

Answer:—

(1 and 2) (a) 1975—345 accidents resulting in six fatalities. (b) 1 January 1976, to 26 November 1976—230 accidents resulting in two fatalities.

24. ADDITIONAL POLICE FOR COOMERA AND LABRADOR/PARADISE POINT AREA

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

(1) Further to my submission on 14 June for an extra policeman to be stationed at Coomera and his answer on 9 August—because of the continuing growth of population in the area, when will another policeman be posted to Coomera?

(2) Because of a similar population growth in the Labrador/Paradise Pt. area, combined with the establishment of a large shopping and hotel complex, will he consider the purchase of land and the establishment of a police station in that area?

Answers:—

(1) Members are being recruited and trained to bring the force up to the approved strength. The first priority is to provide beat patrols in provincial cities. Other stations, including Coomera, will then be strengthened. I am unable at this stage to indicate when this will take place.

(2) The area can be adequately policed from Southport station at present and it is not proposed to establish a police station there at this stage.

25. EROSION OF OVAL AT SOUTHPORT STATE HIGH SCHOOL

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

(1) Is he aware that very bad erosion is taking place around the oval at the Southport State High School and that many promises have been made to carry out the necessary work?

(2) When will money be made available to overcome this problem?

Answer:—

(1 and 2) Yes, but remedial work is extensive and funds were not available prior to this financial year to carry it out. Documentation for the invitation of quotations is now in hand.

26. KINGSTON STATE HIGH SCHOOL

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

In view of disclosures revealed in "The Courier-Mail" of 20 November concerning Ireland Constructions going into receivership, what is the position concerning the construction of the Kingston High School if Irelands is unable to fulfill its contract, and will an alternative builder be assigned to complete the school?

Answer:—

Urgent action is in train by my Department to enter into a contract with another contractor to complete the work. In the meantime, of course, the unions have now placed a ban on all of Ireland Constructions' work.

27. DEPUTY CO-ORDINATOR-GENERAL

Mr. K. J. Hooper, pursuant to notice, asked the Premier—

(1) In view of the announcement that Mr. Sydney Schubert would be the new Co-ordinator-General from 1 January 1977 and that the position of Deputy Co-ordinator-General is to become vacant, when will the position of Deputy Co-ordinator-General be filled?

(2) Will the position be filled by selection by Cabinet or by the calling of official applications?

(3) What is the present classification and salary of the position of Deputy Co-ordinator-General?

Answers:—

(1 and 2) I refer the honourable member to section 8 of the State and Regional Planning and Development, Public Works Organization and Environmental Control Act 1971–1974.

(3) I suggest the honourable member follow the proceedings of the House a little more closely, or else the electors of Archerfield will come to the conclusion they are not intelligently represented. It was as recently as 14 October that I furnished the House with the information now sought in an answer to a question concerning the Co-ordinator-General asked of me by the honourable member for Port Curtis.

28. GOVERNOR OF QUEENSLAND

Mr. K. J. Hooper, pursuant to notice, asked the Premier—

(1) Does Sir Colin Hannah's commission as representative of Her Majesty Queen Elizabeth II, which began on 21 March 1972, expire on 21 March 1977?

(2) Has Sir Colin been granted an extension as the Governor of our great State beyond 21 March 1977?

(3) If not, when will the name of the man or woman who will be our Governor beyond 21 March 1977 be announced?

Answers:—

(1) The text of Her Majesty's commission to Sir Colin Hannah appears on page 1404 of the Queensland Government Gazette of 21 March 1972.

(2 and 3) See answer to (1).

29. FEDERAL HOUSING VOUCHER ALLOWANCES SCHEME

Mr. K. J. Hooper, pursuant to notice, asked the Minister for Works and Housing—

(1) Will the Liberal/National Country Party Commonwealth Government's housing voucher allowance scheme assist up to 4,500 families in Melbourne, Sydney and Hobart?

(2) What steps has he taken to see that Queensland is not neglected by his colleagues in Canberra?

Answer:—

(1 and 2) The rental voucher experiment is just that—an experiment. At this time I would rather get funds to build more welfare housing to make up for the shortage caused by the late unlamented Whitlam Government's shabby treatment of Queensland in 1974-75 and 1975-76.

30. COST TO INDUSTRY OF MEASURES TO COMBAT WATER AND AIR POLLUTION

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

(1) Has his department undertaken any investigation into the cost of work being carried out by industries to comply with the Clean Waters Act and the Clean Air Act and, if so, what are the results?

(2) Does this expenditure show the effectiveness of the two Acts?

Answer:—

(1 and 2) No investigation has been carried out into the cost of work carried out by industries in Queensland to comply with the Clean Waters Act 1971-1976 and the Clean Air Act 1963-1976, but I am aware that the cost would amount to many millions of dollars. The effectiveness of the legislation is not necessarily related to this expenditure. For example, one industry may overcome its problems at little cost, whereas another industry may spend a large sum in achieving a similar result. As I have stated previously, there has been good co-operation by industry in meeting the requirements of the legislation.

31. BRACKEN RIDGE WEST AND PATRICKS ROAD STATE SCHOOLS

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

What are the anticipated completion dates for the Bracken Ridge West State School and the Patricks Road State School?

Answer:—

The anticipated completion date for Bracken Ridge West State School and Patricks Road State School is 14 January 1977 in each case.

32. EMPLOYMENT OF APPRENTICES BY GOVERNMENT INSTRUMENTALITIES

Mr. Wright for **Mr. Yewdale,** pursuant to notice, asked the Minister for Industrial Development, Labour Relations and Consumer Affairs—

(1) In view of the drastic unemployment situation in Queensland and the obvious fact that school-leavers will be added to the number in the New Year, has he canvassed all Government instrumentalities that are geared to employ apprentices and, if so, what has been the response?

(2) Based on present tradesmen employed, what is the maximum number of apprentices that could be employed in all Government departments for 1977?

(3) Is the State Government eligible for the present subsidy scheme of the Commonwealth Government in regard to employment of youth?

(4) Are there any Government departments that have not employed apprentices in proportion to tradesmen in the last five years and, if so, what are the departments and what were the numbers that could have been employed as apprentices?

Answer:—

(1 to 4) Last year every department and instrumentality was approached at my direction with a request that every effort be made to accept apprentices additional to needs so that more apprentices could be trained in the public sector for ultimate employment in the private sector. The response was encouraging. It is hoped that

early next year joint Commonwealth-State initiatives to further encourage the employment of more apprentices will be finalised, after which departments and instrumentalities will be better able to assess their potential intake of apprentices for the next financial year. This of course will have no relevance to the number of tradesmen presently employed. The honourable member would be aware that, in response to a question asked of me by the honourable member for Rockhampton on 21 September last, I indicated that as at 30 June 1976 there were 1,412 apprentices employed in State Government departments and instrumentalities and this should indicate that departments' efforts collectively have been effective. The recently announced subsidy scheme of the Commonwealth Government in regard to employment of youth is applicable to State Governments but this subsidy scheme is not aimed specifically at increasing apprentice intake.

33. PLATE-GLASS WINDSCREENS ON CARS

Mr. Wright for **Mr. Yewdale**, pursuant to notice, asked the Minister for Industrial Development, Labour Relations and Consumer Affairs—

(1) Is he aware that some cars are either sold or fitted with lethal plate-glass windscreens?

(2) What action will he take to ensure that the situation is rectified?

(3) Are there any State or Commonwealth regulations that forbid using such glass for car windscreens?

Answer:—

(1 to 3) The matters raised by the honourable member are covered by the traffic regulations, which are administered by the Honourable the Minister for Transport.

34. HOUSING COMMISSION RENTAL POLICY ON PENSIONERS

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

(1) What procedure is used in the calculation of rental charges for Housing Commission houses for all categories of tenants?

(2) Is it the policy to pre-empt increases in pensioner payments so as to impose increased rental charges even before increased pension payments are made?

Answers:—

(1) There are two rental scales. The first establishes a maximum for each house. It covers interest and redemption costs and overhead costs like maintenance, insurance and rates. The second is the income-based "rebate" scale, under which rent is calculated on household income. Tenants are charged the lower of the two. All tenants are subsidised; those on the income-based scale are subsidised twice.

(2) No; rent increases apply generally from the Monday after the date of pension increases. If actual payments of pension increases are delayed by the Department of Social Security, the commission allows tenants to make up the arrears caused by the income increase when they do get paid.

35. MISUSE OF GOVERNMENT VEHICLES

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

(1) Is he aware of the increasing concern within the community at the apparent misuse of State Government vehicles by public servants, particularly with regard to (a) travelling to and from work, (b) utilising such vehicles for shopping and recreational activities, including attendance at drive-in theatres and (c) feeding of parking meters to facilitate maximum use of limited parking in the inner-city area?

(2) Will he outline the appropriate criteria for the use of Government vehicles by public servants outside of normal working hours and arrange for a general tightening-up in this area before the Christmas/New Year holiday period?

Answer:—

(1 and 2) I have had this question looked at very carefully. It is one which has been raised from time to time over the years, and I want to say to the honourable member that where allegations of any misuse of Government vehicles have been substantiated, appropriate action has been taken departmentally.

36. ORCHIDS ON TREES CLEARED BY FORESTRY DEPARTMENT

Mr. Prest, pursuant to notice, asked the Minister for Lands, Forestry, National Parks and Wildlife Service—

(1) Is he aware that, when land is cleared of trees by the Forestry Department, the trees are burnt, even when orchids are growing upon them?

(2) Will he consider allowing a community service club to gather the orchids for sale at a fair, as the proceeds from such a fair are spent on some community project?

Answers:—

(1) I am aware that trees on which orchids are growing are felled and burnt in clearing operations for plantation establishment. However, every endeavour is

made to prevent the destruction of orchids (and other epiphytes) in the carrying out of these operations by making them available for sale to persons wishing to collect them and by departmental collection where circumstances are considered warranted with subsequent sale from a central pick-up centre. I might mention that the matter is one currently under consideration by officers of my Forestry Department having regard to the problems associated with such collections particularly from the viewpoint of the personal safety element.

(2) These orchids (and other epiphytes) are made available to various societies, clubs and the general public at very low rates and waiver of charges in respect of any specific section of the community could not be favourably considered.

37. QUEENSLAND HOUSE, LONDON

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

(1) Is his Government planning to buy Queensland House, London, and, if so, who is carrying out the negotiations?

(2) Is the estimated price $2,600,000, as reported?

Answer:—

(1 and 2) The honourable member is displaying his political inexperience if he thinks a Minister would give any information which could possibly prejudice negotiations for the Government acquisition of any property, whether it be in Australia or overseas. The honourable member should have picked that up by this time, surely.

38. HALIFAX STATE SCHOOL

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

Owing to the now protracted consideration of improving accommodation at the Halifax State School, will he take immediate steps to have suitable priorities attributed to the building project at this school, to ensure its earliest possible completion?

Answer:—

Improved accommodation for State school, Halifax, was provided for in the Primary Capital Works Program for the 1976-77 financial year. Suitable arrangements have already been made to ensure that priorities are attributed to the project. Tenders for the job closed on 16 November 1976. It is anticipated that the work will be completed by mid-1977.

39. POLLUTION TESTS, FITZROY RIVER

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

What pollution tests have been carried out in the Fitzroy River in the last six months, and what were the results of the tests?

Answer:—

During the past six months water-quality surveys were carried out on 23 August 1976 and 24 November 1976. No results are yet available for the latter.

Measurement of salinity, temperature, dissolved oxygen, pH and transparency are made in the field at 16 points over a distance extending from 26 km downstream of the barrage to 31 km upstream. Samples are collected at eight points for laboratory analysis, the tests varying depending on location. Analyses include bacteriological indicators, turbidity, colour, biochemical oxygen demand, suspended solids, nitrogen compounds, phosphorus, detergents, organochlorine pesticides and heavy metals.

Sediment samples are collected for pesticide and heavy metal determinations.

For the survey carried out on 23 August 1976, results downstream of the barrage reflect some adverse effects from municipal sewage treatment plants and abattoirs. Those for the barrage storage indicate a satisfactory raw water for domestic supply. Detailed results are available for perusal at the office of the Director of Water Quality and copies can be provided to the honourable member if he so desires.

Following local concern, a programme of monthly monitoring of cadmium in the barrage storage and the treated water supply has been undertaken with the co-operation of Rockhampton City Council. Results of initial analysis are not yet available. As long as the honourable member for Rockhampton does not swim in the barrage area, the water will remain in a satisfactory state.

40. PARKHURST INDUSTRIAL ESTATE

Mr. Wright, pursuant to notice, asked the Minister for Industrial Development, Labour Relations and Consumer Affairs—

(1) How many applications have been received in the last 12 months from persons or firms desirous of establishing industries on the Parkhurst Industrial Estate?

(2) How many such applications are still being processed and is there any reason for delay in the handling of these applications?

(3) How many new industries have been established on the estate in the last three years?

Answers:—

(1) Two. In addition two earlier applications, which had been deferred by the industries themselves, were renewed.

(2) All applications have been processed and lease offers made. One proposal relates to the construction of a Government-built factory for leasing. The applicant is fully aware of the action in hand with respect to finalisation of the detailed design and tender specification.

(3) There are four industries on the estate, three of which were established within the last three years.

41. WARD AT REDCLIFFE HOSPITAL FOR EX-SERVICEMEN AND EX-SERVICEWOMEN

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

(1) Will he consider having one ward of the Redcliffe Hospital reserved for ex-servicemen and ex-servicewomen?

(2) If it is not within his power to do this, will he make representations to the Commonwealth Government to find a ward at the hospital for these persons?

Answer:—

(1 and 2) The responsibility for hospital accommodation of repatriation patients rests with the Commonwealth Repatriation Department and it has been the practice of that department to arrange, wherever possible, for the admission of repatriation patients who reside in metropolitan and near metropolitan areas to the Repatriation General Hospital at Greenslopes. However, if a repatriation patient exercises his right of choice and elects to be treated at the Redcliffe Hospital by hospital staff as a public patient, he would be eligible for such treatment in the same manner as any other person seeking treatment at a State public hospital.

42. FINANCIAL AID TO CATTLEMEN

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

What financial assistance is available to cattle properties which are suffering financial difficulties?

Answer:—

The Government has provided measures of assistance at both a general and an individual level. Broadly, the general measures include:—

(a) The lowering of stock assessment fees on cattle from 15.5c/head to 10.0c/head.

(b) The suspension of road permit fees on the transport of cattle.

(c) The deferment, on application and in cases according to merit, of land rentals, freeholding instalments and loan repayments.

(d) The renewal of property leases in their entirety in certain circumstances.

(e) The remission of increases in Crown rent on leasehold properties used substantially for beef production until economic conditions improve.

(f) A subsidy of the order of 20 to 25 per cent on the cost of acaricides.

(g) The exclusion of cattle freight rate from general rail freight increases.

The Government adopted (c), (d) and (e) on the recommendation of my colleague the Minister for Lands.

At the individual level, cattle producers may participate in the the rural reconstruction schemes relating to debt reconstruction, farm build-up and, as a last resort, a rehabilitation payment.

Special carry-on loans for beef producers may be obtained through the Rural Reconstruction Board. These loans are the ministerial responsibility of the Honourable the Minister for Lands, Forestry, National Parks and Wildlife Service, but in brief they provide for essential carry-on purposes and are available to producers unable to obtain finance through normal commercial channels or through the Commonwealth Development Bank.

Initially the Whitlam Commonwealth Government provided $20,000,000 at commercial bank interest rate from the Commonwealth Development Bank for specialist beef producers. Whilst this was of some assistance, it became apparent that the interest rates were too high for many producers, generally speaking, the ones who needed it most.

The Queensland Government then provided $10,000,000 from our own resources at 2½ per cent. This put the then Commonwealth Government into the position where they had to match it on a dollar-for-dollar basis. However, it was a Commonwealth requirement that the base interest rate be increased to 4 per cent.

For further information on this and other financial assistance which is available, I would refer the honourable member to the Honourable the Minister for Lands, Forestry, National Parks and Wildlife Service.

43. BUSINESS LOSSES THROUGH LACK OF ADVERTISING DURING NEWSPAPER STRIKE

Dr. Lockwood, pursuant to notice, asked the Minister for Industrial Development, Labour Relations and Consumer Affairs—

(1) Is he aware that retail businesses were unable to continue advertising at their usual level during the recent newspaper strikes?

(2) Will he conduct a survey to ascertain which businesses suffered a decrease in net profit owing to a lack of advertising?

Answer:—

(1 and 2) Clearly, the scheduled advertising programme of many commercial and industrial enterprises would have been seriously disrupted as a result of the recent strikes which affected the production of provincial newspapers.

It would, however, be most time-consuming and labour-demanding to conduct a survey as suggested by the honourable member. Furthermore, as the honourable member will appreciate, variations in net profit may be accounted for by many factors.

44. NUMBERS OF SUBJECTS TAUGHT BY HIGH SCHOOL TEACHERS

Dr. Lockwood, pursuant to notice, asked the Minister for Education and Cultural Activities—

In our State high schools, how many high school teachers with permanency teach five subjects, that is, 25 periods per week; six subjects, that is, 30 periods per week; and seven subjects, that is, 35 periods per week?

Answer:—

The collation of information such as requested would involve diverting officers of my department from other essential work, such as the processing of student allowance and remote area applications. I do not feel that I could justify such action to obtain this information.

It is unlikely that any high school teacher would be teaching five, six or seven subjects, but if the honourable member knows of any specific instances where this is happening, I should be pleased if he would draw this to my attention.

QUESTIONS WITHOUT NOTICE

S.P. BETTING OPERATIONS

Mr. LINDSAY: I ask the Deputy Premier and Treasurer: Has he seen reports of comments made by the former Police Commissioner (Mr. Whitrod) and former deputy commissioner (Mr. Gulbransen) alleging that there is to be an upsurge in illegal S.P. bookmaking in Queensland? As the Mnister for racing, will he assure the House that not only will no increase in S.P. betting be tolerated but that even more determined efforts will be made to stamp out illegal S.P. betting already operating?

Mr. KNOX: I did hear those comments made by the former commissioner. I was somewhat surprised at them as they gave the impression that there was no S.P. betting going on in the State at the moment. As all honourable members know, S.P. operations are in existence in the State. Whether that state of affairs is going to get better or worse is a matter for the police. I know that in the last 12 months or so a number of matters regarding S.P. operations have been brought to the notice of the police. For some reason or other, in some areas of the State, the police have not been able to stamp out those operations. Let us not misunderstand the situation: there is S.P. betting operating in the State, and I believe that the police have a duty to stamp it out. I am indeed surprised that the former commissioner has recommended that S.P. betting be legalised. That quite shocked me, and I am sure it would have shocked all others interested in the subject.

Mr. Lane: The racing industry.

Mr. KNOX: It would be very prejudicial to many legitimate interests that are obeying the law at the present time in this State.

ALLOCATION OF FUNDS TO BUILDING INDUSTRY

Mr. HOUSTON: I ask the Minister for Works and Housing: In relation to the $10,000,000 that it is reported will be made available to the State's building industry, in what way will the industry be helped, what buildings are to be constructed with the money and when will construction start?

Mr. LEE: After consultation with the Treasurer, the $10,000,000 is being made available to boost the building industry. It will be applied to new and unused buildings already erected. The money will enable Queenslanders to obtain loans at 7½ per cent and to purchase spec homes that have been constructed by builders. This, in turn, will enable builders with unsold spec homes to sell them and to put money back into their coffers so that they can continue with home-building. As I said in my Press statement, the loans will be made available to people who do not qualify under the means test and who possibly could not afford to pay the interest rates charged by building societies.

Mr. HOUSTON: By way of a supplementary question—I take it the Minister is trying to say that all the money will be used for the purchase of homes. If I am wrong, the Minister might correct me in his answer to this question: What is the estimated number of homes that will be purchased from the funds made available and how many does he expect to be new-built homes?

Mr. LEE: I think it is estimated that 521 houses will be purchased, all of which will be spec homes. However, we will be making

some of the money available to people who have bought land and wish to build homes and have them completed in this financial year.

TIE WORN BY MINISTER FOR COMMUNITY AND WELFARE SERVICES AND MINISTER FOR SPORT

Mr. LAMOND: I ask the Minister for Community and Welfare Services and Minister for Sport: What is the significance of the green, white and red tie that he is wearing today with a certain amount of pride?

Opposition Members interjected.

Mr. HERBERT: A touch of humour is needed in this place. The tie is that of the mighty Seagulls. Although my electoral responsibilities lie, of course, with Souths Rugby League, I was the guest of the patrons' club of the Wynnum/Manly Rugby League. They presented me with the tie and I told them that if the honourable member for Wynnum were to wear it in the House I would do so, too. That promise has been honoured.

POLICY OF GREYHOUND RACING CONTROL BOARD TO ILL-TREATMENT OF ANIMALS

Mr. LANE: I ask the Deputy Premier and Treasurer: Has his attention been drawn to the commendable action of the Greyhound Racing Control Board in disqualifying for life a trainer found guilty of ill-treating a possum? If so, will he take steps to ensure that all greyhound trainers are made aware of the policy of the board in respect of ill-treatment of animals?

Mr. KNOX: I certainly will do as the honourable member requests. It gives me and, I am sure, every honourable member of the House considerable concern to hear of animals being ill-treated by greyhound owners. A week or so ago I had discussions with the Royal Society for the Prevention of Cruelty to Animals. During the discussions I was told that such instances are rare; neverthless, they are very terrible. The R.S.P.C.A. has a very close liaison with the control board on these matters. Both the leading figures in the greyhound racing world and in the R.S.P.C.A. want to stamp out this practice. I never cease to be amazed that there are in the community people who have absolutely no concern for animals and who indulge in these practices which are quite abhorrent. I am sure that every honourable member shares those sentiments.

Mr. ACTING SPEAKER: Order! The time allotted for questions has now expired.

MOTION FOR ADJOURNMENT

ALLEGED POLITICAL INTERFERENCE IN POLICE FORCE ADMINISTRATION

Mr. ACTING SPEAKER: I have today received a letter from the Leader of the Opposition, dated 30 November, which reads—

"Leader of the Opposition,
"Parliament House,
"Brisbane, 4000.

"30th November, 1976.

"The Honourable the Acting Speaker,
"Legislative Assembly,
"Parliament House,
"Brisbane.

"Dear Mr. Acting Speaker,

"I beg to inform you that in accordance with Standing Order 137 I intend this day Tuesday, 30th November, 1976, to move—

'That this House do now Adjourn'.

"My reason for moving this motion is to give this House an opportunity to discuss a definite matter of urgent public importance namely the concern felt by wide sections of the community as a result of statements by the State's former Police Commissioner, Mr. Ray Whitrod, following his forced resignation after 6 years in that position which he clearly indicated was forced as a result of political pressure from the Premier, Mr. Bjelke-Petersen.

"I believe an urgent debate is necessary so this House can debate statements which point to the desire of the Premier to make the State's Senior Law Enforcement Officer a 'Puppet'.

"I quote from yesterday's Telegraph—

'Former Police Commissioner, Mr. Ray Whitrod, today said he resigned because of political interference in the Police Force.

'Interference with my responsibilities had reached the stage where in many respects I was no longer in charge of the force,' he said.

'I was not prepared to be a puppet. The only way I could draw attention to this situation was by resigning.'

"I believe an urgent debate is necessary to raise statements by the former Commissioner indicating that the Premier, Mr. Bjelke-Petersen, was acting in such a way that certain laws of the State would not be enforced, or to reduce the authority and responsibility of the Commissioner of Police without amending the Police Act or informing Parliament of the changes being made without their Authority.

"Again I quote Mr. Whitrod—

'The people of Queensland have a right to expect each officer faithfully to enforce the law. If the Premier or the

Government don't want certain laws enforced generally, they should seek to persuade Parliament to amend them.

'If the Premier wishes to change the authority and responsibility of the Commissioner of Police he should seek to amend the Police Act.'

"I believe an urgent debate is necessary because of yesterday's statements which show that the Police Minister, Mr. Newbery, failed to inform Parliament of the true facts in relation to the extradition to Western Australia of certain defence witnesses in a particular case.

"I believe an urgent debate is necessary on statements that indicate the Police Minister, Mr. Newbery, initiated arrangements with his political colleagues in Western Australia so that these witnesses could be spirited out of the State.

"These facts were uncovered in the question and answer period at yesterday's Press conference and I quote—

(Q) Did Mr. Newbery himself have any part in arranging for the extradition of someone from the Cedar Bay area to West Australia? Did the Minister in fact play any role in that?

(A) 'Yes he did.'

(Q) Could you tell us what role he played?

(A) 'He arranged it.'

(Q) It wasn't done by the Police Commissioner and signed by the Minister?

(A) 'Subsequently it had to be carried out by the Police Department but the initial arrangements were made by Mr. Newbery with his colleagues in Western Australia.'

"I believe an urgent debate is necessary because of statements by the former Commissioner indicating that the Police Minister or Premier issued instructions restricting the area of operation of Senior Police Inspectors investigating alleged unlawful Police activities in North Queensland—an instruction that would have severely limited and reduced the possibility of justice being done.

"If such charges were proved this would be tantamount to conspiracy to obstruct a policeman in the execution of his duty.

"I believe an urgent debate is necessary because of the former Commissioner's T.V. statements last night that many policemen and women believed that as a result of the Premier's interference and rejection of an enquiry in the 'Girl Baton Bashing Affair' that they were not required to observe the same laws as the public in these areas.

"I believe an urgent debate is necessary to discuss the former Commissioner's statement 'That the history of Public enquiries establishes that without adequate field work before-hand little significant information is likely to be forthcoming at such hearings.'

"And I quote again from the Commissioner's statement:—

'It is unfortunate that he (Commander O'Connell of the Metropolitan Police Force London) will not be given an opportunity to continue the investigations just begun on his first visit.

'I am sure this situation will produce relief in certain quarters,' end of quote.

"The implications of the last sentence being of such importance that I believe Commander O'Connell should be asked to continue the investigations and the current Police enquiry should be widened to cover matters in his Report or supplied by Mr. Whitrod.

"Mr. Acting Speaker, my reason for moving this motion is to give this House an opportunity to discuss a definite matter of urgent public importance namely the serious allegations that have been made in the past 48 hours of political interference into both the administration and operations of the Queensland Police Force.

"I believe that such an urgent debate is necessary so that Queensland citizens, who are genuinely concerned at recent events involving the police force, can be fully informed by the Government of Queensland of the validity or otherwise of such allegations.

"I believe that the fact that the latest charges, made publicly before the media of Queensland, came from a former senior Government officer, who until last weekend held the highest law enforcement office in the State, demands that such an urgent debate is imperative.

"I believe the citizens of Queensland expect their Police administration to be impartial and free from political pressure and any doubts to the contrary—voiced as they are on this occasion at such a high level—should be urgently debated by this House.

"Yours sincerely,

"Tom Burns"

Honourable members, I have considered the contents of that letter and I believe that they constitute a matter of public urgency. I therefore propose to allow the debate to take place. Nevertheless, I advise the House that on 14 September Mr. Speaker made a statement regarding sub judice and I intend to bring it to the attention of the House. Mr. Speaker said this—

"For the time being then I propose to adopt a procedure similar to that now operating in the House of Commons and in some other Australian Parliaments. This is—

That subject to the discretion of the Chair—

(1) matters awaiting or under adjudication in all courts exercising a

criminal jurisdiction shall not be referred to in any motion, debate or question to a Minister; and

(2) matters awaiting or under adjudication in a civil court shall not be referred to in any motion, debate or question to a Minister from the time that the case has been set down for trial or otherwise brought before the court, but such matters may be referred to before such date unless it appears to the Chair that there is a real and substantial danger of prejudice to the trial of the case.

These provisions shall have effect—

(a) in the case of a criminal case in courts of law, from the moment the law is set in motion by a charge being made; and

(b) in the case of a civil case in courts of law, from the time that case has been set down for trial or otherwise brought before the court.

The provisions shall cease to have effect when the verdict and sentence have been announced or judgment given, but shall again have effect when notice of appeal is given until the appeal has been decided."

As charges have been made relating to events arising from a police raid on a community at Cedar Bay on 29 August and as committal proceedings are listed for hearing in Cairns on 7, 8 and 9 February 1977, if I consider any reference to these events to be prejudicial to the persons presently charged I will exercise my discretion and disallow that reference.

I remind the House also that Standing Order 137 limits debate to the precise matter brought to the attention of the House.

Not fewer than five members having risen in their places in support of the motion—

Mr. BURNS (Lytton—Leader of the Opposition) (12.22 p.m.): I move—

"That this House do now adjourn."

If honourable members opposite do not believe that Queenslanders are genuinely alarmed at the degree of political interference in their Police Force, they are hiding their heads in the sand like ostriches. The latest allegations are made by sections of the community that the Government cannot accuse of being radical or Left Wing. They are made by a former commissioner whom the Government appointed whilst the present Premier was Premier of the State. They come from a man who until last week-end held the highest law-enforcement position in this State; a man who was head of the Commonwealth Police Force in Canberra and the Police Force of Papua New Guinea; a man who has guarded former Prime Ministers; and a man who, soon after arrival in Queensland, was, I understand, offered the job of Police Commissioner in South Australia.

Make no mistake about it: Ray Whitrod has a reputation in the community as a man who held some of the highest positions in the land. He was also appointed by this Government.

Mr. Bjelke-Petersen: Why then were you always asking for his resignation?

Mr. BURNS: I asked for the resignation of the Police Minister and I should ask for the resignation of the Premier, too, after the statements that Mr. Whitrod made about him last night. After the misleading statements made by the Minister for Police in the House this morning, we should ask for his resignation. This morning he spoke about reports received from the North and I understand he told the Press this morning that he shredded three of them. He did not tell that to the House this morning. He has one statement for the Press and another for this House. At one time he read statements in the House as a result of reports given to him that were obviously untrue if what Mr. Whitrod has said is correct.

Ray Whitrod was politically persecuted by the Government. He was hounded by the Premier's henchmen on the front benches. He was hounded from office by the Premier. The Minister for Police was placed in his position as a stooge for the Premier. He set out ruthlessly to destroy the Police Commissioner. He was never impartial; he always failed to be impartial in his actions. And the Local Government Minister needn't turn the microphone round to interject, either.

As I say, the Premier has enshrined himself as the political judge and jury not only of the merit of public complaints in police matters but also whether they should be investigated. We had the Coronation Drive baton case where a young girl was bashed. The Police Commissioner ordered an inquiry and the Premier overrode the commissioner and the Minister without even viewing the television evidence. The political interference reached the level where the commissioner was forced to lock an official police report in his personal safe in the middle of police headquarters to guarantee its survival. There are allegations of attempts by someone in authority above the commissioner trying to restrict investigations into the Cedar Bay affair. Charges have been made that the Minister for Police, in collaboration with his Western Australian counterpart, and against the advice of the commissioner, spirited a couple away to Western Australia on five-year-old charges at a time when they were required as court witnesses in Queensland. No wonder the public is alarmed.

Mr. Whitrod claimed yesterday that political intrusion reached the point where the Police Minister even censored his weekly newsletter. Where are we going when top professional people appointed by the Government must have even their newsletters censored? Senior appointments were made

against the commissioner's recommendations, and Cabinet even took control of normal routine transfers. There are grave allegations of copies of official reports, vital to pending investigations, being destroyed—perhaps burned. It is a tragic, frightening day for this State when a man such as Ray Whitrod would say publicly that political control of the Police Force, to even a slight degree, resembles Goering's Gestapo in Nazi Germany.

Questioned yesterday on whether Queensland was becoming a police State, Mr. Whitrod replied—

> "I think there are signs of that development."

When we have a commissioner that this Government appointed saying—

> "My opposition to this direction of the Force, even if done through a Minister, is based not only on legal grounds but also on the knowledge that this approach to law enforcement if carried out to the limit is favoured by extreme right and left wing political groups.",

we must imagine that he is referring to extreme Right-wing groups in the Government camp. In his Press statement Mr. Whitrod said—

> "These extremist groups obviously have not missed the significance of Goering's successful assumption of control of the German police as an essential step towards the establishment of the Nazi State, and there have been similar lessons elsewhere."

He said further—

> "For me there is urgency to ensure a more effective buffer between police and politicians."

I suggest that it is in our interests—whether it is this Government or another Government in the future—to ensure that the Police Commissioner is shrouded with the rights under the law quoted by Lord Denning in his judgment in Blackburn's case when he said—

> "I have no hesitation in holding that like every constable in the land, he (the Commissioner) should be and is independent of the executive . . . He is answerable to the law and the law alone."

I believe that is so, or should be so. The Victorian Premier, Mr. Hamer, is reported as saying—

> "In every matter the Chief Commissioner is in charge of the Force and obliged to administer the law and enforce it."

The then Attorney-General of New South Wales, Mr. McCaw, said—

> "The Commissioner is entirely independent."

The South Australian system appeals to me, as it obviously does to Mr. Whitrod. He said—

> "One method by which political interference is kept to a minimum was introduced recently in South Australia where any political direction given to their Commissioner must be in writing and subsequently tabled in Parliament."

I believe that when we have suggestions that reports were burned, when we have suggestions that people were told not to carry out investigations in a certain area and when we have suggestions that Ministers have interfered in the operation of the force and directed who should be transferred where and who should get what jobs, we need to interfere; we need to start to lay down some laws in this Parliament to protect the rights of the Parliament itself.

Mr. Katter: Why was Lewis sent to Charleville? A vendetta! That's all it was, a vendetta!

Mr. BURNS: Honourable members opposite are all now going to make statements about people going to Charleville. Why didn't they say this before?

Let me now look at some of the points I raised in my letter to you this morning, Mr. Acting Speaker. I have raised them because I believe this is a matter of major importance and that the people of Queensland are concerned about it. I said that the Police Commissioner clearly indicated that he was forced to resign by political pressure from the Premier. What a shocking state of affairs when the commissioner is forced to resign for political reasons. This is reminiscent of Nazi Germany. Joh wanted his own commissioner and his own police. This is the sort of Government we are going to have. We will have political police who will not be enforcing the law but will be enforcing political decisions.

No wonder we hear today about young men having to join the National Party to get on in the ranks of the Public Service and in the Police Force itself. The Premier knows that that is a fact. He knows that some senior public servants, three months before they were promoted, made the decision to join the National Party because they knew it would be to their benefit to do so. What a shocking state of affairs it is when the Premier uses his political power to force people to join his party so that they can get promotion. That is the sort of activity we see here. "If you don't toe our political line you'll have to get out. You will get the axe. If you don't get the axe, you will be shoved out." That has happened to Mr. Whitrod, and it will happen to others. They will be forced to resign.

Mr. Whitrod said he wouldn't be a puppet. I admire him for saying that. Who would want to be a puppet of the Premier in any regard? Mr. Whitrod said—

> "The people of Queensland have a right to expect each officer faithfully to enforce the law. If the Premier or the Government don't want certain laws enforced generally, they should seek to persuade Parliament to amend them."

Doesn't that imply that he was asked not to enforce certain laws, that it was made very clear that the Government wanted some laws enforced for some people and different laws, not enforced, for somebody else? Isn't that so? That is what Mr. Whitrod is implying. He is making it very clear. In fact last night it was not only what Mr. Whitrod said but some of the things he didn't say that came over very clearly to the people.

This morning we had the ministerial statement by the Police Minister about extradition of two people to Western Australia. He claimed that he had nothing to do with the extradition procedure, but the former Police Commissioner said yesterday that the decision to extradite those people was made when the Minister rang Western Australia and asked the Minister over there to arrange to get rid of some witnesses from here. The Minister is the man who is supposed to be in charge of the police.

Mr. Newbery: What a lot of garbage!

Mr. BURNS: It is not garbage. It is all in this statement. The Minister clearly admitted that as a citizen he was worried about these people who had been up there for years. His own Police Force had known for years that they were up there, and the Western Australian police knew they had been there for years. Along came the Minister with his newfound citizenship, and he decided they ought to go home. It is rather remarkable that they ought to go home when they might have been able to give some evidence in a case! It is rather remarkable that the Minister only discovered this new desire to send them back to Western Australia just at the time when they might have been needed by someone to give evidence in a court case. All of a sudden the Minister became a concerned citizen. The Minister became very much concerned, or so he told the Press and the Parliament this morning.

Mr. Sullivan: Do you mind if I go out and have a smoke? You make me sick!

Mr. BURNS: It would be a good idea. I would not mind if the Minister burst into flames. This is a typical example of a Minister running away from his responsibility. When things get a little bit tough, off he goes for a smoke or just disappears into smoke or something of that nature.

Then there is the matter of restricting the investigations. The former Police Commissioner said very clearly last night that the Premier or the Police Minister, or someone in authority above the commissioner, told him not to send those police inspectors into the Cedar Bay area—that they had been ordered not to go there. The Premier denied it in the newspapers this morning. We are waiting for the Minister to make some denials. Why doesn't the Minister go out in public and say that the Premier is a liar? Let him then take some legal action against the Minister. The Minister came in here this morning and gave his report to the Parliament under privilege, but why doesn't he do it outside in public and say that the ex-commissioner is a liar, if he is a liar? I am challenging the Minister. The opportunity is there. Then the Minister can take the necessary legal action, as can the ex-commissioner, to protect himself.

The other point made by the former commissioner on the Willesee show was that the police do not have to obey the same laws as the ordinary citizen. Policemen are starting to accept the situation that the Premier has laid it down that police officers can hit somebody in the street with impunity, but that if a civilian starts to do it, he ought to be charged. I suggest to the Premier that the law of the land should apply to each and every person equally whether he is in uniform or out of uniform. I think the average, decent policeman wants it to be that way. I am concerned when the former commissioner says that the law is not applied that way.

Then there is the matter of the return of Commander O'Connell of the Metropolitan Police Force, London. I made the statement that what we were after with the police inquiry was not a witch-hunt among policemen but an effort to clean up the law so that problems of this sort would not arise again. It disturbs me when it is made very clear by the former commissioner that Commander O'Connell has not been told to continue his investigations but merely to return and make some reports. Mr. Whitrod said, "I am sure this situation will produce relief in certain quarters." I would like to know what quarters, what area, and why the investigation has not been continued. It seems to me that it is in the interests of the public as well as of the Government that O'Connell come back to Queensland to continue his investigation and make his report so that efforts can be made to clean up every area of the Police Force that is experiencing problems.

Instead of running away from this issue, the Government should be widening the inquiry. Last night Mr. Whitrod said he did not believe that the terms of reference were wide enough. Why aren't they wide enough? If they are not wide enough, it is only because the Government does not want them to be wide enough. It is quite clear that the Government is trying to restrict the inquiry.

I do not believe that Queenslanders want the law enforced according to the Premier, according to Joh. They do not want a police system in which the Premier determines which law shall be enforced and which shall be ignored, nor do they want a police system in which promotion depends upon the capacity to please the Premier or the political party in power. They do not want a squadron of Kingaroy cops whose operations are dictated by the political objectives of an extremist Premier and an obedient Police Minister.

Mr. Whitrod is not alone in making allegations of political interference. The recently retired Assistant Commissioner of Police, Mr. Gulbransen, said, "I think it is a tragedy for the Police Department and the people of Queensland" that Mr. Whitrod was forced to resign. When questioned as to whether he believed that Mr. Whitrod's dealings with the Premier and the Government influenced his retirement, Mr. Gulbransen replied—

> "Well, I don't know the implications there, but I can't see any other reason for the resignation."

The former Assistant Commissioner believes, as do Mr. Whitrod and many other Queenslanders, that Mr. Whitrod was forced out by the political influence of the Premier and the Minister for Police.

The Minister shakes his head. He will be given the opportunity in this debate to reply to those allegations. He can either accept or deny the comments that have been made. He has the chance to lay his cards on the table and to let the House as well as the people of Queensland know the facts. Instead of tipping buckets over Mr. Whitrod, the Minister should answer the charges that have been laid. No doubt the Minister has a copy of the transcript of Mr. Whitrod's comments last night, so let him go through it line by line and question by question and answer them. He should give us truthful answers so that we know what the facts are.

Commander O'Connell should be brought back to Queensland from Scotland Yard to complete his investigation. The inquiry should be widened and the law should be changed so that, as in South Australia, no longer will there be political interference with the Police Force.

The Premier talks about enshrining into the laws of the State the protection of the positions of Governor and the Queen. Why can't he enshrine into our laws the political impartiality of the Commissioner of Police and protection from being stood over by the Government of the day? But I know that the Premier will not do that. Instead, he wants to be able to manipulate the Police Commissioner for his own political purposes.

Mr. HOUSTON (Bulimba) (12.38 p.m.): I have much pleasure in seconding the motion moved by the Leader of the Opposition. It is well known that for many years the Queensland Government has been attempting to use the Police Force for its own political purposes. Time after time the Police Force has been used to implement Government policy against political parties and people whose views differ from those of the Government.

I want to read from a certain newspaper report, as follows:—

> "The Queensland Police Force, split by sectarian issues, factional fights and continued sniping in Parliament, and shocked into panic by extraordinary departmental decisions, is ready to erupt into the biggest boilover of all time.
>
> "Rocked by sensation after sensation in recent months, the public now has every right to know immediately what is going on in the Police Department in this State."

I would go further and say that the public, too, have a right to know. The same article went on to say—

> "Unfortunately, in recent years, Cabinet Ministers have regarded the Police Force as just another Government Department—something it can never be while it controls the lives, liberty and safety of every person in the State."

Those comments would lead anyone to the belief that that article was written yesterday or even, perhaps, two or three months ago. However, it appeared as far back as 24 January 1965 in what was then known as "Truth". Even as long ago as that this Government was faced with problems arising in the Police Force. And don't try to tell me that Mr. Whitrod was the man responsible for those problems. After all, Mr. Bischof was commissioner. He was followed by Mr. Bauer and then by Mr. Whitrod, who was appointed by the same Government with the idea, according to Government spokesmen at the time, of cleaning up the Police Force and creating a new image. This was to rectify the problems confronting the Government at the time. The three commissioners—one after the other—cannot all be wrong. The trouble is within the Government itself.

Let us look at the current, up-to-the-moment situation. In today's "Courier-Mail", the Premier is reported as saying—

> "About 800 men resigned from the Police Force during his term of office."

That related to Mr. Whitrod's term of office. The article continues—

> "This is a lot in a force of 3,500. You could not get enough men to join the force.
>
> "It was a matter of concern on my part and the Government's part that there was such a lack of harmony in the police force."

I ask the Premier if that is a factual report of his sentiments and statements.

Mr. Bjelke-Petersen: My word it is. And I will add a little bit more to it later.

Mr. HOUSTON: If what the Premier said is true, let us now consider what he and the Minister for Police said only a few days ago. The Government talks with two voices all of the time. It relies on the fact that the public does not read "Hansard" and does not know what Ministers say here. Either the Premier was misleading the people by his statement or the Minister for Police misled Parliament by his.

I shall now read what was said by the Minister for Police on 9 November 1976, as reported in pamphlet "Hansard" No. 11, at page 1379—

> "There has been criticism of the so-called high resignation rate in the Queensland Police Force."

The Premier said that he was concerned about the high resignation rate but the Minister for Police said—

> "There has been criticism of the so-called high resignation rate in the Queensland Police Force. The average years of service lost by resignation of sworn-in members was lower in 1975 than was the case in 1971. The resignation rate for 1975-76 was 3.9 per cent, yet as far back as 1954-55 it was 4.5 per cent. A total of 98 male officers resigned from the force in the year 1964-65. In the year just ended (1975-76) that resignation figure was 100, despite the fact that the total strength of the force had increased by some 1,000 officers in the intervening period. On the other hand, there has been an increase in the number of resignations of female officers, but these are far outweighed by applications from well-qualified women who wish to join the force."

That is a complete contradiction of what the Premier said in trying to belittle Mr. Whitrod's statement.

Mr. Bjelke-Petersen: That was obviously a reply written by Mr. Whitrod.

Mr. HOUSTON: Was it? What an admission! The Premier has admitted that the Minister for Police came here and read a statement reflecting the attitude of the Police Commissioner. Yet the Minister is now condemning the person who, apparently, he followed word for word. The Premier cannot sneak out of it in that way; he cannot have it both ways.

I turn now to resignations. The police strength, as shown in "Hansard"——

Mr. Newbery: How about the applications in this State?

Mr. HOUSTON: I shall refer to the Minister's statement given in answer to a question asked by the honourable member for Archerfield of the Minister's predecessor, Mr. Hodges. Surely the Minister for Police will not tell us that his predecessor told lies to Parliament!

Mr. ACTING SPEAKER: Order! I have already pointed out to the House that Standing Order 137 confines the debate to the subject-matter of the letter submitted. I ask the honourable member to relate his comments to the subject-matter of the letter.

Mr. HOUSTON: I apologise, Mr. Acting Speaker. The point is that the Minister made a statement which is completely untrue. I know that you would not allow a debate like this to continue with an untrue statement remaining unchallenged.

Suffice it to say that if the Minister looks at page 1306 of pamphlet "Hansard" No. 10, he will see the whole list set out. In most months there were over 100 applications while in the others there were well over 50 applications to join the force. One reason for the number of resignations is that police-women have been resigning for various reasons. Some of them married. Of course there are resignations. As the Minister said, the number differed from those in years gone by.

One of the strange things about all this is the Premier's expressed concerned for the feeling of the police union. Normally the Government is guilty of union-bashing. I would venture to say that this is the only union whose views the Premier has been prepared to listen to. Of course, he is prepared to listen to that union's views only because they happen to be against the former Police Commissioner.

As the Leader of the Opposition has said, the deputy commissioner of Police said that he believed Mr. Whitrod's attitude was right. One of the allegations made by Mr. Whitrod was that political interference was felt in the consideration of promotions. I point out to the House that one of the issues objected to by the union and the Government was Mr. Whitrod's belief that seniority should not be the only criterion but rather that qualifications should play a part. However, back in 1968 Mr. Bischof said that seniority should not be the sole yardstick. The man now appointed as Police Commissioner certainly was not entitled to his appointment on seniority alone. He is a man highly qualified academically. It will be interesting to know how many heads he went over.

Another thing that has been said is that men were sent to the country because Mr. Whitrod was upset with them. I think it is understood that normally the transfer of commissioned officers is a matter for Cabinet, not simply an order made by the Police Commissioner. That automatically rules out that Mr. Lewis was sent to the country because of some feeling held by Mr. Whitrod. That man was sent there as a commissioned officer; hence, his transfer would have been a matter for Cabinet decision. Surely, then, all these noises being made against Mr. Whitrod and the feelings expressed about him have been engineered and bruited about basically with the idea of making his task an impossible one.

(Time expired.)

Hon. T. G. NEWBERY (Mirani—Minister for Police) (12.48 p.m.): Mr. Acting Speaker, I have already this morning quoted a passage from the Police Act relating to the role of the Commissioner of Police. I repeat it. It states:—

> "The Commissioner shall, subject to the direction of the Minister, be charged with the superintendence of the Police Force of Queensland."

Queensland is no different from any other State in this regard. The commissioner runs the force, subject to the direction on his Minister. The degree of Ministerial direction required depends primarily on the performance of the commissioner, the trust the Minister has in his commissioner and the willingness of the commissioner to keep his Minister properly advised and informed. This is necessary for any Minister, who is responsible to his Government, to Parliament and to the citizens of this State.

The previous Commissioner of Police was most reluctant to recognise my responsibilities. This made my job as a new Minister extremely difficult. I feel Mr. Whitrod wanted to be a power unto himself—responsible to no-one. I do not feel this was a reflection on me as Minister but merely Mr. Whitrod's firm attitude to his role as commissioner.

What Mr. Whitrod considers to be political interference is, as I see it, only responsible interest and concern by the Government. After all, the Government is responsible to the people; the commissioner is not. There is no more political control over police than there is over any other arm of the Public Service.

Mr. Whitrod never sought discussions with me on any problems he saw in this area, although he had a clear responsibility to do so, and it is a matter of concern to me that he has waited until his retirement to come forward with these complaints.

On the question of Cedar Bay, I want to say that at no time did I act contrary to the advice of the commissioner. As soon as Mr. Whitrod advised that the time was appropriate for a full investigation to be conducted into formal complaints against police, that investigation was immediately put in train.

Allegations have been made that I ordered the destruction of the original report on Cedar Bay. That is not true. The report was not destroyed. A copy was made available to the two senior police officers assigned to investigate the Cedar Bay allegations. A copy of this original report is included in the total report prepared by Mr. Becker and submitted to the Crown Law Office. My own copy of the original report was also sent to Crown Law for their assessment, and I have a receipt for it.

I feel Mr. Whitrod slanted the truth yesterday when he accused me of arranging the extradition of two people to Western Australia. As the commissioner knows, I have no authority to order extradition. That is a matter between the police and the courts.

My only action in this case was to report to my counterpart in Western Australia the whereabouts of two people who were wanted on serious charges in Western Australia. The charges involved breaking and entering a veterinary surgery, stealing drugs and escaping from lawful custody. It was reported to me that the two persons involved were living in complete freedom in Cooktown. I could see no valid reason why time and distance should provide such apparent immunity from the law. The matter of whether the two persons should be returned to Western Australia to face the charges against them was one to be decided by the Western Australian police, having regard to the nature of the charges. It is not within the province of any Minister to direct the commencement of extradition proceedings. The commencement of those proceedings is a matter for the police. And that is precisely how this matter was instigated.

I have a copy of the telex message from Galup, the Western Australian police, to Vedette, the Queensland Police Force, dated 10 September 1976, and I will table that document so that interested members may examine it in full.

I seek leave of the House to have this telex incorporated in "Hansard" and I table it for the information of honourable members.

(Leave granted.)

Whereupon the honourable gentleman laid the following telex on the table:—

"Headquarters
"VKR AA40337
"VKR AA40337
"VKI AA92168
"Have two for u
"Galup NR 1175 1600hrs 10 9 76
"Vedette

"On December 13, 1971, a bench warrant was issued out of the District Court of Western Australia for the arrest of Kerry Jay Elliott, who failed to appear in answer to a charge of breaking entering and stealing contrary to the provisions of section 403 of the Criminal Code of Western Australia stop Information to hand Elliott may currently be in North Queensland stop Extradition approved stop Appreciate enquiries to locate Elliott who may be in company with husband Robert Clive Elliott, also wanted on warrant this State for escaping legal custody stop Extradition also approved stop

"Wording of warrants as follows:

"1. 'To the bailiff of the District Court of Western Australia and to all police officers in the State of Western Australia.

"Whereas an indictment for breaking entering and stealing has been presented in this court against the above named Kerry Jay Elliott and the said Kerry Jay Elliott has not appeared to be tried upon the charge set forth in the said indictment. These are therefore to command you forthwith to arrest the said Kerry Jay Elliott and forthwith to bring her before this court to be dealt with according to law.

"Given under my hand at Perth in the said State this 13th day of December, 1971.

"Signed R E Jones, Judge.'

"Robert Edmund Jones, Judge of the District Court of Western Australia.

"2. 'Whereas a complaint has this day been made upon oath before the undersigned, one of Her Majesty's justices of the peace for the said State, for that Robert Clive Elliott on the 23rd day of September, 1971, at Applecross did escape from legal custody and are thereby deemed to be an incorrigible rogue. Section 67 S.S.1 of Police Act. These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said Robert Clive Elliott and to bring him before some one or more of Her Majesty's justices of the peace to answer to the said complaint, and to be further dealt with according to law.

"Given under my hand at East Perth in the said State this 7th day of October, 1971.

"Signed C. K. Rosen J P Justice of the Peace.'

"Cecil Kaufman Rosen, justice of the peace for the State of Western Australia.

"Full description of Elliotts and photos appear W A P G 901/71 and 13/72 stop

"Plse issue provisional warrants and advise if located and when escorting officers are required with original warrants stop CIB Perth File NR 35701/71 refers stop

"Leitch Commr
"X Det Hebb
"Mt Hawthorne CIB
"CIB was APB 213 . . .
"CIB"

If warrants of extradition are issued, it is then a matter for the courts to decide whether such extradition should be carried out. Allegations that the two people involved were suddenly prevented from giving evidence in pending Cedar Bay drug cases were completely false. The question of whether the two had any evidence to offer was fully considered by the court. The court decided that the extradition should proceed.

Mr. Elliott has given a full statement to two senior police officers sent to Cairns to investigate allegations against police at Cedar Bay. Mr. Elliott was interviewed by the two investigators prior to his extradition and his full statement appears in the final report of the investigators, which was sent to the Crown Law Office for assessment.

I reported the whereabouts of the Elliotts to the Western Australian authorities as a responsible member of the Government and as a concerned citizen. I made no request for their extradition. I am deeply concerned at the motives behind Mr. Whitrod's accusation against me.

Soon after I reported the matter to Western Australia I was informed that I could be accused of political interference in the proceedings. I did not consider that I had acted in anything other than the best interests of the people of Queensland or that I had done anything more than a normal responsible citizen in reporting the matter to the police.

However, I immediately raised this question with Commissioner Whitrod and asked him whether the extradition should proceed in view of allegations that might be raised about political interference. Mr. Whitrod said that I was not involved. He said it was a routine police matter and the extradition should proceed.

As for any other matters raised by the ex-Commissioner of Police, any that require it will certainly be given further consideration, and if any such matters are relevant to the terms of reference of the present committee of inquiry, I have no doubt that that inquiry will give them proper consideration.

Mr. PORTER (Toowong) (12.55 p.m.): It is very easy for members of the Opposition to make a lot of inflammatory political capital out of the present situation. At his usual rate of about 500 words a minute, the Leader of the Opposition said that a young girl was bashed, that nobody cares about it and that she has no recourse to law. Of course she has recourse to law, but she has not used it. He spoke of the necessity for the Premier and the Government to answer charges. I should like him—or somebody, at any rate—to say what those charges are. Many allegations have been made by the former commissioner, and I am greatly dismayed by them, but no charges have been made. There is a very real difference between allegations and charges.

The Leader of the Opposition talked about the Police Force being used to promote the political ends of the Government. That, of course, was another demagogic statement not capable of being sustained by one atom of fact.

The Deputy Leader of the Opposition did much the same. He loudly poured out his vicious accusations. Of course, both the Leader and Deputy Leader of the Opposition are very good at muck-raking. They both relish tipping a bucket of filth in the corridors of this House and then, not content with tipping it, they like to wallow in the filth.

Let us have no doubt at all about what the Opposition is up to. If anyone imagines that Opposition members are concerned with improving the capacity, quality and integrity of the Police Force, let him remember that the pages of "Hansard" chronicle what Labor Governments did with the Police Force up to 1957. What the Opposition is very faithfully doing now is carrying out the strategic plan of the extreme Left Wing. (Opposition laughter).

Oh, yes, they laugh about it. Doing everything that will smash respect for authority is a good subject for mirth, isn't it? They see mirth in sowing seeds of distrust and doubt about the integrity of all the instruments of law enforcement. This, I submit, is what Opposition members are doing. They do not give a toss for Mr. Whitrod or the

Police Force. They are playing politics, and it is the dirtiest kind of politics that one can imagine in the present circumstances.

I am one of those who are dismayed and puzzled by what Mr. Whitrod did yesterday. I think I represent a pretty substantial cross-section of back-bench attitude. I am one of those who had a high respect for the former commissioner. I approved of many of the things that he did both inside and outside the force. I did not, of course, agree with them all but, by and large, I hoped that he would mend his fences with his own members and get on with his job. But apparently that was not to be. His performance yesterday was, I thought, the most remarkable that I have ever seen a former public servant provide.

(Here we go again. When one starts to deal with facts, Opposition members leave the Chamber. They cannot, of course, leave in masses because there are not enough of them to leave en masse.)

Let me now deal with some of the things that emerged from Mr. Whitrod's statements yesterday, which are the subjects of the letter that caused today's adjournment motion. He charged corruption but gave not one jot of evidence of it.

(Here go the rest of the Opposition members, trailing out of the Chamber like beaten curs with their tails between their legs.)

Mr. Whitrod also charged political interference. But, strangely, he would not or could not specify or qualify what otherwise stands as no more than a baseless allegation. He said, "Interference had reached the stage where in many respects I was no longer in charge of the force." Did this occur in the period in which the present Minister for Tourism and Marine Services was Minister for Police? Or did it all occur in the 14 or 15 weeks in which the present Minister for Police has been in this portfolio? If the latter is the case, there must have been such a welter of gross interference that it would be easy to specify it and identify it.

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

Mr. PORTER: Whilst I have only the utmost contempt for the unprincipled way in which the Opposition, for the basest political purposes, is exploiting the resignation of Mr. Whitrod, I speak much more in sorrow than in anger when I comment on his extraordinary display yesterday which has provided the opportunity for that exploitation. The former Commissioner of Police says that the Commissioner of Police is not just another adviser to his Minister. That is a somewhat extraordinary statement to make in view of the clear provisions of the Police Act and, I might mention, our Police Act in this regard is exactly the same as that in all other States. And this comment on the role of the Police Commissioner vis-a-vis the Minister, and hence the Governor in Council, I find quite extraordinary.

What should a commissioner be? Should he be the sole commander of a paramilitary force? Are we to look for a local Hoover with absolute control of a State version of the F.B.I.? I find it quite an extraordinary thing to say. And then he equated the alleged political direction—his words were "political direction"—with Goering's assumption of police direction which set the stage for Nazi power seizure in pre-war Germany. What direction did Mr. Whitrod ever have that in any way paralleled that sort of event? Has he suggested that in his seven years as Commissioner of Police this State has moved markedly to becoming a Fascist corporate State? If he does, on what possible grounds does he suggest it? Has there been imprisonment without trial? Has there been a suspension of habeas corpus? Has there been a denial of free elections? Has there been a rejection of decisions made by properly constituted courts? Is there any prosecution of political opposition, with their Press secretaries, other secretaries, motor-cars and the rest?

This really is very poor propaganda. It is the sort of inflammatory, demagogic stuff we might expect from Left-wing juveniles from some academic campus, but from a former Commissioner of Police, a man for whom I have the highest regard, I find it quite extraordinary.

An Opposition Member: You appointed him.

Mr. PORTER: Yes, of course we appointed him. This is what makes it all the more remarkable, that he should turn on this performance yesterday. He said that special favours were sought, but, when he was questioned as to what sort of special favours they were, he could not answer. Were there many favours or were there few? What were they? Were they large favours or were they trivial ones? By whom were they sought? Nothing was forthcoming. Indeed, when it was narrowed down it turned out to be that he had never been asked to do anything about drink-driving charges, but he did have a few traffic offences mentioned to him. I would say this is par for the course for every commissioner that there has ever been. He went on to say—

> "Cedar Bay, promotion lists and the lessening of my authority were only surface indications of the fundamental difference between my and the Government's approach to law enforcement."

What does that kind of vague double-talk mean? Or is it only designed to imply something—something sinister and something vile—without the slightest scintilla of hard evidence to support the allegations being offered? Really, Mr. Whitrod, I for one never expected that you would deal in rather shoddy goods of this sort, because what were the differences between the commissioner and the Government? How profound were they? Over what period did they exist? Were they

ever before raised by the Commissioner with his previous Minister, or is what he now says a kind of "Catch 22" allegation that he is making in order to lend some sort of credence to a case that is resting on no major issue, no large concern and no real evidence of any impropriety—none whatsoever?

If it was meant to suggest that this Government took lightly what the erstwhile commissioner took seriously, then I should imagine that this must be an allegation that the Government did not want to uphold the law that he was sworn to uphold. That is a strange charge to make against a Government which has consistently had the most effective and most applauded record in Australia for the maintenance of law and order. We all remember the disorders of the Springbok tour, and we remember, too, the by-elections of Maryborough and Merthyr that followed. We remember the general elections of 1972 and 1974, and the Federal election of 1975 when the electorate passed judgment on what this Government did. That judgment was that we did the right thing. Is the erstwhile commissioner going to disagree with what the electorate has said? Surely not.

Is everybody wrong in this area except Mr. Whitrod and the Left-wing forces who are now exploiting the situation which he has created and voraciously feeding on the scraps that are fed to them? Is everyone out of step but those few people who are making vague allegations, insinuations and implications? If there is a charge to be made, let us hear it. No charge is made at the moment, no matter what the Press headlines may say. There are allegations, there are smears, there are insinuations, but there are no charges. One would dearly like to hear them.

We should deal fairly carefully with the Police Force because, by its very nature, the Police Force is open to charges of corruption. It deals with a sector of the people whose morality is not the morality of the rest of us, and it would be strange indeed if there were not some corruption in the Police Force. That applies to other States and throughout the world. It is very easy to destroy the force by suggesting that all should be tarred by the brush that should be applied to only a few. It is fatally easy for the media to pick up some few incidents and then by selection, innuendo and repetition to make sensational programmes to the public's detriment.

(Time expired.)

Mr. K. J. HOOPER (Archerfield) (2.22 p.m.): This Parliament should offer its congratulations to the former Police Commissioner (Mr. Whitrod) for refusing to be a puppet of the Premier. Mr. Whitrod is a policeman of international repute. Quite candidly he would have forgotten more about police affairs than the present Police Minister will ever learn in his very short—I hope—experience of the police portfolio in this State.

Let us face the facts. The only person in this sorry, sordid police affair is none other than the Minister for Police himself, Thomas Guy Newbery. After hearing his reply on behalf of the Government it is my view—and I also heard this view expressed in the lobby during the lunch recess—that his tenure of office is very shaky indeed. Government members can laugh, but that is true.

Mr. Newbery interjected.

Mr. K. J. HOOPER: The Minister is only a lightweight. I should not be replying to him; he is only a puppet of the Premier. The Minister certainly will not be holding the portfolio of Police for very much longer.

It is to be greatly regretted that the Minister's performance in this debate was a first-class example of ministerial incompetence. He didn't know if he was Arthur or Martha, Angus or Agnes, or whether the rats had been gnawing at him.

Tom Newbery made history in this Parliament today. In my experience in this House he is the only Minister when replying on behalf of the Government in an urgency debate who has used word for word a ministerial statement poorly delivered less than an hour earlier. I hope that the Press take particular note of this. That is what the Minister did. He said nothing new. We can forgive the journalists in the Press gallery if they were yawning during the Minister's speech, because in fact it was a——

Mr. FRAWLEY: I rise to a point of order. I draw attention to the fact that the honourable member is reading his speech word for word, like a parrot.

Mr. ACTING SPEAKER: Order! The honourable member will not read his speech.

Mr. K. J. HOOPER: I was about to point out that in fact it was the third time the journalists had heard the Minister's speech today. They had earlier suffered the same text at the Minister's Press conference. Let the Minister deny it. He is just sitting there with a very simple smirk on his face. He is certainly not making any reply.

Many members of this House, particularly those on the Government back-benches who are eager for ministerial promotion, were looking for a stinging off-the-cuff reply from the Minister, but they were sadly disillusioned. Yes, Mr. Newbery, we have been sadly disillusioned. As a matter of fact, Mr. Newbery, I think you know that your days on the ministerial bench are numbered.

Mr. ACTING SPEAKER: Order! I would thank the honourable member to refer to the Minister in the proper terms.

Mr. K. J. HOOPER: The days of the Honourable Minister for Police on the ministerial bench are numbered.

Mr. Jensen: Max Hodges should have carried on.

Mr. K. J. HOOPER: Sure. He was the best Police Minister in the history of this Tory Government.

The Press conference held by Mr. Whitrod opened the question whether Parliament was misled when the Police Minister insisted that the copies of the Cedar Bay report had been destroyed. It is incumbent on the Police Minister to immediately produce all copies of the original report or, alternatively, forfeit his portfolio, which he has so ineptly managed. The Minister is referred to by both policemen and members of his Government as "Uncle Tom" because he takes his daily orders from "Massa Joh", alias the Premier, Mr. Bjelke-Petersen.

I can well understand why Mr. Whitrod locked his copy of the Cedar Bay file in his personal safe. I am sure that still very fresh in his mind is the stealing from a locked cabinet at police headquarters of the file on the police case against the two directors of Queensland Groceries. As you would remember, Mr. Acting Speaker, this did occur. In response to a question that I asked the Minister for Justice as to why the Crown did not proceed against the two directors of Queensland Groceries who were charged with embezzlement, I was told that the file had been removed by some person or persons at police headquarters. That is shocking.

The Whitrod Press conference also made public the fact that Ministers of the Crown sought special favours. This included a high-ranking Minister who sought special dispensation for a relative regarding a driving licence. I say this advisedly, because it is widely reported that the person involved was the Premier's 16-year-old daughter. That is the story that is going around the ridges and let him deny it.

Mr. BJELKE-PETERSEN: I rise to a point of order. As usual, A.L.P. members are making untrue statements in the hope that some of them will stick. The honourable member's statement is completely untrue. He is mixed up with his own daughter, and that is quite understandable.

Mr. ACTING SPEAKER: Order! Is the Premier denying the honourable member's allegation?

Mr. BJELKE-PETERSEN: Besides denying it, Mr. Acting Speaker, I am asking that it be withdrawn.

Mr. ACTING SPEAKER: Order! The honourable member for Archerfield will withdraw the statement.

Mr. K. J. HOOPER: I do so, Mr. Acting Speaker, in deference to you.

A leading Brisbane journalist, one of the most respected journalists in the State, wrote in Monday's "Courier-Mail" that the laws of libel prevented the public from learning the true details of the Whitrod case. This involved an intriguing relationship between politicians and policemen.

With charges of this nature made by independent authorities and with questions left unanswered following Mr. Whitrod's resignation, an honest Government with nothing to hide would immediately allow the Scotland Yard officers to complete their inquiry. Instead it has convened what, quite frankly, is nothing more than a cosmetic inquiry designed to find out nothing and to lay the blame on no-one.

Some weeks ago, during the debate on the Police Estimates, I referred to an incident that occurred approximately three months ago at Caloundra. Until I raised that matter the Minister had not instituted an inquiry into it, and he did so only because I raised it in the House. I probably will not know the result of that inquiry until I ask the Minister a further question in the March session.

Mr. ACTING SPEAKER: Order! Reference to that matter is out of order.

Mr. K. J. HOOPER: I bow to your ruling, Mr. Acting Speaker.

I have been told that the restricted terms of the inquiry were designed specifically to prevent any honest cop, including Mr. Whitrod, from naming the real offenders. The question is: what has the Government to hide—or, better still: which members of Cabinet with enough power to dictate the terms of the inquiry have something to hide? I think the latter would be more appropriate.

In one of his interviews Mr. Whitrod made the very interesting point that a citizen who belted a girl over the head with a baton would unquestionably be charged with assault. But a policeman who did the same thing while being watched nation-wide on television was given a promotion. The perpetrator of such a vicious assault was a high-ranking police officer, namely, Inspector—now Superintendent—Mark Dougall Beattie.

Mr. Jensen: That's not that Beattie who has Congo Pools and who has caught everyone?

Mr. K. J. HOOPER: No, that's "Basher Beattie's" son.

The Premier and Police Minister Newbery apparently admire these qualities, for they promoted "Malicious Mark" to the rank of superintendent. Furthermore, they have sent him North, where he will be able to scare the daylights out of young girls who oppose the Premier.

The Whitrod conference also revealed the extraordinary circumstances that the Police Minister personally, with his Western Australian counterpart, arranged the extradition of two key witnesses in the Cedar Bay inquiry. The Minister vehemently denied that allegation today, but as we all know it is quite easy to pick up a telephone and ring a counterpart in Western Australia. I am

saying quite bluntly to the Minister, through you, Mr. Acting Speaker, that that is what occurred.

Mr. Jensen: He's not denying it.

Mr. K. J. HOOPER: Of course he's not denying it; he knows it's true.

The only obvious reason for this action was that it would circumvent the course of true justice. Again we must ask ourselves: who is the Police Minister protecting—the Premier and the member for Barron River, who had a private briefing in Cairns on the Cedar Bay incident by one of the four policemen now charged? Or is he protecting the Minister who wanted the Cedar Bay report destroyed?

Mr. Porter: Are the policemen guilty?

Mr. K. J. HOOPER: That matter is sub judice, and far be it from me to prejudice their guilt.

The former Police Minister (Mr. Max Hodges) was sometimes criticised in this House during his six years as Minister for Police. I am on record as saying that I regard Max Hodges as the best Minister for Police this Tory Government has had in its 19 years of office. I can say quite honestly that he would never have condoned improprieties of the nature that have occurred since the present Minister replaced him and became, in fact, the de facto Minister for Police in Queensland. Look at him! He just sits there beside the boss like a puppet. He reads his speeches with a little animation and occasionally makes a few noises. He is very unimpressive. A comparison of the Minister for Police (Tom Newbery) and the present Minister for Tourism (Mr. Max Hodges) is like comparing chalk and cheese.

Frankly, the Premier, whose politics have been tainted by the League of Rights, has become so power-drunk with his large political majority that he considers he has a right to impose his own fanatical views and standards on all.

(Time expired.)

Hon. J. BJELKE-PETERSEN (Barambah —Premier) (2.31 p.m.): Today we have witnessed an extraordinary political scene of honourable members opposite trying to make political capital for their party. We have witnessed one of their most hypocritical displays of statements and attitudes. They have been the greatest bashers of the police of all time. On many, many occasions they have condemned the police—in season and out of season. They have sought and demanded inquiry after inquiry almost day by day, and week by week they have been highly critical of the police and the Police Department. It is incredible to hear honourable members opposite now talk in highly glowing terms of the former commissioner, when not so long ago they were highly critical, and were condemning Mr. Hodges and Mr. Whitrod because the crime rate was not coming down. How many times have we listened to accusations that the crime rate was soaring and demands that those two men should be dismissed? On many occasions Opposition members have demanded their resignations.

Mr. Burns: Was it Whitrod's fault that the crime rate wasn't down?

Mr. BJELKE-PETERSEN: The honourable member always condemned Mr. Whitrod because the crime rate was so high; he accused him again and again because the crime rate was increasing. He always asked that he be forced to resign.

Today we have a complete somersault. That is typical of honourable members opposite. It is natural to them. They can somersault on any issue. They are here today and there tomorrow; they lean this way today and that way tomorrow. Whatever way we look at them, they are the greatest acrobats of all time.

The A.L.P. in Queensland, and throughout Australia, is completely anti-police. A.L.P. members have mounted a long campaign against the police. On every possible occasion they have belittled the police—accused them and smeared them. They have tried to undermine the men and women in our Police Force, who play such an important role. In every case involving drugs, crime or anarchy, the A.L.P. springs to the defence of the person concerned. Never once do we find it springing to the support of the police, standing up for them or being critical of those who break the law, march in defiance of the law and confront the police. We never find honourable members opposite taking a stand and making a statement against these people. Do we ever find the media being critical of the people who break the law and defy it? It is always the police who, the media say, break the law and do the wrong thing. When we are concerned about drug-pushers, who do honourable members opposite condemn? It is always the police who have to cop it.

The Government is answerable to the people for effective administration of the law. The Commissioner of Police is not answerable to the people. He has not to face an election, but he is answerable to his Minister and to the Government. Evidently he did not like that. He wanted to be a law unto himself. This morning the Minister for Police pointed out very forcefully that the commissioner is subject to the Minister. I hope honourable members opposite are not trying to imply that he should not be subject to the Minister and the Government. Of course he is. He has no escape from it. If Mr. Whitrod did not like it or does not agree with that sort of thing, he did the right thing. I agree that he did the right thing in resigning. While the commissioner is required to act in accordance with the provisions of the Police Act, it must be

remembered that he is an officer of the Crown. Who put him there? What laws is he subject to? The laws laid down by this Government. He is certainly not a law unto himself.

Matters of policy are not matters for the decision of the commissioner. He seems to think that they are. The responsibility of the Police Commissioner is to administer the law—administer the Police Force. The administration of the law is his job. That is his responsibility as laid down by the Government.

Mr. Jensen: He didn't do it, so you sacked him.

Mr. BJELKE-PETERSEN: He obviously didn't do it. He wanted to go his way. He said he could not abide the Minister's having a say in the administration of the Police Force. Of course he had to go; he had no option if he adopted that attitude.

It obviously follows that a responsible commissioner will seek to work together with his Minister, for confirmation of the proposals he has in mind concerning the carrying out of his responsibility, and he must conform to the policy of the Government and the Minister. Did he do that? Of course he didn't. He said, "I will act the way I want to act. I am not going to be subject to the Minister or anybody else. I am going to do it the way I want to do it."

Mr. Jensen: Did you tell him not to enforce the law, as he said?

Mr. BJELKE-PETERSEN: I have always said to the police, ever since I was first associated with them, "You carry out the law. I'll look after the political side of it. You just carry out the law." That has always been the attitude I have adopted towards the police.

What did we find about the Police Commissioner when he was asked on TV last night about his attitude to his Minister and what he thought of him? Did he stand up for him? Did he say that he was an honest man, a good man—a new man, perhaps? Of course he didn't. He sat puzzled and perplexed, and he looked as though he was thinking, "Oh gee, I couldn't say anything good about him in any shape or form." Then he said, "I would rather not say." To me it is pretty poor and pretty despicable that a commissioner, who is subject to a Minister, can't even say one good word in his favour.

Mr. Whitrod spoke in terms of political interference, but he fails to recognise that a very real problem confronted the Government and the State as a result of the situation that he had created, whereby the unions and the rank and file no longer had any confidence in him. They repeatedly asked for his resignation; they demanded his resignation; they called on me as Premier, demanding his resignation and, indeed, the resignation of Mr. Hodges. At a deputation on one occasion I had Mr. Whitrod and Mr. Hodges in to listen to these demands. The unions were pretty solid in their demands in this regard. The Leader of the Opposition added his weight to their demands of resignation, because he said the commissioner and the Minister were not doing their job.

Mr. Burns: If an elected trade union official asked for a Minister's resignation, would you sack him?

Mr. BJELKE-PETERSEN: It wasn't a matter of asking me. I didn't sack him. He sacked himself.

Mr. Burns: Rubbish!

Mr. BJELKE-PETERSEN: Of course he did. We know that in these demands by the unions, the Government had the strong support of the rank and file in all of the branches throughout the length and breadth of the State. Practically every one of them sent telegrams to me on some occasion giving support for our stated attitude on particular issues. We had to give support to the men. Was it right for me as a Premier or for us as a Government, having responsibility for the administration of the law, to stand by when we knew of the discontent, the unrest and the uncertainty among the unions, when we knew what had happened in Victoria, where they almost walked out on the Government? South Australia very recently experienced the same thing. When we realised that the commissioner could not work with the men——

Mr. Marginson: Did you tell Whitrod about it?

Mr. BJELKE-PETERSEN: My word! Mr. Whitrod knew what the situation was. He knew from the unions.

Mr. Marginson: Did you tell him?

Mr. BJELKE-PETERSEN: He knew it from the unions on the day of the deputation, when he could see that he could not work with the men. In spite of what the Deputy Leader of the Opposition said—I checked the official figures—just on 800 men have resigned out of that small group of men while he was commissioner. If a person can't work with his men better than that and he can't get men to join the Police Force, there is something radically wrong with him. We had to take some stand. We had to give some support to the men. Over 228 police are wanted for the Police Force today. Do you think we could get them? There was no way in the world we could get them while Whitrod was there. I tell the Leader of the Opposition that we will get them very quickly now. There will not be very much problem about that. Over 200 men in New South Wales are waiting to get into the force, and many officers will come back.

If that does not give a clear picture of the commissioner for whom the Opposition is now loud in its support, there are so many other things that demonstrated that

he did not have the confidence of the union. There is the letter that he wrote that rocked the Police Union. I have not time to read it today. I believe that under the new Commissioner of Police there will be a complete change resulting in new pride and greater confidence in the force and that we will get many more back into the force.

The resignation of the commissioner was accepted immediately and unanimously by Cabinet. He believed that his sole right was to promote and do all of these things how, when and where he wanted. He bypassed many men. With the arts and science course he tried to bypass these people. So he had no option but to do what he did ultimately.

He was a figures man. He did not believe in doing the work that Mr. Lewis was doing earlier—trying to give the young people a second chance. He had the killer sheet that had to be filled in every week. I even spoke to the former Minister for Police (Mr. Hodges) about getting rid of the killer sheet, which was simply a method of getting figures and fining people. All sergeants had to ring Mr. Whitrod every morning from all over the State. They were spending tens of thousands of dollars on telephone calls to give the figures on what had happened during the previous day so that they could be rung through to head office and could go up on the wall. I am sure that Mr. Lewis will want to change a lot of those things and not have these killer sheets or try to get convictions of young people who are not given a second chance and whose names have to go onto the killer sheet immediately.

I could go on and say many other things. It is completely hypocritical of honourable members opposite, but true to their form.

Mr. WRIGHT (Rockhampton) (2.42 p.m.): I was very pleased that I was here to listen to the Premier because he has simply acknowledged the claims that have been made by Mr. Whitrod, that is, that there has been political interference and that in fact it has been the efforts of the Premier that have kicked him out of the Queensland Police Force.

I rise to support the motion moved by the Leader of the Opposition because, like many other people in this Assembly and in the community generally, I have been concerned at the developments that have led to a deterioration in Queensland of law, of order and of justice.

The statements made by the former Commissioner of Police referred to in the letter that the Leader of the Opposition has written to you, Mr. Acting Speaker, must be of great importance to this Assembly. They must be debated at length, as should other issues which have arisen in recent months. They should be the subject of a wide debate here also.

The first allegation is one that the Premier has just been talking about—political interference. It must be of major concern to all people interested in good government, interested in justice and interested in law and order generally. The Premier cannot simply wave aside this allegation by saying that there are elements in the rank and file of the Police Force or in the Queensland Police Union who did not support what the commissioner was trying to do in his administration. That is simply no reason for the interference that has taken place and no reason for the interference that took place when the Commissioner of Police was prevented from carrying out his duty as he saw fit after a young girl was bashed by a police officer. He was totally overridden by the Minister for Police, the Cabinet and also the Premier.

Section 6 (1) of the Police Act and the solemn oath of office under section 14 are deliberately designed to safeguard the traditional independence of the Police Commissioner and of the Police Force in general. It is astounding that in a democracy such as this we have the Premier, the Minister for Police and members of Cabinet wanting, desiring and in fact taking definite action to overrule the commissioner in his desire to carry out his duty. It is also astounding that there should be a ministerial decision to ensure that justice will not be done. It is more astounding that this element of interference should finally lead to the resignation of the Police Commissioner.

This is what he said and this is why all people in this State are very much concerned. They may not support everything that the Police Commissioner has done; they do not support everything that has happened; but they question that a Police Commissioner should be forced to the brink by political interference.

Mr. Moore: Why?

Mr. WRIGHT: We will never fully learn why this political interference took place except that it was obvious that he was not going to be a puppet. He was not going to be pulled around and told what to do. He was not going to be a toady to the Minister for Police or the Premier. But we will never understand fully the extent of this political interference.

Reference was also made to the Cedar Bay raid and there have been allegations in this letter of the involvement of the Police Minister in the extradition of witnesses to Western Australia. The Minister has denied this in part but, judging from previous events that have taken place in this House, little credence can be given to that denial. All members will recall the statements made about 8 and 9 September when the Minister made certain claims about that raid. He said in part that he totally supported the raid. He said that outside this House. He made the claim that the raid was conducted for certain reasons. I shall not go into them at the moment except to say that one reason was to catch an escaped prisoner. He made certain statements about evidence and other statements that these people were on Crown land.

I could accept that a Minister who is worried politically might try to cover up. He might say, "I don't really know but we have to put up some sort of a cloud because this is a political game and the Opposition will make something of it." We have since discovered that those claims made by the Minister should never have been made. On 18 November 1976, in answer to questions that I asked in this House, the Minister admitted that a report was made immediately after the Cedar Bay raid. He admitted also that he received a copy of that report, and it was also sent to the Police Commissioner. He also told us that that report was used in the investigation subsequently carried out by those members of the Police Force who inquired into the Cedar Bay raid.

I put this question to the House: is it right that a Minister should stand up here weeks later and make out that the people at Cedar Bay burnt themselves out and that the police were trying to catch an escaped prisoner when in fact the Minister had that report and knew what had gone on? He distorted the facts and totally mislead the House. So did the Premier; he claimed on television that the people at Cedar Bay could have burnt themselves out. The Minister for Police said that this report was made available to Cabinet.

The commissioner said that Cabinet, the Minister for Police and the Premier were briefed by the inspector who carried out that raid. That has not been denied. There is no excuse for the distortions, lies and misleading statements that have been made in this House to cover up the Cedar Bay issue.

There is another accusation that I made in this House. It is that the Minister ordered the destruction of those documents. He denied that very vehemently. He got up in the House and said that he would prove to me later that he had not ordered their destruction. Yet I am told that at a Press conference this morning he admitted that there were five copies of the report, three of which he had shredded for security reasons. That is not what he told this Assembly the night I raised this matter. What reason would he have for destroying this report? I believe that he did in fact order Mr. Whitrod to destroy that report. Let the Minister reply later to that point.

Mr. NEWBERY: I rise to a point of order. I did not destroy that report. I ask the honourable member for Rockhampton to withdraw that statement.

Mr. WRIGHT: Mr. Acting Speaker, I believe that——

Mr. ACTING SPEAKER: Order! I have been asked to adjudicate on a point of order and the honourable member will wait till I have done so. The honourable gentleman will accept the Minister's denial.

Mr. WRIGHT: I accept the denial of the Minister. I will be checking with Pressmen whether the Minister did say this morning that he ordered three copies of this report to be shredded. Will the Minister deny that he ordered three copies to be shredded? No, he does not deny that. Let it be recorded for ever in "Hansard" that he now does not deny that he ordered that to be done.

Mr. Whitrod went to great lengths, I believe, to overcome the dilemma with which he was faced. I believe that he shut his mouth when the student was involved in that demonstration. I believe that he held out. Finally, he could not take it any longer. He tried to carry out his role as a police officer and to fulfil his commission as he saw it. But, because of interference and pressure placed on him politically, he had to give up.

Questions must be answered here now. What has been the political interference other than in the areas of Cedar Bay and the student demonstration? To what other issues is the commissioner referring when he says that politicians have sought special privileges? Why in fact did the Premier and the Minister for Police try to cover up the issue? Why would not the Minister table the reports to which I referred? Why were the officers directed not to go beyond Cairns, as Mr. Whitrod has now claimed? Why has Cabinet, the Premier and the Minister for Police interfered in the normal duties of this law-enforcement officer? These questions must be answered because justice is now under threat in Queensland.

I believe that the allegations of graft and corruption in the Police Force in Queensland must also be answered. We also must have proper answers to the allegation of political promotions, because this is an inference that is now being drawn. Certain people are suddenly thrust over others because of their political allegiance or because of their willingness to be puppets or bow down to whatever the Premier or the Minister dictates.

We need to have further answers about what disciplinary action has been taken by way of transfer of those who oppose the Premier. I do not believe these answers will be forthcoming unless a man like the commissioner is given some opportunity to give his evidence. I ask—and let this be a challenge to the Government—that when this inquiry is held the former commissioner, Mr. Whitrod, be called and that the Government give him the protection he deserves to answer the allegations and back up the claims that he has made.

Mr. LANE (Merthyr) (2.51 p.m.): The sordid attempt by the Opposition today to play politics with a very important area of Government administration, namely, the Police Department, is something that I am sure will completely disgust all people who heard it and all who read reports of it in the Press, particularly when the Opposition —the Australian Labor Party—has no credibility at all in respect of police administration. The A.L.P. has an abysmal history in police administration going back over 50 or 60 years, with jobs for the boys and favours

being handed out to its chosen few within the ranks of the Police Force. I am old enough to have served in the Police Force under a Labor Government and I would like to relate some of the things that happened during those days, because I think they make up the greatest condemnation of the Labor Party and the greatest proof that its members talked with tongue in cheek here today and that they have no credibility at all on this subject. Firstly, their treatment of police accommodation both residential and office, was shocking.

Mr. ACTING SPEAKER: Order! The honourable member is out of order. I have already ruled that Standing Order 137 confines the debate to the subject-matter of the letter submitted to me. The honourable member must accordingly confine his remarks to that also.

Mr. LANE: Yes, Mr. Acting Speaker.

I would like then to talk about political interference with the Police Force by the Australian Labor Party when it was in Government. During those years when I was a member of the Police Force —and I was employed in the Police Force for over 20 years—I can remember that the names of Vince Gair, Johnno Mann, Power, Ted Walsh and other heavies of the Labor Party of those days were synonymous with discussions in the ranks about who could hand out the biggest political favours and who could hand over the quickest promotion for their friends and stooges in the Police Force in those days. That is the record of the A.L.P. in Government with jobs for the boys. Labor members have carried that sort of reputation with them down through the years. We saw more evidence of it at the Federal level when Labor was in power recently. Its dealings with the Commonwealth police was another example of jobs for the boys.

On the other hand, this Government has a record of integrity in respect of police administration.

Reference was made to the Cedar Bay affair, and whilst I do not want to delve into what transpired there, I merely say this: who could criticise a Government which sent two of its ablest investigators to North Queensland to look into the matter in detail? Those investigators have since issued summonses and will bring people before a court so that justice will be done. Who could complain about the Government's action in setting up a police inquiry? This is an inquiry for the future, an inquiry that will suggest changes to the law and to police administration and give us a better Police Force working under a better set of rules and guide-lines.

Former Chief Superintendent Becker, who is to sit on the inquiry, is well known to me. I worked with him in the West years ago. He is known throughout the force as a man of absolute integrity, a man who is extremely efficient and thorough almost to the point of testing people's patience. He is probably the best lawyer in the Queensland Police Force. Whilst he has no formal qualifications from the University of Queensland, his knowledge of the law is on a par with that of Brisbane's leading barristers, so he is a very able man well suited to sitting on this inquiry. Mr. Sturgess, the man who succeeded Dan Casey as the State's leading criminal lawyer, a man who practises criminal law on the side of the defence, provides a balance in the inquiry. A very senior judge, Mr. Justice Lucas of the Supreme Court, will preside over the inquiry. What more able group of people could we have to plan for the future in terms of what amendments to the law are required in respect of police administration and the rules of evidence.

That brings me to the last but not the least section of this matter, namely, the appointment by this Government of a new Police Commissioner, and the facts surrounding the resignation of the former commissioner.

Mr. Hartwig: And welcomed by all police throughout the State.

Mr. LANE: Yes, an act which has been welcomed by policemen throughout the State.

On the one hand, where could the Government have got a better qualified person in every sense than Inspector Lewis to take the reins of Police Commissioner in this State? He is a man whose academic qualifications are equal to the job, and equal to those of anyone else available; he is a man who has a depth of police experience in the Criminal Investigation Branch, handling juveniles, and in respect of general police work. He is an innovator—the man who established the Juvenile Aid Bureau; he is a Churchill Fellow who travelled the world on a scholarship and studied Police Forces throughout the world. He is a man whose courage and bravery was recognised by Her Majesty when he was awarded the George Medal a few years ago for disarming a man at Wynnum. I know the man well, and I know he will handle the job to the satisfaction of all Queenslanders. He is a Queenslander; he understands Queenslanders and he understands Queensland policemen; and he will produce the goods.

On the other hand we have Mr. Whitrod, and I should like to talk about him for a moment or two. I remember an old song from my youth which went something like this, "Fifty million Frenchmen can't be wrong." All I say today is that 3,500 policemen can't all be wrong and one man right in respect of the way the administration has been conducted under Whitrod over the last seven years. Indeed, the Queensland Police Force has been the laughing-stock of Police Forces throughout the South Pacific region since Whitrod was appointed seven years

ago. I have spoken to interstate policemen, from the Commonwealth and from Papua New Guinea. With a pat on the back, they laugh and say, "You've got that clown now." That is what he is. However, he has a good sense of public relations. He promotes himself publicly. He has done that very cleverly over the years. He has done it with a complete disregard for the men who serve under him. In fact, he stood on their shoulders and denigrated them to promote himself.

Let me get back to what his men thought of him. No commissioner in the history of the Police Force has had so many votes of no confidence in him passed by members of the union, at branch level, at district level, at executive level, and also at general mass meetings of policemen held in Brisbane. There was never such discontent in the Queensland Police Force until that man came on the scene. Is it any wonder that the Commonwealth Police were glad to get rid of him and that the Papua New Guinea Police, who were also glad to get rid of him, used to sneer and laugh at the serving policemen in Queensland because they had to put up with that man? His clumsy attempts to canonise himself as a saint at this particular time make me sick.

Let me go through just a few aspects of his record. He went out of his way to fragment the C.I. Branch so that it would no longer be one cohesive force fighting crime in this State. He stopped interchange of detectives between States because years ago he had a personal, jealous tiff with Norm Allan, the Commissioner of Police in New South Wales. Over the years, he laid down the most impressive record of any commissioner on record by charging juveniles and children to boost his crime statistics.

He has put more policemen before the Criminal Court in this State—unsuccessfully, I might say—than any other commissioner in the history of the nation. He denigrated his own men both publicly and privately, and called them drones, from the first week he stepped into office in this city. Is it any wonder that they don't like him? Is it any wonder he couldn't get on with them during the seven years he was there?

He is not doing any better today. His most disgusting action since his resignation was his comment, which was reported in last Sunday's "Sunday Sun", that sought to create divisions within the Police Force between persons of the various denominations of the Christian religion. His performance was a cheap and disgusting one. Mr. Whitrod claims to be a Christian, yet his act was the most un-Christianlike one that I have ever seen.

A Government Member: The Masons and the Catholics.

Mr. LANE: The Masons versus the Catholics argument. It is a lot of nonsense. It was an argument that went on in the 1930s and maybe the 1940s, but it has been dead ever since. It is ridiculous to suggest that a Lutheran Premier of this State appoints a Catholic Commissioner of Police to create divisions between members of the Police Force and that arguments still occur between Protestants and Catholics. What utter rubbish! Unfounded claims such as that are causing grave concern among genuine Christians both inside and outside the Police Force, and Mr. Whitrod knows it.

(Time expired.)

Mr. AIKENS (Townsville South) (3.1 p.m.): As a completely independent member and a man of transparent honesty and political integrity, one with no axe to grind one way or the other, I regret very much that Mr. Whitrod was allowed to continue as Police Commissioner for as long as he did.

Some time ago I formed the honest and considered opinion that he was a man obsessed with arrogance and pomposity, one who believed that Parliament existed merely for the purpose of finding the money to pay his salary and to meet the cost of his various perks. His exhibition on television last night was absolutely shocking and disgraceful, especially from a man who paraded himself as one who had been persecuted. He mumbled and stumbled like a guilty child caught stealing some tarts from the pantry.

Mr. Whitrod is an intellectual snob and a university toady who believes, as do all intellectual snobs and university toadies, that he is superior to the ordinary and average person and that we, the ordinary people, exist merely for the purpose of making his life and that of his fellow university toadies a little bit better and a little bit sweeter.

The point that has been laboured by the honourable member for Rockhampton and probably by other members—I did not hear all of them—concerning the hitting of a so-called sweet little innocent girl on the head with a baton was the flash-point of this whole affair. The Government had stood enough of Whitrod. What had happened? A police inspector hit this girl, quite rightly, on the head with his baton. What he should have done, and what I regret he did not do, was put that girl over his knee and paddle her backside with his baton until she screamed for mercy. She is the type of university student, the type of lout or loutess, before whom Mr. Whitrod genuflected and grovelled. Quite frankly, we have had enough of it.

When that incident occurred, Mr. Whitrod rushed to the Press and said, "I will have an inquiry into the brutal bashing of this unfortunate sweet little girl." What would have happened if, instead of the girl being hit over the head with a baton, one of the university louts or loutesses had done what they did in earlier processions, that is, spit in the face of women standing on the sideline? What would have happened if they

had assaulted some women standing on the side-line. Would Whitrod have rushed to the media saying, "I will hold a public inquiry into that."? We know very well that he would not have. He was concerned not about what happens to the ordinary citizen but for the students at the university.

If any honourable members have any doubt about the rather unholy connection between the university and Mr. Whitrod, let them read portions of a statement that I have with me. I shall make it available to all of them so that they can have photostat copies made of it. It is a statement issued by the vice-chancellor of the university on 29 July 1971 following the riots that ensued after the state of emergency was declared during the Springbok tour. I invite those members to read the portions of the statement that I have bracketed. I might have time to read some of them. It is quite a long statement, setting out the way in which Vice-Chancellor Cowen and Police Commissioner Whitrod joined forces to protect the university students and, if possible, to parade the rank and file of the Police Force as monsters, sadists and brutes.

One portion of this statement reads as follows—

> "I have had many contacts with Mr. Whitrod over these last few days. On Friday afternoon when I was attending a function to mark the opening of the new State Government Executive Building, I received an urgent call asking me to return to the University. A group had come to the Administration Building asking to see me in connection with the proposed strike, and the catalyst was police action at the Tower Mill on Thursday night. I returned immediately to the University; I assembled a group of advisers including Professor Webb, Professor Hill, Professor Presley and the Registrar and over six hours or more I met with changing groups of people in my rooms. One of the principal spokesmen was John Maguire, a man of serious and honourable purpose, who pressed me to give official University support to the strike."

And so it goes on. Later on there is evidence of the close collaboration between Mr. Whitrod and the vice-chancellor of the University in order to whitewash the university louts and place all the blame on the police who took action that they should have taken, and would have taken, on the second night at the Tower Mill but for the direct intervention of Mr. Whitrod.

I again offer this statement to any honourable member who wishes to have it photostated. It is authentic and official and is a damning indictment of Whitrod. On the presentation in that statement alone, Whitrod should have been dismissed. I do not agree that the Government should have waited and given Whitrod a chance to resign. He should have been dismissed with ignominy quite some time ago.

I am not surprised—and no-one is surprised—at the A.L.P. support of Whitrod on this motion. We all know of the connection between the A.L.P. and the unruly, unlawful, yelling, foul-mouthed yahoos and louts at the university.

I shall cite one example to indicate why Whitrod should never have been allowed to remain as Commissioner of Police. In Townsville we have a very fine police officer in Detective Wesley Barrett. One night he arrested a drunken Aborigine on The Strand. After the drunken Aborigine had one handcuff put on him, he broke away. Barrett chased him, caught him and finally arrested him and took him to the watch-house. He was charged and brought before the court next day and was punished. That was the end of it. But no-one knew that two New Zealand no-hopers, who were bumming their way round Australia, some weeks later got in touch with the A.L.P. section at the James Cook University and, with A.L.P. Senator Keeffe, made a statement to Whitrod. From that day on Whitrod decided to persecute Barrett for the action he had taken, in order to grovel and genuflect to the university section, which was giving allegiance to the A.L.P. at James Cook University and Senator Keeffe.

It is well known, because I asked the Premier a question about this, that Whitrod spent $6,000, weeks and weeks after this case, to bring these two drunken New Zealand bums back from Perth to Townsville by air, fly them back again to Perth after the preliminary hearing and then bring them back again from Perth to Townsville for the District Court hearing at which Barrett was charged with inflicting grievous bodily harm on the Aborigine. The case against Barrett was so flimsy the trial judge threw it out. He instructed the Crown Prosecutor to file a nolle prosequi, which he did.

There is another shocking, disgraceful connection. The Police Commissioner sent his pet inspector to Townsville to investigate this matter before the charge was laid. No sooner did the police inspector get to Townsville than he was down on The Strand himself, and a little later, he was found in, shall I say, rather private circumstances with an Aboriginal woman. The man who was in charge of the Aboriginal woman came along and found them in that position and belted the police inspector almost to death. The inspector had to be taken to hospital for serious facial and other injuries. But not one word of that was ever brought out! Whitrod immediately did all he possibly could to throw a mantle of protection and safety around his stooge police inspector. Everything relative to that case was strangled effectively.

What can we do with a man like Whitrod? We have seen one or two of them—not very often—in the Public Service who think that once they are appointed to a particular position they are the be-all and

end-all of the law. They will not realise that this Parliament is the only law-making authority in the State. They will not realise that they have a responsibility to their Minister and that their Minister has a responsibility to this Parliament. Members of this House can remember—and it is not so very long ago—when I asked a question of the Minister about the money that was spent to bring those two drunken New Zealand bums from Perth to Townsville and then send them back from Townsville to Perth. I couldn't get an answer from the Minister, because Whitrod wouldn't give the answer to him to give to me. So I got it from the Premier.

(Time expired.)

Mr. BYRNE (Belmont) (3.11 p.m.): I rise to speak in this debate to bring to the attention of honourable members certain circumstances, some of which I have spoken of previously here, and add my support to the Government's argument on the stand it has taken in this matter.

Firstly, I point out to the Leader of the Opposition that the decision to resign was one made by the former commissioner himself. If he is a man of such great strength (as he makes out to us), if he is a man of such enormous principle (as he makes out to us), if he is a man who tried to achieve so much (and who had achieved so much), then it is a pretty weak thing on his part to resign simply because he does not like the man who has been appointed assistant commissioner. That is of the very essence of the matter—he just didn't like the person who was appointed assistant commissioner; he wasn't his appointee; he is someone against whom he has had a vindictive streak for several years because of his role in the Juvenile Aid Bureau. No matter what else the ex-commissioner now wants to put forward to the public, no matter how much he wants to try to hide from the public the real reason for his resignation, no matter how much he wants to intimate that he was pushed out of it and that he resigned on grounds of great principle, it comes down to the very simple fact that it was a personal matter. He did not like to see that person promoted—a most capable person, a man of enormous integrity, someone who he obviously saw as a threat to himself because of his equivalent abilities.

It came to the stage where he said, "If that is the case, I have had enough. I am going out, and I will try to take the Government out with me." I do not consider that to be very noble. I do not consider those to be very high sentiments on his part. I might add also that it did not surprise me in the least.

I now refer to the Juvenile Aid Bureau, and that is where the whole crux of this issue arose. That was the unit set up under Commissioner Bischof in the early 1960s by the new commissioner, who had battled with Whitrod over that unit. That was the unit which for years the previous commissioner, Whitrod, tried to abolish.

Look at the sorts of things that he tried to do as Police Commissioner. I ask each and every member of this Parliament to tell me what sort of a person it is who charges children to increase his crime-solving statistics. What sort of a man is it who says, "Don't counsel this child. Charge him. Take him before the courts. Give him a penalty against his name for the rest of his life."? If we go to the Press cuttings over the previous years, we find out all these things. In "The Sunday Mail" of 12 November 1972, under the heading "Boy, 14, first case under bureau's 'get tougher' order", this appears—

> "The schoolboy son of a police employee will be charged with a $1.70 theft under new orders for tougher treatment of young law-breakers."

There is an indication of the calibre of the man. What did he tell us? He told us that he believed he was not subject to any person. To quote him—

> "As Police Commissioner I am answerable not to a person, not to Executive Council, but to the law."

Unfortunately, he chose to follow the letter of the law wherever he could to establish the power base that he wanted.

Mr. Lowes: That is, his own interpretation of the law.

Mr. BYRNE: What is more, it is his interpretation of the law, yes.

I do not believe that the letter of the law is what we legislate for in this place. We do not legislate in Parliament to bind people to the letter of the law. We legislate to protect society. We legislate for the spirit of the law. If a Police Commissioner—a man who is at the top of the police force, who is responsible for law enforcement—takes the attitude that he has to impose every last jot of the law and to wrest every last grain of humanity out of it, then he is failing in his duties.

What is more, he says that he is not subject to Government, that he is not subject to Executive Council and that he is not subject to a Minister. I would like to know to whom he is subject. We in this Parliament are subject to the people, and he as a public servant, as a Police Commissioner, is someone subject to the law in the form of the Police Act. The law is nothing more than the body of enacted or customary rules recognised by the community as binding. Look at the situation. He said, "I recognise the law." This Parliament makes the laws. Therefore this Parliament has the power to be above the law. No other place and no other entity has that power. This Parliament has the power to be above the law because it has the capacity to alter and change it. Therefore this Parliament is above the law

in that sense; therefore this Parliament is above the Police Commissioner in that sense; therefore members of this Parliament have a responsibility to raise matters here, just as Ministers of the Government have in Parliament.

It is not the Police Commissioner who goes out each three years seeking election. It is not the Police Commissioner who goes out and faces the public and says, "This is what I did in the last three years. These are the things we have tried to achieve." No, it is members of this Parliament and of this Government who have the power to be above the law through the Parliament itself.

As much as the Police Commissioner is subject to the law, he is also subject to this Parliament. He has made a weak, lily-livered decision to get out because somebody he did not want was appointed. I refer to one of his magnificent and most inimitable newsletters—those horrifying things not only that the people of Queensland paid for but also that he imposed upon members of the Police Force about yes-men. It is dated 1 February 1973 and reads—

> "Some little time ago one of our Regional Superintendents reproachfully suggested to me that in my choice of senior colleagues I was only picking 'yes-men'. If that is how the situation appeared to him no doubt other members may have developed the same opinion also. What the Superintendent said is half right in one sense, but even so I see nothing wrong in it."

Here is this man admitting that he wanted to build his own little Gestapo. Yet he has accused this Government of trying to create a Gestapo and of being either Left-wing or Right-wing in politics. He was Police Commissioner for seven years. For seven years he held these powers. For seven years he fulfilled all of these functions. What did he do and what things did he leave behind? These are the things, the things that we see in the paper. The "Sunday Sun" reports—

> "This is horrifying! Children as young as 11 years have been taken to Brisbane watchhouse to be charged at 2 and 3 o'clock in the morning, according to police charge sheets."

And yet we are told that this is the man of enormous integrity, of enormous humanity and of enormous feeling for mankind. I ask honourable members and members of the public to think for themselves. What sort of person is a man who wants to charge an 11-year-old child instead of trying to counsel and reform that child back onto the path of right and good for the community; a person who adopts that as a policy, when the Cabinet itself has decided that it will not be the policy, a person who gives directives to try to achieve that end for personal and vindictive reasons? I ask members of the A.L.P. and members of the community: what sort of man is that? What sort of man tries to achieve this power and achieve his crime statistics and complete control of his force? What sort of person is that? He should not hold a position like that if he is going to be like that. His own decision was probably the right decision, certainly for the people of Queensland.

The honourable member for Bulimba raised the subject of resignations. I want to point out that there were many resignations while this man was Police Commissioner but the proportion is nothing unusual. What the honourable member did not look at was that those who resigned were experienced people, with years of service behind them, people who knew what they were trying to achieve in the Police Force and were being frustrated because they could not achieve it. They were told to charge children instead of trying to fulfil their full responsibilities to the entire community. They were the ones who resigned. The new recruits were not resigning, but we were losing experience. If we lost experience and merely built up the number of yes-men, the commissioner was being totally destructive of the Police Force.

He was a commissioner who had more power, more money, more resources, more facilities and more members to try to achieve change in Queensland's crime rate than any other Police Commissioner in the country. What did he achieve? The very criticisms that we have heard from the Opposition this year would have been heard from the Opposition in preceding years. The money has been spent; the men have been used and the resources have been there and we have a magnificent public relations exercise by the then commissioner, who now says to himself, "I, the man of great integrity, I, the man of great nobility, have been hardly done by because I was forced into resigning. I didn't want to do it. This Government brought it upon me. It was not me. It is not a weakness in me that I did not like the person that this Government appointed. It is not that. It is something far worse. It is something sinister. It is something that I will give out by innuendo. It is something that I will hint about. It is something that I will never say anything definite about. It is because they tried to get favours from me." That is a whole lot of rot. I do not fall for it and I certainly hope that the public does not fall for it.

I am quite honest in saying to the members of the Opposition that I do not believe that one person on that side of the Chamber or one person in the community would agree with the policy of the former Commissioner of Police in relation to children. If any do, there is something lacking in them. I had to draw that same conclusion myself when for months I continually raised the matter of the commissioner's endeavours to do away with the Juvenile Aid Bureau. His view was that this was not work for police and that new units should be built up to

charge children and improve police statistics. This attitude shows no concern for children and therefore no concern for the community.

(Time expired.)

Mr. MARGINSON (Wolston) (3.21 p.m.): It has been very interesting since 12.15 p.m. to hear some of the speeches that have been made. I remind the House that it was exactly three weeks ago today—on 9 November—that the Police Estimates were before us. We spent a double day discussing them. What a different story we are being told today, even by the member who has just resumed his seat! What a reversal of form with respect to the Police Commissioner. The Premier, who castigated Mr. Whitrod for what he said he was, did not enter the Estimates debate to tell members all the dreadful things that the commissioner was doing to the Queensland Police Force. Three weeks ago today the present Minister for Police even thanked Mr. Whitrod.

Mr. Moore: That is normal courtesy.

Mr. MARGINSON: That is the normal thing to do, I am told. How hypocritical can some members be! The Minister said in effect in his concluding remarks on 9 November, "I thank Mr. Whitrod for all the assistance he has given to me and I look forward to a very successful year for the Queensland Police Force." If honourable members care to check that statement, it will be found in the last paragraph of the Minister's concluding remarks.

Mr. Newbery: I am entertaining him to dinner tonight, if that's any good to you.

Mr. MARGINSON: The Minister is opening his heart to Mr. Whitrod—he is going to entertain him to dinner. What a magnanimous gesture from the Minister!

I remind the Minister for Police and the Premier that they had the right on 9 November to tell members and the people of Queensland how badly Whitrod was administering the Police Force. But no-one did that. In fact, many Government members said what a good commissioner Queensland had. What has happened in the last three weeks? I shall give the House my considered and honest opinion, and I give it as a member who has never at any time approached the present Minister for Police, the previous Minister or the one before that, or the commissioner, for any favours for any of his electors who may have been summonsed over anything in connection with the Police Force.

Mr. Frawley: I haven't, either.

Mr. MARGINSON: The honourable member for Murrumba cannot say that.

I say as an independent person that the Government set out to get rid of Hodges and Whitrod and it has succeeded. It is true that Whitrod resigned but he was forced to do so. The honourable member for Toowong asked this afternoon why Whitrod did not say before he left last Sunday night the things that he has now said. The Government is well known for the action it takes against public servants who disagree with it or defy it. It is well known for its persecution of public servants who defy or contradict what it is saying.

It must be remembered that in interviews on television in the last few evenings Whitrod has been under threat of legal action by the Premier, the Minister for Police or the Government. On many occasions the greater the truth of what is said, the greater the danger of a libel suit. The defence to such an action is that what was said was true and that it was said in good faith, but that has to be proved by the person saying it. Unless it is said in that way, and the onus is on him to prove that, he can be sued for libel and yet the honourable member for Toowong said today, "Why didn't Whitrod tell us the whole story?" Why didn't he? We should give him the opportunity to go into court and tell his story under the cloak of privilege, just as the Minister, the Premier and all members on the other side of the House are able to do. Mr. Whitrod will give the Government the story if it gives him the opportunity.

The Government has come out of this matter in a very bad light. We are leading up to a Police State controlled by the Premier and the Minister for Police. There is no doubt that the people of Queensland realise that the present Minister for Police is nothing but a puppet for the Premier. I say that the Government should give Whitrod the opportunity, just as it has given the Minister and its members the opportunity, to make statements under privilege and then the people will find out just how serious is the whole position.

Mr. MULLER (Fassifern) (3.26 p.m.): To say that I am disappointed with the attitude of the former Commissioner for Police would be the understatement of the year. Until as recently as last night, I firmly believed that Mr. Whitrod had in some instances accomplished many things that were beneficial to the members of the Police Force. I still think that in some cases this could well be true, but his criticism and condemnation of the police, indicating that the whole system had failed because he did not in fact have everything his own way, would to my mind be completely false. He is now looking for a scapegoat and is falsely pointing the finger of scorn at the Police Minister.

Mr. Hartwig: He wants to sell his house.

Mr. MULLER: Perhaps he does.

Although this has been a wide-ranging debate, at this stage I would like to be a little more specific. Honourable members have spoken in very broad terms about the maladministration of the commissioner and, in some instances, the officers appointed by him, but I think it would only be fair if we had a close look at some of the decisions

made by Mr. Whitrod which have in fact adversely affected the way of life of people living as close as 10 miles to the heart of the city. I am looking at an area south-east of the centre of Brisbane with a population of 72,000 people which is administered by only 11 police officers. In my opinion it is beyond the capacity of 11 police officers to administer a locality with a population of that size. This area has developed very rapidly and has a very high crime rate. Figures which have been given to me indicate that the police in this area have to deal with 7,000 incoming files and 8,700 outgoing files annually.

If we are going to talk about faulty administration or maladministration, I think the person responsible for appointing officers to undertake this type of work has to re-examine his philosophy. In addition to the paperwork which has to be done, a considerable volume of crime goes completely undetected because of inadequate supervision. In the majority of cases these police officers are so engrossed in their office duties that they have no time whatever to control the locality, and they are very upset and concerned about the whole issue.

I know it has been said by the commissioner that it is extremely difficult to recruit the number of persons required in the force. I realise that this is possibly true, but probably it was because of his administration that men would not volunteer their services.

In the same region, also in close proximity to this city, there is a small town of 4,000 people with a Police Force of 25 men. Some of those police personnel could well be transferred to the other locality. Toowoomba is a city with a population of approximately 65,000 persons. In that city there are 75 police officers. Maybe they are necessary in Toowoomba, but police are also badly needed in many of the periphery areas.

If the administration of the Police Force has broken down, it is because in many instances the deployment of personnel is such that it is totally impossible for them to undertake the responsibilities confronting them. Night patrols are completely impossible because of the small size of the workforce. In areas such as I have referred to a lot of building is being undertaken. A tremendous number of thefts of building materials are taking place almost nightly. To date a check has not been made on this. In many instances the thefts have not been reported.

If we are to look seriously at the problems existing in the force, we should not point a finger of scorn at the Minister, but should look to the man who is charged with the responsibility of the force.

Mr. YOUNG (Baroona) (3.32 p.m.): It is with very much pleasure that I enter this debate. At the outset I place on record my support of both the Premier and the Police Minister in the action they have taken since the resignation of Mr. Ray Whitrod. I remind the House that the former commissioner did resign. He was not forced out by the Government; it was a decision he made of his own volition. He submitted his resignation and it was accepted, and then a new appointment was made. As to the present commissioner, Terry Lewis, he is a man who lives in Paddington, a well-educated, caring officer, a Churchill Fellow—I need not go through the lot. The Queensland Police Force can look forward to a future far brighter than ever before under a Queensland Police Commissioner, not an appointee from the South.

According to the Press, Commissioner Lewis claims to have the support of 98 per cent of the police personnel in Queensland. What is more, surprisingly we find that Mr. Whitrod agrees. He said that he may have the support of only 2 per cent, but that 2 per cent was very important to him. It would be all his yes-men and those who owe their present position to the promotion he was able to organise for them. In the last few days my telephone has been ringing continually, with serving police officers congratulating the Government on its stand in this incident. They say that for the first time their future really does look bright.

Morale has never been lower in the Queensland Police Force than in the last few months under the previous commissioner. We all remember in the recent past that nearly all branches of the Police Union passed votes of no confidence in the then commissioner (Mr. Whitrod). In the last few years any person who refused to bow to the commissioner's will was transferred and subjected to personal denigration within the force to ensure that his future was very bleak. We have seen a number of senior officers transferred to the bush just to get them out of the way so that the yes-men could come into their own. Mr. Gulbransen seems to be the only former commissioned officer of any seniority who is prepared to speak out in support of Mr. Whitrod. I was at a swearing-in parade not so very long ago when Commissioner Whitrod criticised former commissioned officers for criticising the administration, particularly his part of the administration, when they retire.

Over a long period of time the former commissioner had been giving to the Parliament and the people a series of half-truths and inaccuracies, all designed for his own future benefit. Some of these elusive newsletters keep popping up from time to time, and I draw the attention of the House to one or two of them. In one newsletter Mr. Whitrod continues with his denigration of police officers. Previous speakers have indicated the way in which he felt towards a number of his subordinates.

In one of these newsletters Mr. Whitrod says that he went to the House of Freedom and one of the residents there, a young woman, introduced herself to him as "Piglet".

She was the daughter of a well-known police sergeant. In view of the use by the Police Commissioner of propaganda of that type, it is no wonder that the men in the ranks of the Police Force began to question whether he had their best interests at heart.

In another newsletter, in an attempt to denigrate the Juvenile Aid Bureau as well as people involved in social welfare work generally, Mr. Whitrod referred to social workers as "parasites of the fiscal bloodstream". I am sure that many social workers and social welfare people in Queensland would totally disagree with such a description of them.

Juvenile aid is the area in which the former Police Commissioner showed his total disregard for directions on policy and suggestions from very influential groups within the community. The Headmistresses' Association urged Mr. Whitrod to retain the Juvenile Aid Bureau. Similarly, the Secondary Schools Principals' Association wrote to the Premier urging that the Juvenile Aid Bureau be retained and strengthened. The Queensland Teachers' Union expressed concern at the replacement of the bureau by the Educational Liaison Section. The union expressed the belief that this would have a detrimental effect on children in Queensland.

Is it any wonder that the Police Minister and Premier showed their concern at the fact that the strength of the Juvenile Aid Bureau was being reduced and that its place was being taken by the Educational Liaison Section, which is dedicated to placing children before the court and charging them without any hesitation whatever and with no concern for their future?

I was elected to Parliament in December 1974, and since then no official replacement has been appointed to the position in the bureau that I vacated. That would indicate that the Police Commissioner had no intention of maintaining the bureau.

When the Commission of Inquiry into Youth was held, Mr. Whitrod took it upon himself to read into its findings certain recommendations that suited him. The result was that the Educational Liaison Section was increased in size at the expense of the Juvenile Aid Bureau.

One submission made to the commission of inquiry suggested—

(1) that the Juvenile Aid Bureau be continued in operation and that it be staffed by officers of the Police Department who are specially trained for this type of work;

(2) that the bureau be enlarged in order that its facilities may be extended throughout the State, allowing for fully trained police officers to be stationed in the major provincial cities throughout the State;

(3) that every endeavour be made to have a police officer of the calibre of Inspector Lewis put in charge of that bureau.

That submission was one of many supporting the principle that every child in Queensland has the right to receive one caution. The days when children who were caught stealing apples were chased home by the local police sergeant have long gone; nevertheless the community could still have caring police officers who accept their responsibility of being involved in more than the mere apprehension of criminals and of playing an important role in the prevention of crime, particularly crime committed by children. I am sure all honourable members would support the principle of counselling children and of granting them a caution, instead of merely placing them before the court thereby putting a permanent blot on their career.

Hon. W. D. LICKISS (Mt. Coot-tha—Minister for Justice and Attorney-General) (3.40 p.m.): I did not intend to enter this debate but one matter has been raised upon which the Government appears to have been challenged by the honourable members for Rockhampton and Wolston concerning Mr. Whitrod's right to appear without prejudice to himself before the committee of inquiry. I have been asked by the Premier, who has spoken in this debate——

Mr. Marginson: Instructed.

Mr. LICKISS: I assure the honourable member for Wolston that this document was in course of preparation in my office early this morning. The honourable member can forget about that statement.

I have been asked by the Premier, who spoke earlier in this debate, to read a Press statement which the Premier has released on behalf of the Government. I shall quote it for the record—

"The Premier (Mr. Bjelke-Petersen) today pledged that no police officer or former police officer who gives truthful evidence to the Committee of Inquiry into Criminal Law Enforcement would be prejudiced in any way.

"The Premier referred to comments made by Mr. Justice Lucas at the preliminary hearing of the committee of inquiry last Friday when his honour emphasised that section 14 of the Commissions of Inquiry Acts gave a full indemnity regarding civil and criminal proceedings to any person who gave truthful evidence before the committee.

"Mr. Bjelke-Petersen said that, in addition to the protection afforded by section 14 of the Commissions of Inquiry Act, but subject to the limitations prescribed by that section, the Government undertakes that no member of the Police Force or any former member of the Police Force will be prejudiced by anything said or done by him at the inquiry.

" 'There'll be no witch-hunts', he said.

"Every person who considered he or she could assist the inquiry could do so entirely without inhibition.

> "There are absolutely no deterrents to giving evidence and only through a wide and thorough understanding of this can we expect the inquiry to be fully effective, the Premier said."

A letter is in the course of preparation to be forwarded to Mr. Justice Lucas, the chairman of the committee, advising him to this effect. In this regard the Premier has been guided by the Solicitor-General in my office.

Mr. McKECHNIE (Carnarvon) (3.43 p.m.): I rise in this debate to support the Minister for Police. I think it has been known for some time by all members of the Government that the former Police Commissioner (Mr. Whitrod) did not have the support of a significant number of his men. I do not know how on earth we could expect him to police the laws of this State with a Police Force that does not respect him.

I see in today's Press that the new Police Commissioner believes he has the support of 98 per cent of the force, but a statement was made by the former Police Commissioner (Mr. Whitrod) about that. It is in these terms—

> "I hope that the other 2 per cent—the small group of dedicated policeman—will follow my ideals and stick to them."

The insinuation is that, in his opinion, only 2 per cent of the Police Force in Queensland is dedicated. That is the sort of attitude we have come to expect from Mr. Whitrod. It is no wonder that we are having trouble in getting police recruits in Queensland when members of the Police Force as a whole know that they used to be run by a commissioner who was an airy-fairy academic, a man who did not understand the basic principles of policemen working in the community. He is a man with university training who just did not know how to run a Police Force. I am disappointed that the Government did not act earlier to get rid of this man. In the past, I have advocated doing that. I am very pleased that he has resigned.

I believe that the Police Force in general felt that Whitrod was a man who was dedicated to grouping around him a mob of academics who were not practical policemen while he was bypassing people with ability and practical knowledge when he recommended men to the Government for promotion. I think the Government realised this, so why shouldn't it choose to disregard the recent recommendations for promotion made by Mr. Whitrod? It had a duty to disregard them. It had a duty to see that practical policemen were once again in line for promotion—something that Mr. Whitrod tried to prevent when he was commissioner.

In his speech, the Premier spoke about all the forms and reports and goodness-knows-what demanded of police in Queensland by Mr. Whitrod. We have heard the Opposition castigate the Government for not having more policemen on the beat. A lot of the time they were too busy filling in forms. Mr. Whitrod claims that they do not fill in any more forms than they filled in previously. I do not know whether that is true or not, but it is no excuse. Any efficient Police Commissioner should have realised that the dedicated men in the force wanted to get out and do something about fighting crime instead of spending so much time filling in reports to satisfy the ego of a police commissioner here in Brisbane.

We have also been told that some of the reports were not demanded by Mr. Whitrod; that they were required by inspectors in control of certain areas. I do not know whether that is true or not. No-one seems to be able to find out. However, even if it were true—and I doubt it—if Mr. Whitrod knew about it and took no steps to pull his inspectors into gear, on his own admission he was a pretty weak Police Commissioner, and I think he should have been sacked some time ago.

In any State it is necessary to have a police force that has the interests of the community at heart. I know most of the policemen in my electorate. The vast bulk of them are very, very dedicated people who, quite frankly, were completely sick of the way Mr. Whitrod tried to administer the Police Force in this State.

I am reminded that the Opposition almost persistently called for the resignation of the previous Police Minister (Mr. Hodges) and, by implication, cast a slur on Mr. Whitrod. However, now that the Government has acted to change the Minister and now that Mr. Whitrod has seen fit to resign, they suddenly seem to think that the previous Police Minister was a good bloke and that Mr. Whitrod was a good Police Commissioner. How hypocritical can you get!

The A.L.P. has never come out and backed the police when they have been in trouble. Judging by the performance of some A.L.P. members in this House, I wonder how they would go as policemen if they were confronted with a difficult situation. Would they be able to control their tempers and act in a fit and proper manner? Certainly not, on their performance in this House. Policemen have a difficult job and we should support them. If any official complaint is lodged, perhaps there should be a departmental inquiry, if it is thought to be justified. However, when that young girl deliberately flouted the law and tried to provoke the police, she deserved what she got.

Mr. MOORE (Windsor) (3.49 p.m.): I wish to say just a few words in this debate. Whilst Mr. Whitrod has been getting a bit of a drubbing—and, generally speaking, he rightly deserves anything that has been said about him—all in all, no-one could be in the position of Commissioner for Police without doing some good. So I give him credit for doing some good somewhere. No doubt the historians, after a fair amount of searching, will be able to find out one or two good things that this fellow has done.

What I take umbrage at mainly in Mr. Whitrod's administration is the pedantic manner in which he asked his officers—and this is quite in line with the motion, Mr. Acting Speaker—to implement the law in its entirety. For example, during the so-called blitzes Mr. Whitrod said, "If you want policemen to operate in a different way, amend the law." That was in the motion of the Leader of the Opposition today. Any reasonable person would expect a policeman to use a certain amount of discretion. During police blitzes if people crossed a road outside the white lines, even though the "Walk" sign was on, Mr. Whitrod asked his officers to book the offending persons for crossing a street within 60 ft. of a marked crossing. The Police Commissioner starts to implement the law along those lines and then says that he needs public support.

When challenged by me he said, "You are the law-makers. If you don't like it, change the law." I said, "How can we write a law under those circumstances? Do we say that people can cross the road anywhere they like or that they can step over the white line?" Then I said, "A little reasonableness and sense should apply." That is the sort of pedantic nonsense that this self-righteous fellow was talking.

Recently on the south side a two-way street was converted to a one-way street. Somewhat obscure signs were erected. Where did the commissioner place his policemen—in the middle of the road half-way down so as to catch offenders.

An Opposition Member interjected.

Mr. MOORE: He was upholding the law all right. It was a case of, "You make the law and I will uphold it." That is the story that he put forward. If he were the honest, decent, upright, law-abiding, kindly gentleman that, with his crocodile tears, he is pretending to be, he would have had his policemen stationed at the corner so that they could pull over a driver and say, "Excuse me sir but do you realise that this is a one-way street and you should not be driving in this direction?" The driver would say, "Thank you very much", turn round and go on his way.

The commissioner has gone on with this sort of pedantic nonsense: "You have a Government and if it does not want the policemen to carry out the law, it should amend it." Surely any reasonable fellow would know that laws cannot be made that way and that police have always used discretion. He has used discretion in some other ways, but in this stupid, pedantic way he has said, "You make the law and we will carry it out. If you want us to do it some other way, amend the law." The law cannot be amended that way. Police are allowed discretion. I think that his attitude is virtually unforgivable.

He is crying and bleating about the bad deal he has had. True he had an assistant commissioner foisted onto him. He did not want Mr. Lewis under any circumstances. That is not the worst thing that could happen to him. Heavens above, we often find in life that someone is foistered upon us and we think what a dreadful fellow he is. With the passage of a little time we find out what a fine fellow he turns out to be. All the commissioner had to do was to look at the record of Mr. Lewis. He would have found that Mr. Lewis has not been charged with anything; on the contrary, he has received commendations. So what the commissioner did was a personal business. He appointed his yes-men in other places and wanted to appoint another bunch of yes-men around him. It is a fairly comfortable existence when yes-men are appointed around a person.

He talked about the enforcement of law. His idea was to do away with all of the suburban police stations and for every policeman to have his backside on a seat in a motor-car. That is not a desirable state of affairs.

The Leader of the Opposition said that in the Estimates debate the Premier was very courteous to Mr. Whitrod. Of course he was. Most members took the same attitude because he was at the time a serving officer and could not defend himself against any criticism. Whilst he may have received some criticism from me over street crossings and one or two other matters, members were generally courteous to him. I remind the House that when Churchill declared war on Japan he concluded his letter, "I am, your humble and obedient servant." When questioned about that he said, "What odds? You can be courteous with the buggers even if you are going to kill them." That is fair enough by me.

In his quiet, thoughtful way, Whitrod said that there was corruption in the Police Force. Asked, "Have you been offered bribes?" he said, after deep thought, "Perhaps I might have been." He was asked, "Was it money?" He said, "No." He was then asked, "Was it in kind?" He said, "I am not quite prepared to say." If he had something to say, he could have said it. Of course, he is selling his time. I do not know how many thousands of dollars he is receiving for each interview but there is some money changing hands. He is not doing the television interviews for nothing.

When he said that there was corruption in S.P. betting and prostitution, he showed that he knew something about it. But what did he do about it? Any policeman worth his salt, or even any private citizen who has been visiting certain hotels for a reasonable length of time, would know where S.P. betting is taking place. The former commissioner did not even try to discover these places. For those reasons, to some extent he stands condemned. As I said earlier, he did some good things and some bad things. But he left of his own volition. He was not sacked; he left.

Mr. HALES (Ipswich West) (3.57 p.m.): It was not my intention to enter the debate till I saw the newspaper headline, "Cedar Bay Reports Destroyed." It seems to me that once again the media are up to their old trick of creating sensation to promote sales.

Mr. Bjelke-Petersen: They are running true to form again.

Mr. HALES: That is the Premier's interpretation of it. To me, that headline is typical of the misrepresentation of the media. It suggests precisely the opposite of what in fact happened. The report was kept under strict security. Two copies of it were available; the Minister had one and the commissioner had the other. It is obvious to me, from statements made in the House, that the Opposition had some information leaked to them.

That is about all that I want to say. It appears to me that the media want to blow up an incident for the purpose of selling more papers. It also appears to me that the Opposition has been found wanting in making any sensation out of this issue.

Mr. BURNS (Lytton—Leader of the Opposition) (3.58 p.m.), in reply: After hearing all that has been said by members on the Government side, I do not think there is much to which I need reply. Most of them did not even direct their remarks to the issue.

However, I want to raise the matter of the Press headline that has been referred to by the honourable member for Ipswich West. This morning in the House the Minister for Police told us that no copies of the report had been destroyed. He has been denying for some time that they were destroyed. Now he has gone to the Press with a different story. This morning, of course, he read the same Press release three times. We were not given the benefit of the Minister's knowledge of his portfolio. The Press release was read to the Press before the House met; it was then read in Parliament as a ministerial statement; and it was then read again as part of the Minister's speech in this debate. The Minister has never come clean on this issue. He has taken points of order. But the fact is that he has destroyed reports. What Mr. Whitrod said has been very clear. He said in the first place that the Minister directed people not to get evidence——

Mr. NEWBERY: I rise to a point of order. I take exception to the statements made by the Leader of the Opposition. It is about time Opposition members got their facts right. I said that I destroyed photostat copies of the report.

Mr. BURNS: I will accept the Minister's explanation that he destroyed photostat copies. However, the fact is that Mr. Whitrod said that the Minister told him not to send officers on an investigation. In this House, within 10 days of the burning of the houses at Cedar Bay, the Minister made statements that show that he then had copies of the report that he shredded.

Mr. NEWBERY: I rise to a point of order. I did not advise or tell Mr. Whitrod not to send people North.

Mr. ACTING SPEAKER: Order! I ask the Leader of the Opposition to accept that explanation.

Mr. BURNS: I accept the Minister's denial. I have to; there is no other course. We have to act in accordance with Standing Orders, or we are gagged.

The facts of life are that Mr. Whitrod made these statements in public. The Minister has denied them here. The fact is that the Press are fed another story. The Minister told the House a different story from the one he gave the Press and I want to know which story is true. The Minister has proved a flop in his portfolio and in the defence of his own activities involving the Police Commissioner. Because of the actions that he and the Government had taken on this matter, it is little wonder that Mr. Whitrod had little confidence in the Minister and was worried enough to lock up files in safes.

Both the Premier and the Minister have left me totally unconvinced of their sincerity in this whole Whitrod affair. I do not think they have been sincere about it even today, although I think the Premier got close to it today when at one stage he made it very clear that Whitrod had to go. In fact, the Premier made it very clear that as far as he was concerned it was good to see Whitrod go, he wanted him to go and Whitrod was probably lucky that he resigned as he would have had to sack him. I think the Premier made that very clear. I do not think anyone reading "Hansard" would say that I have not quoted the Premier truthfully.

But the facts of life are that three weeks ago during the debate on the Estimates of the Police Department the very same speakers we have heard today rose one after the other and defended the Police Force. The Minister used Mr. Whitrod's ringing statements—the speech notes he wrote for him—to tip a bucket over me in defence of the Police Force because I said it was short of policemen. Now today we are told that it's Whitrod's fault. In his Press release Mr. Whitrod said—

> "It is noteworthy that the reviewers found that the Queensland Police Department has been receiving a declining proportion of total State expenditure for its operating budget. I am pleased that the new Commissioner has been granted immediately $\$1\frac{1}{2}$ million."

So on one hand the Government has been telling us it is Whitrod's fault and on the other hand it has been cutting back the funds of the Police Force. The Minister has been telling the people that the Government is putting money in——

Mr. Newbery interjected.

Mr. BURNS: That is the statement of the Minister's Police Commissioner. When the letter was read today, the Minister was given the opportunity to answer all the charges Whitrod made, yet he gave no answers.

Mr. BJELKE-PETERSEN: I rise to a point of order. For the information of the Leader of the Opposition——

Mr. Houston: He's cutting down on the time.

Mr. ACTING SPEAKER: Order! Every time the Deputy Leader of the Opposition interjects, he takes time away from his own leader. I am listening to a point of order taken by the Premier.

Mr. BJELKE-PETERSEN: The honourable member is misleading the House by stating that extra money was made available. The money was made available because it was unspent in the section trying to get recruits, and therefore the Treasurer informed the Minister and Cabinet that he could spend the money on housing because we could not get the men. The Treasurer said that the money did not have to go to another department but that it could be spent within the Police Department.

Mr. ACTING SPEAKER: Order! The Leader of the Opposition will accept that explanation.

Mr. BURNS: I thank the Premier very much for that explanation, although to be quite truthful, I am not too sure what it was all about. What I am pointing out is that Mr. Whitrod said that there was a percentage reduction in the money available to the Police Force over a number of years. At the very time that the Minister, the Treasurer and others were telling us we were spending more money on the police, he expressed his concern at the reduced percentage of the State Budget that was going to the police. We were told in the Treasurer's Budget speech that we were going to get extra policemen when the Estimates showed we would have fewer at the end of this year than we had last year.

All of a sudden, Mr. Whitrod has become the villain of the piece. Last week it was us—those people in the community who are said not to like the Police Force. If we ever criticise anything at all in this Parliament, that is the standard reply. Today we received somewhat the same reply, except that today everybody on the Government side now finds that there are lots of problems in the Police Force that did not exist three weeks ago. Everybody now says it is Mr. Whitrod's fault that these things exist, yet only a few weeks ago, when we were saying there were problems, it was wrong and it was untrue.

I am certain that the majority of members now realise that political pressure was used by the Premier and the Police Minister to force Mr. Whitrod from office into premature retirement. The only resort of all Government members today was to attempt under privilege to discredit the man who enjoys a world-wide reputation as a police commissioner and was appointed by them to the position. Because he does not share their enthusiasm for bashing young girls in the street without inquiry or legal trial and because he does not agree with their summing-up of the situation they classify him as a dangerous radical. Isn't his view of what should have been done what justice is all about? Instead of their finding the person concerned not guilty, without even looking at the evidence, they should have brought him before a court and let the court decide whether he was guilty or not guilty. They say Whitrod has become a rebel. I have never heard him referred to in such terms before in this House.

I ask the Police Minister: Is it his normal custom to shred three of the five copies of a police report for security reasons? How many other public reports has he shredded for security reasons since he was appointed? Is this the only one? Remarkably, is there just this one? How many other times has he amused himself in this rather juvenile manner by putting reports through the shredder?

On how many other occasions, apart from the Elliotts, has the Minister telephoned Ministers in other States and, as a good citizen, said, "I know where there are a couple of young persons who have absconded from your State. I want you to come and pick them up."? How many other Ministers has he telephoned, or did it happen only once in relation to Cedar Bay? Was the shredding only in relation to the report on that particular area? Why would it be this one and not the others? Why is there this strange desire all of a sudden to hide evidence?

Mr. Whitrod has made it very clear in his statements in public that he believes he was told not to send the investigators there. He believes that the Minister originated the idea of having these people extradited to Western Australia. He said that publicly on T.V. and in front of all the newsmen yesterday. His statements are there for everybody to see. The Minister does not come over very honestly on this particular issue.

Today the story has changed. As the debate has continued for 2½ hours, the story has changed. I suppose the Minister could go back to reading his Press report again and tell us that the same story applies as the one we had this morning in the ministerial statement and afterwards. I am told that that is not true. I believe that we are still not getting the truth about this particular matter. It is no good putting all the blame onto Mr. Whitrod.

Governments and Ministers have run the Queensland Police Force for a long time. The Minister cannot now discover all of a sudden that Whitrod is to blame for all the

problems in the Police Force. The Minister cannot suddenly change his tack like that. I believe that the Police Commissioner and this debate have shown that there has been political interference in the Police Force. The Minister has used his political muscle to force that man out of his job by forcing him to resign.

The people of this State want a Police Force that is fair and impartial and free from political interference. When we debate the first Bill on the Business Paper, let us talk about enshrining in the constitution the right of the Police Commissioner to enforce the laws without fear or favour. The former Police Commissioner said publicly that pressure came from the Premier and others for him not to enforce some laws. In itself that is a disgrace for a member of Parliament. What is the use of our passing legislation in this Parliament if the Premier tells the Police Commissioner not to enforce the laws of the land? That seems to be a rather unreasonable, dictatorial attitude to take.

We are told that the Government has the right to direct the Police Commissioner. I do not disagree that the Government has the right to lay down policy—it is the Government's right to determine policy—but I do not believe it has the right to direct day-to-day police operations. That is what has been happening with the talk about sackings and transfers.

(Time expired.)

Question—That this House do now adjourn (Mr. Burns's motion)—put; and the House divided—

AYES, 12

Burns	Prest
Casey	Wright
Dean	Yewdale
Hooper, K. J.	
Houston	*Tellers:*
Jones	Jensen
Melloy	Marginson

NOES, 59

Akers	Kyburz
Alison	Lamond
Bird	Lamont
Bjelke-Petersen	Lane
Bourke	Lee
Brown	Lester
Camm	Lickiss
Campbell	Lindsay
Cory	Lowes
Crawford	McKechnie
Deeral	Miller
Doumany	Muller
Edwards	Neal
Elliott	Newbery
Frawley	Porter
Gibbs	Powell
Glasson	Row
Goleby	Scott-Young
Greenwood	Simpson
Gunn	Sullivan
Hales	Tenni
Hartwig	Tomkins
Herbert	Turner
Hewitt, N. T. E.	Warner
Hinze	Wharton
Hodges	Young
Hooper, M. D.	
Katter	
Kaus	*Tellers:*
Kippin	Ahern
Knox	Moore

Resolved in the negative.

CONSTITUTION ACT AMENDMENT 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 amend the Constitution Act 1867–1972 in certain particulars by declaring with respect to the Parliament of Queensland, the composition thereof, the office and functions of the Governor as the Queen's representative in Queensland and with respect to related matters; and to provide measures concerning the alteration of certain provisions of the Constitution of Queensland."

Motion agreed to.

CLEAN AIR ACT AMENDMENT BILL (No. 2)

THIRD READING

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

LAND TAX ACT AMENDMENT BILL

THIRD READING

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

CONSTITUTION ACT AMENDMENT BILL

INITIATION IN COMMITTEE

(The Acting Chairman of Committees, Mr. Gunn, Somerset, in the chair)

Hon J. BJELKE-PETERSEN (Barambah—Premier) (4.19 p.m.): I move—

"That a Bill be introduced to amend the Constitution Act 1867–1972 in certain particulars by declaring with respect to the Parliament of Queensland, the composition thereof, the office and functions of the Governor as the Queen's representative in Queensland and with respect to related matters; and to provide measures concerning the alteration of certain provisions of the Constitution of Queensland."

The principles of the Bill are—

(1) to provide for the Queen to be an integral part of the Parliament of Queensland by virtue of the Constitution Act;

(2) to provide for the Governor in and over Queensland, appointed by the Queen under Her Majesty's Royal Sign Manual and Signet, to be Her Majesty's personal representative in Queensland;

(3) to define the Governor where he is referred to in any Queensland legislation;

(4) to repeat as part of our constitution the requirement under the Imperial Act of 1842 that the Governor is to conform to the instructions issued by the Queen for the exercise of the powers vested in him by law of assenting to or dissenting from, or for reserving for the signification of Her Majesty's pleasure, Bills to be passed by the Legislative Assembly;

(5) to provide that the Governor in appointing and dismissing Ministers is not subject to the direction of any person whomsoever and is not limited as to the sources of his advice; and

(6) to entrench these provisions and the office of Governor generally by requiring that any Bill to alter the constitution must be approved by referendum of the electors of Queensland.

In fact, Mr. Gunn, the purpose of this Bill is to provide for the location of the constitutional source of the office of Governor in our own Constitution Act as well as under the relevant imperial legislation and the inherent powers of the Crown. The reason for the introduction of this measure is that it is felt that the time has come to take measures to ensure that the integrity of the Constitution of Queensland cannot be undermined by whatever may happen at the instance of Her Majesty's advisers anywhere else.

Our constitution is now 109 years old. It was designed as a colonial constitution under which the subordinate position of Queensland in relation to the Parliament of the United Kingdom and in relation to the Queen, as advised by her Ministers, was well assured by practice and was taken for granted. This is illustrated by reference to the Queen in our Constitution Act. Section 2 of the Constitution Act says that Her Majesty has the power to make laws with the advice and consent of the Legislative Assembly. There is no provision in the Constitution Act for the office of Governor. His position as the representative of Her Majesty again is—or has been—taken for granted. His instructions are issued by Her Majesty and he is required by an imperial Act of 1842 to act upon them.

Historically, and up to the present moment, this has been accepted without question. However, my Government believes that the time has come to ensure the continuation of our present system, which has served this State well, because the system has come to be questioned. It believes that certain matters ought to be entrenched in the constitution of our State to provide for the continuance of our system.

Until the Whitlam Government took office in Canberra in December 1972 few people in Australia thought that it would be necessary for the States to defend themselves against an indirect attack on their positions mounted by means of manipulation of the Royal prerogative. But that is what occurred.

In January of 1973 the Commonwealth Attorney-General (Senator Murphy) went to London and raised the matter of the abolition of appeals to the Privy Council with Ministers of the British Government. It appears that Senator Murphy argued that Australia was now a sovereign independent nation and that the links of the States with the United Kingdom are anachronistic and inconsistent with the Australian constitutional situation. He appears to have argued that the British Government should put legislation before the Westminster Parliament to abolish appeals to the Privy Council without prior agreement of the States.

The British Prime Minister (Mr. Heath) suggested to Mr. Whitlam a meeting to discuss the matter. Mr. Whitlam postponed that meeting until the Commonwealth Parliament had enacted legislation to change the Queen's royal style and title so that she would henceforth be called the Queen of Australia.

He then went to the United Kingdom over Easter of 1973, and my Government believes that he attempted to make the argument that the Queen, as Queen of Australia, should henceforth be advised on all matters only by Ministers of the Commonwealth of Australia. This was done without any consultation with the States, and Government advisers pointed out the various implications of this move for our general constitutional position. These were: if the British Government accepted the contention that the Queen, in the exercise of her royal powers, should henceforth act only on the advice of Commonwealth Ministers, it would seem to follow that the system whereby the States have access to Her Majesty through one of her Principal Secretaries of State in London would be dismantled, and they would now have to go to her through Canberra.

Further cause for disquiet was given by Mr. Whitlam's repeated hints that the Governor-General should be transformed into a viceroy. The Government was advised that the difference between the Governor-General and a viceroy is as follows—the Governor-General is the Queen's representative; he exercises only those royal prerogatives which are delegated to him by his instructions from the Queen or by some other instrument of delegation. A viceroy, on the other hand, is a person who is vested with the whole of the royal prerogative so that the Queen would remain merely titular head of state. It seemed that if the Governor-General became a viceroy, the next step would be that the Governors of the Australian States would be appointed by him, instead of by the Queen, and their instructions would be issued by him.

Some of the advisers surrounding Mr. Whitlam at that time were making reference to a revival of the power of disallowance

that is to be found under section 59 of the Constitution of Australia. There was reason to apprehend that if the Governor became answerable to a viceroy rather than to the Queen, the power of disallowance which is vested in the Queen and which by constitutional convention she does not now exercise might be revived. If that occurred, Acts of this Parliament might become subject to the veto of Canberra.

All of this suggested that there might be a long-term plan, perhaps inadequately thought through, to secure domination over the States through capture of the royal prerogative in relation to State matters. There was not much doubt in my mind and in the minds of many other people that this was the purpose. All of the States in consultation agreed upon the reality of this threat and agreed that if the plan to abolish appeals to the Privy Council without the consent of the States were to succeed, then a precedent would be set for the progressive dismantling by the same means of the other imperial Acts that are the origin and source of our own constitution in Queensland.

Because of this, four State Premiers and the Attorneys-General of the remaining two States went to London in June 1973 to oppose any move instituted by the Commonwealth in the directions indicated. As honourable members realise, I played a special part in organising that particular trip. This led to an understanding with the British Government that no action would be taken against the existing legal constitution of the States without their consent.

But when the British Prime Minister (Mr. Heath) told Mr. Whitlam that the most that he could expect would be legislation of the Commonwealth Parliament requesting and consenting to the enactment of imperial legislation abolishing appeals to the Privy Council, Mr. Whitlam pointed out that any such Act of the Commonwealth Parliament could be challenged in the High Court and that if it did survive that challenge the British Government should act upon the request and consent of the Commonwealth Parliament and introduce legislation in Westminster. Mr. Whitlam said to Mr. Heath that he would "bring in an Act and if it survived the challenge or was not challenged, then, under the statute, Britain should do it". There was reason to be unsure of the British Government's response to this eventuality. Following the return of the Labour Party to office in the United Kingdom in 1974 my Government had reason to believe that Mr. Whitlam proposed to reopen the question in London. At that stage we were unaware of the fact that all political parties in the United Kingdom had been consulted and were in agreement with respect to policy in relation to the Australian States.

In the Press of 12 December 1974, when it was announced that Mr. Whitlam was going again to London, there was speculation as to the questions which he intended to raise there. On that day I wrote to Mr. Whitlam and asked him whether in fact he was raising any of the following questions:—

(a) The constitutional relationship of Her Majesty to the State of Queensland.

(b) The past exercise of the royal prerogative touching certain Queensland islands adjacent to the coast.

(c) The right of access to Her Majesty's Privy Council by the citizens of the States.

(d) The recognition to be accorded certain States' agents by Her Majesty's Government.

Mr. Whitlam did not reply to me then and I have never received a reply to that letter.

Since my Government was unaware of what was happening in London, I went there in January 1975 with Sir Charles Court and we made joint representations to the British Government. We were reassured that they would not take any action to interfere in the existing constitutional situation of Australia, but whilst I was in London the Federal Government decided to introduce legislation for the abolition of appeals to the Privy Council from the State Supreme Courts. They made that decision on 28 January 1975. The Bill which they introduced was one of those which constituted the grounds for dissolution of the Federal Parliament on 11 November 1975, having failed to pass in Senate. It tackled the matter of the appeals to the Privy Council in two ways:—

(1) It requested and consented to the enactment of legislation by the British Parliament. We would have had to challenge that request and consent, but our legal advisers told us that there were no grounds for invalidating an Act merely because it requests and consents to imperial legislation. But we also had reason to fear that if the High Court did not strike down that part of the Act, the British Government might feel obliged to act upon it.

(2) The Act sought to abolish appeals by virtue of the power of the Federal Parliament itself. It did this by extending the interpretation of paragraph 2 of section 2 of the Statute of Westminster, which provides—

> "The powers of the Parliament of a dominion shall include the power to repeal or amend an Act of the Imperial Parliament insofar as the same is part of the law of the Dominion".

My Government's advisers believed that that grant of power is limited to imperial Acts insofar as they fall within the scope of the Commonwealth Parliament's own power and could not extend that power. However, there was reason to believe that the Commonwealth intended to argue that the reference to "the law of the Dominion" meant "the law of Australia"—States as well as Commonwealth. My Government's advisers

believed that this extended interpretation of section 2 was not sound because of section 9, which provides—

> "Nothing in this Act shall be deemed to authorise the Parliament of the Commonwealth of Australia to make laws on any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia".

However, it was anticipated that the Commonwealth would attempt to make the argument that imperial Acts, not being "within the authority of the States", were not protected by that section even though they referred only to the States and were part of their Constitutions. Since Acts of the Queensland Parliament could not be touched by any such extended power of the Commonwealth Parliament under section 2 of the Statute of Westminister, as the High Court might happen to uphold, my Government introduced legislation in this Parliament to make appeals to the Privy Council a matter of Queensland constitutional law as well as of imperial constitutional law.

The Appeals and Special Reference Act was challenged by the Commonwealth and the High Court invalidated the section of it relating to the seeking of advisory opinions from the Privy Council. In doing so, however, the High Court disposed of the doubts which previously had existed in law about making appeals to the Privy Council a matter of State law. What concerned my Government was the possibility that if the reliance on section 2 of the Statute of Westminister had succeeded in the case of the Privy Council, the ground would have been laid for the dismantling of the other imperial legislation which is the source and guarantee of the State Constitution.

That our apprehensions were justified became evident in the course of events which led to the dismissal of the Whitlam Government by the Governor-General on 11 November 1975. It will be recalled that the Prime Minister kept referring to the Governor-General as "my viceroy". He had not at that stage realised the aim of transforming the Governor-General into a viceroy, but it seems that he expected him to act in all respects as if he were, and in particular to act as the Prime Minister should direct. If we suppose that the Governor of Queensland were to be a creature of the Governor-General, and the Governor-General were to be a creature of the Prime Minister, it becomes clear how the State could be brought into subjection to the Commonwealth in ways not intended by the founding fathers of the Federation and not envisaged under the constitution.

It has become a matter of public knowledge since 11 November 1975 that there is a current of opinion in the Australian Labor Party to the effect that efforts should be made to ensure that the powers of the Governor-General and of the State Governors be severely curbed, so that in fact they will become creatures of the Government in office at that time. It is even suggested that the Governors should be replaced by people called Administrators. That would not only degrade the symbols of monarchic government but would be a step in the direction of reducing the States to mere agencies of the central power.

Indeed, the Labor Shadow Attorney-General (Mr. Lionel Bowen) has already prepared a blueprint for the creation of a republic. This was reported in "The Australian" of 15 November 1976 entitled "Labor recipe for republic". This confirms what I am saying. If this recipe were followed the consequences not only for Queensland but also for Australia would be disastrous. If adopted it could only lead to a socialist republic vesting in the Prime Minister dictatorial powers over the whole of the Commonwealth government. Show me one sincere and loyal Australian who would wish to see this great country of ours reduced to such a level.

Mr. Miller: Never!

Mr. BJELKE-PETERSEN: No, never. This would apply to some honourable members opposite, no doubt.

Because it is the belief of my Government that parliamentary democracy is dependent upon the existing system of constitutional monarchy, and that the people of Queensland overwhelmingly desire the preservation of our well-tried system of Government, my Government instituted an exhaustive study of the measures that could be taken to preserve the Constitution of Queensland. There are two main considerations. The first and immediate one is to erect adequate defences against the sort of subversion of our constitutional system which was threatened during the period of the Whitlam Government, and which might again be threatened at some stage in the future. The second one was not to preserve antiquated forms of government by retaining former imperial links out of respect for our British heritage, but to retain an efficient mechanism whereby the State Government gains access to the Crown without having to go through Canberra to do so. The preservation of that independent channel of access is of the highest importance in maintaining the independent position of this State. In this Bill my Government seeks to make it clear that the British instrumentalities are such channels of access and this does not indicate any subordinancy on the part of Queensland to the British Government. The source of authority will come from the Constitution Act of Queensland, although there is, it is true, a parallel source in the provisions of imperial Acts.

The statutory enactment of the fundamentals of the constitution is a progressive step, the first to be taken by an Australian

State. Because my Government believes that the majority of the electors of Queensland have no desire to see the present system of government dismantled in any way, and because it wishes to avoid the possibility of any future Government of Queensland, perhaps under pressure from outside, acting without consultation with the people to change that system, the Bill will entrench the Queen as part of the Parliament of Queensland, the Governor as her representative, the existing mode of his appointment and his duty to act according to the Queen's instructions.

My Government also believes that the majority of the electors of Queensland wish it be made clear that the Governor has powers of appointment and dismissal of Ministers at his pleasure. The Bill will entrench his right to appoint and dismiss Ministers without being subject to the directions of anyone, and to take such advice as is appropriate: in other words the Bill will entrench the powers which the Governor-General exercised on 11 November 1975.

Mr. K. J. Hooper: To Australia's eternal shame.

Mr. BJELKE-PETERSEN: Of course, that is the honourable member who believes in a republic, in socialism and all its associated evils.

I believe that the principles contained in this Bill will highlight a point in the history of this State and of this nation wherein the democratic rights of the people in relation to this and future Governments will be enshrined in legislation providing for the constitution of this State and which ensures the preservation of a democratic system of government that has served Queensland well for over 100 years and, we trust, will continue to serve the State for another 100 years and more.

I would fervently hope that other Governments of the States of this Commonwealth will see fit to follow Queensland's example to protect their peoples in a like manner.

I appreciate the role that the Minister for Justice and Attorney-General (Mr. Lickiss), his predecessor (Mr. Knox) and others have played in preparing this very important and vital legislation. I commend the Bill to the Committee.

Mr. BURNS (Lytton—Leader of the Opposition) (4.42 p.m.): It is significant that just one year after the election of the Fraser Government, which the Premier recommended with such unqualified enthusiasm, the Premier today finds it both necessary and urgent to submit this legislation. I can only presume that this is either another of the Premier's stunts or he has a genuine fear that the Prime Minister of his choice (Mr. Malcolm Fraser) is engaged in some underhanded conspiracy to convert Australia into a republic. At a time when thousands of young Queenslanders face agonising unemployment —today we read how the building industry is threatened by the actions of a Federal Government that are going to put a lot of persons in that industry out of work—the Premier is preoccupied with nightmares of republics and viceroys.

Once again he is able to detect threats to society which apparently escape the vision of the great majority of his fellow Australians. I have a speech still written in preparation for the Queen of Queensland Bill that we were supposed to debate some time ago in this Parliament. Government members talk about Mr. Whitlam's three years in office, and we know now that Mr. Fraser has now been in office for 12 months. It makes me wonder why it has taken so long for the Premier to become aware of the threat to the office of Governor. As I said at the outset, I wonder whether it is Mr. Fraser who now threatens the security of the office of Governor.

Suddenly, within a fortnight of the adjournment, this Parliament is asked to enshrine the position of Governor that has survived without threat in the State for more than a century. Last year at this time we had that undesirable alien Mr. Wiley Fancher and his Swiss loan fiasco. That was the Christmas caper last year. Now it is the legislation at present before the Committee. The Premier's Christmas Eve political adventures are becoming as regular as Santa Claus.

Opposition members do not oppose the Bill but, like most Queenslanders, we find it totally unnecessary and are totally mystified by the implied urgency. The Minister for Justice was smuggled overseas without information to Cabinet and the public, and for three weeks he and the Premier indulged in a childish, expensive game of "I've got a secret." Pretext for the safari was legal briefing from the Premier's constitutional expert in Britain (Professor O'Connell).

When I look at it, I realise that Queensland has a great record. The Government's performance in the High Court of Australia is distinguished only by the consistency of its failure in constitutional matters. I can remember some thrilling debates at the Constitutional Convention when Queensland Ministers experienced the sort of vote that I experienced in this Parliament today. They were defeated consistently by their colleagues representing conservative Governments, and opposing Labor Governments, too, I might add.

Mr. Knox: You can still be in the minority and be right.

Mr. BURNS: I know. We keep telling the Government that. It happens in this Chamber every day of the week. With monotonous regularity we are right, but we get only 11 votes.

I am certain that there are highly qualified constitutional lawyers available within Australia who could have provided equally proficient advice at far cheaper cost than Professor O'Connell. I am told that he will

be here at Christmas, anyway, so the Government had no need to send the Minister for Justice overseas. It could have obtained Professor O'Connell's advice free and introduced this Bill next year.

Mr. Bjelke-Petersen: This is a Christmas present for you.

Mr. BURNS: Thanks very much. The Premier is very kind. We are all aware of the extravagant melodramas he is able to discover under his bed some mornings or at Christmas-time.

Mr. Miller: Do you agree or disagree with the Bill?

Mr. BURNS: I have said that the Opposition supports the Bill but that we are mystified at the sense of urgency. We are concerned at the Government's great display of interest in the position of Governor when it shows a total lack of interest in unemployment and in the problems confronting the ordinary man and woman in the community.

The Minister for Justice has had a holiday jaunt to London and brings back a Bill that is being introduced because the Government is worried that Malcolm Fraser will misuse the Commonwealth Constitution and turn the nation into a republic. And Malcolm Fraser is the man whom Government members urged the people to vote for. He is the man who was held out as the one who would stop Mr. Whitlam from turning Australia into a republic. Now Mr. Fraser is in government and the Queensland Government sees a need for rushing through a Bill such as this.

Today I dug out from the archives the notes that I had prepared on the Queen of Queensland Bill. Of course, I might still need them; that Bill might be brought forward tomorrow. It was asserted that it was necessary to declare the Queen as the Queen of Queensland to prevent the Australian Government from proceeding with its unilateral plans to convert Australia into a republic without consulting the people. During the Whitlam days that Bill was not proceeded with, but today, because of the fear that Malcolm Fraser might, by some overt act, remove the powers of the Governor, it is found necessary to introduce this Bill before Christmas.

Mr. Miller interjected.

Mr. BURNS: I have only 20 minutes. The honourable member can make his contribution to the debate if he wishes.

On this occasion the Premier's calls for reduced public spending are conveniently forgotten. The Government spends money on this Bill because it does not see it as an extravagance. It regards this Bill as being of more importance than employment for people.

I would have imagined that, if the subject-matter of this Bill gave the Premier such concern, during his recent overseas trip he would have grasped the opportunity to obtain constitutional advice himself instead of dispatching the Minister for Justice on a special crusade a few weeks later. This would have been the prudent approach of a political leader who, between 1972 and last year, was so critical of the expenditure incurred by the Whitlam Government on overseas trips.

I suppose that while the Federal Government grapples unsuccessfully with inflation and unemployment, at a time of devaluation and national housing cuts, we should be relieved that the Premier has been able to conceive this urgent national priority of his own.

Since December 1859 and the original colonial Order in Council signed by Queen Victoria, there have been 19 Governors of the section of Australia that now constitutes the State of Queensland. The State can trace its viceregal history from Sir George Ferguson Bowen, 117 years ago, through the Marquis of Normanby between 1871 and 1875, to the present occupant of the post of Governor, Sir Colin Hannah. Seven of the last 11 Governors of the State were appointed by either A.L.P. or Labor-supported Governments. The Labor Governments of the old days, the truly socialist Labor Governments—those of T. J. Ryan, who established State butcher shops, and others—were not opposed to the position of Governor. They were not republican Labor Party Governments. Never in the history of the Labor Party in Queensland has it been the policy of that party to be a republican party. In fact, Queensland's longest-serving Governor was a distinguished Australian, Sir John Lavarack, who was appointed by a Labor Government in October 1946 and retained office for a period of 12 years until 1958. I would remind the Premier that Australia's greatest northern defence base, that in Townsville, is named Lavarack Barracks, in his memory.

As to referendums, throughout our constitutional history there have been only four State referendums, the first in 1899 on religious education in schools and the last in October 1923 on prohibition. I wonder how, if some of the present Government members were in Parliament in those days, they would have voted in those referendums.

Our Constitution Act, which was introduced in 1934, provides for a referendum if any Government seeks public endorsement to re-establish the defunct Legislative Council. The Premier is pretty strong in his view on referendums, and is an approving supporter of Upper House anarchy in Canberra, but I have not seen him moving here for a referendum in Queensland to determine whether this State wants an Upper House. I know that the honourable member for Ithaca wants an Upper House.

Mr. Moore: We had one and the people supported it, and your crowd threw it out.

Mr. BURNS: I guarantee that if we had a referendum on an Upper House the people of Queensland would throw it out. There would be no worry.

I know that the honourable member for Ithaca would like to get some of his old cronies, the ancient members of the Liberal Party, into the Upper House. He would like to be able to extend a little political patronage and get them elected for 12 years, wheeling them in their wheel-chairs to the Council Chamber to carry out the whims of the Liberal and National Parties. Honourable members opposite would like an appointed House because those who do not like to face fair elections would be able to roll up without any trouble and get themselves appointed to the Upper House.

The Premier, with a haste that defies the imagination of most Australians, seeks to enter yet another avenue for referendum into the Constitutional Act. The nearest the present Governor has been to threat during his term in Queensland—and I have searched the Press cuttings—has been from his own neighbours on the Gold Coast and, of course, from me when I asked the Queen to take his appointment from him because he was playing politics in his position.

If the Premier had hesitated instead of exporting the Justice Minister to Westminster with such alacrity he may have been chastened by the "Courier-Mail" public opinion poll of last Thursday, 25 November 1976, on republics. Did the Premier read about that? The survey showed that 65 per cent of Australians are against a republic and only 25 per cent are in favour.

I know that Mr. Fraser likes to fly in the face of public opinion but I cannot understand the Premier's concern about Mr. Fraser's actions in this area. I do not think Mr. Fraser will change the constitution to implement a republic. But I share the Premier's concern in this area and I am prepared to vote with him on the issue if he thinks Mr. Fraser intends to take this step.

When we have extravagant legislation like this designed to pamper to the extremism of the Premier, legislation that flies in the face of public opinion and public realism, it is difficult to keep a straight face. The Premier, in his slender ministerial contributions to this Parliament, is better known for his grandstanding than for legislative sincerity. We can recall the Queen of Queensland legislation and all the stories about the Privy Council and various other arguments on the issue. The only foreseeable circumstance I could imagine—and it is unlikely—that might possibly produce a situation anything approximating the Premier's fears would be if Prince Charles were appointed Governor-General and Her Majesty the Queen abrogated her Australian powers to him during his term. There have, of course, been unconfirmed reports that Prince Charles may be appointed Governor-General. I hope that he is. Maybe it is the improbable situation such as Prince Charles's appointment that the Premier today is in such a supposedly pro-royalist scurry to forestall. The appointment of a real Royal such as Prince Charles with the confidence of the Queen would mean that, during his term, State Governors would become Lieutenant-Governors similar to the situation that has long applied in Canada.

I believe that the majority of Queenslanders share the confidence of the Opposition in Prince Charles as a potential Governor-General of Australia. We would be honored to welcome his presence in Canberra with or without the full colonial constitutional authority of his mother, whom, one day, he will no doubt succeed on the Throne of the British Commonwealth.

It is regrettable that the Premier in his constitutional panic today obviously entertains suspicions about the presence of a real Royal in Australia such as Prince Charles. This, in present circumstances and in the light of current public opinion, can be his only reason for his pre-Christmas haste, his international legal witch-hunt and lavish financial extravagance. I can think of no other urgent reason for today's legislation. After more than 100 years the Premier wants, in advance, to curb the authority of Prince Charles in the event that he is appointed, with the blessing of the great majority of Australians, as a real royal Governor-General of Australia. I say that very seriously.

Clearly, on 28 per cent of the Queensland vote, the Premier is not prepared to share his narrow dictatorial control with anyone—not even the next King of Britain, Australia, the British Commonwealth and Queensland.

A Government Member: Why should he?

Mr. BURNS: Well, the honourable member said that. I would like to see Prince Charles Governor-General of Australia and I would like to see him assume the powers that are inherent in that position. If the honourable member feels that there is some danger in that—and I am suggesting that maybe Government members feel that way—he may say so.

The Opposition sincerely hopes that Prince Charles will be a Governor-General of Australia and expresses its total confidence in his ability, with the support of Her Majesty the Queen, to carry out the duties of such an important position with dignity and the utmost responsibility towards every citizen and every right of the State of Queensland. As I have said, the Premier, from his actions today, either believes that his protege Malcolm Fraser is seeking a republic and fears the appointment of Prince Charles and lacks confidence in him as a real Royal Governor General with the blessing of Her Majesty or he is, as happens too often in this Parliament, merely stunting at public expense. I hope that in the course of this debate he will explain coherently and logically what is his real reason. Certainly the Fancher affair and now the Whitrod exposure, following as they do the Cedar Bay raid and

the Coronation Drive baton bashing incident, have alerted Queenslanders to his political extremes and the depths to which he will sink for political expediency.

Mr. Gunn, it is a shame when he tries to drag the monarchy, which all Australians treasure and respect, into the type of political ridicule he is intent on casting upon Queensland. As I said, we don't oppose his present parliamentary amusement. We pledge our loyalty to Her Majesty and express our complete confidence in Prince Charles as a real Royal Governor-General, without this type of trick legislation from the Premier to inhibit his authority.

Hon. W. D. LICKISS (Mr. Coot-tha—Minister for Justice and Attorney-General) (4.56 p.m.): The purpose of this Bill is to declare a fundamental aspect of the Constitution of Queensland. The Honourable the Premier has already drawn attention to the fact that the constitutional position of the State was shown to be vulnerable to undermining. This was because when the Colonies federated in 1900 their relationships with the Crown were assumed to be unaffected constitutionally by the change, and also that the relationship between the Commonwealth and the Crown would be constitutionally similar to the relationships between the States and the Crown. Therefore, the Commonwealth of Australia Constitution Act merely refers to the Crown as one of the elements of the Federal Parliament and to the Executive powers being vested in the Governor-General. The pre-1900 relationship between the State Governments and the Crown remained as they were and have so remained to the present time.

The office of Governor was created by the Letters Patent under the Great Seal of the United Kingdom in 1925 and since that date appointments of Governors have been made by Commission under the Royal Sign Manual and Signet. This is true also for the Dormant Commission under which the Chief Justice, or the Senior Judge for the time being, of Queensland is appointed to administer the Government of the State in the absence of the Governor.

Before I explain what this Bill is intended to achieve, I think it is desirable to recall to the attention of members some of the basic facts concerning the origins of the Constitution of Queensland. It is necessary to go back to the Australian Constitutions Act of 1842. Section 40 of this provided for instructions to be issued to the Governors of the Australian Colonies and required them to conform to these instructions in the exercise of their powers of assenting to or reserving Bills. That section is still in force and cannot be altered by the Queensland Parliament.

Section 51 of that Act authorised the Crown to erect any part of New South Wales into a separate Colony and this was extended by the Australian Constitutions Act of 1850 and confirmed in the New South Wales Constitution Act of the United Kingdom Parliament of 1855. The powers so granted the Crown were exercised under the Letters Patent of 1859, which established the Colony of Queensland. These Letters Patent appointed a Governor and provided him with certain powers and that, together with the Letters Patent of 1925, is the only constitutional source of the office of Governor.

Accompanying the Letters Patent of 1859 there was an Order in Council which conferred upon Queensland a legislature and gave that legislature the power to adopt a constitution and to change it from time to time. This was, in fact, done by the present Constitution Act of 1867, which repealed the Order in Council of 1859 except for the provisions of it which had continued the relevant sections of the Act of 1842 and 1850 concerning the powers of the Governor and his duty to comply with his instructions.

It will be seen that the present Constitution of Queensland, being dated 1867, is now 109 years old. It has been amended from time to time but it has never located the authority of the Governor under Queensland law. On the contrary, it has continued to rely on the combination of imperial Acts and instruments of the royal prerogative concerning the office of the Governor and his powers. In recent years it has become evident that we should no longer seek to rely exclusively on the machinery of government which had been devised in a time when the Australian Colonies were in every sense subordinate to the British Government. We feel that the time has come to patriate the basic institutions of our constitution to Queensland.

That will be the main objective of this Bill. It will clarify the position of The Queen as part of the Parliament of Queensland by virtue of our own constitution and not by virtue only of the inherent powers of the monarchy. In essence we are likening the provision for the Queen as an integral part of the Queensland Parliament to a like provision in relation to the Federal Parliament made by the Commonwealth of Australia Constitution Act 1900. This will achieve a parallel situation as between the Commonwealth and State Parliaments.

In doing this we believe that we are giving expression to the fact that the Queensland Parliament is sovereign within its sphere of competence. The Master of the Rolls in the Court of Appeal of the United Kingdom has given a decision that the Canadian Provinces are sovereign vis-a-vis the United Kingdom. This is equally true of the Australian States.

In saying this I do not wish to give the impression that we are severing any constitutional links which exist at present between Queensland and the Queen's advisers in London. On the contrary, it is

our aim to reinforce these links and to guarantee them against the sort of subversion to which the Premier has drawn attention. These are not links of subordination or dependence. They are links of machinery whereby the State within its sovereign sphere of competence gains access to Her Majesty when she acts in right of Queensland.

This is a progressive move. It establishes as a source of the Governor's power our own Constitution Act in Queensland without at the same time attempting to sever any of the constitutional directives which will continue to bind Queensland under the Imperial Acts of 1842, 1850 and 1855. We take pride in the fact that this will be the first attempt by an Australian State to make this progressive move.

A great deal of thought has gone into the Bill and we believe that it will carry Queensland through for the next century. The heart of the Bill concerns the office of Governor to represent the Queen in the exercise of her functions under our own Constitution Act and under the royal prerogative generally as it affects Queensland. We extend statutory recognition to the Governor whereas previously this was merely assumed. Unless we have a Governor we shall not in the future be able to enact legislation at all. Furthermore, we have taken steps to ensure that a Governor cannot be forced upon us or given instructions contrary to the wishes of Her Majesty. In effect we believe that the present instructions of 1925 will now be permanent and what we aim to do is avoid a situation where these can be changed at the instance of a Commonwealth Government which was inimical to the Federal system and dedicated to its overthrow.

We are of the opinion that the source of our constitution lies in imperial Acts to which I have referred, which authorised us to enact the Constitution Act of 1867. We have been told that there is an alternative view, which is that the source is now section 106 of the Constitution of Australia which provided for the Federation of the Australian Colonies. We do not agree with this theory, but none the less I shall read what section 106 has to say:—

> "106. Saving of Constitutions. The Constitution of each State of the Commonwealth shall, subject to this Constitution, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be, until altered in accordance with the Constitution of the State."

It will be noticed that this section explicitly provides for both the continuation of the Constitution Act of 1867 and its alteration in accordance with that Act. Therefore, even if this dubious theory were ever to be accepted in the remote future, we would still have complete constitutional power to enact this Bill.

We all recall the events of 11 November 1975, referred to by the Premier. That occasion demonstrated the importance of the role of the Governor-General in the exercise of his powers under the constitution and perhaps his reserve powers under the royal prerogative. We have since heard of suggestions that these powers should be curbed so that Ministers who attempt to remain in office contrary to the rules of parliamentary democracy could not easily be got rid of. We believe that democratic processes can only be safeguarded when the Head of State has an inalienable right of dismissal when the appropriate circumstances occur. We believe that we should put the exercise of that power beyond the threat of intimidation.

So the Bill will provide that in the exercise of his constitutional power to appoint and dismiss Ministers the Governor shall not be subject to the directions of any person whatsoever, whether he be the Governor-General, the Prime Minister, or the Premier; and that he may consult any persons he chooses.

Our Constitution Act of 1867, being an Act of the Queensland Parliament, can at present be altered by any other ordinary Act of this Parliament. In the past, Governments have entrenched certain constitutional changes concerning a Legislative Council, and the possibility of entrenchment of other features of the constitution has been explored in other Australian States and has been upheld in the courts.

In the case of Queensland a Labor Government by the Constitution Act Amendment Act of 1934 provided that Parliament was not to be altered by re-establishing the Legislative Council, or creating any other body, except in accordance with a procedure therein laid down which included a referendum of all of the electors in the State.

In New South Wales in 1929 a non-Labor Government did just the opposite. It provided that the Legislative Council should not be abolished except according to the procedure laid down, which again included a referendum. When the Labor Government of New South Wales in 1930 repealed that provision and then provided for the abolition of the Legislative Council without a referendum, the validity of this was challenged and the High Court held that the two Bills repealing the Act of 1929 and abolishing the Legislative Council were not validly passed because they had not been enacted according to the manner and form prescribed by the Act of 1929. This was because of section 5 of the Colonial Laws Validity Act of 1865, which was described at the time as the Charter of Independence of Colonial Parliaments, and which has now proved to be the key to guaranteeing the provisions of our constitution which we wish to entrench.

Another example of entrenchment is the Constitution Act Amendment Act of South Australia of 1969, which entrenches the

provisions of the South Australian Constitution relating to the composition of the Parliament there. The practice of entrenchment of important constitutional provisions is thus familiar to Australian constitutional lawyers. The Colonial Laws Validity Act is sufficient basis for saying that one Parliament can bind its successor in the Australian States by prescribing a specific manner and form of Bills to be enacted.

There is an additional source of authority in the case of Australia for entrenchment which is much broader than the somewhat narrow technical sphere in the case of the Colonial Laws Validity Act. This is the proposition adopted by the Privy Council (Bribery Commissions v Ranasinghe) in 1965 that a Legislature has no power to ignore the conditions of law-making that are imposed by the instrument which itself regulates its powers to make laws. That proposition of the Privy Council was drawn by it from a previous appeal to the Privy Council from Queensland in the case of McCawley v The King. This case concerned sections 15 and 16 of the Constitution Act of 1867, which provided for life tenure of judges of the Queensland Supreme Court.

When the president of the Court of Industrial Arbitration was appointed a judge of the Queensland Supreme Court under the Industrial Arbitration Act of 1916, his appointment was challenged as being contrary to sections 15 and 16 of the Constitution. The Privy Council drew a distinction between provisions under a constitution which might be modified or repealed with no other formality than is necessary in the case of other legislation and provisions which can only be altered with some special formality.

The one they called an "uncontrolled" provision and the other a "controlled" provision. They held that sections 15 and 16 were not controlling provisions but they went on to make it clear that if they were such, then they could not be impliedly repealed by an Act which was inconsistent with other provisions. In effect, the Privy Council recognised that Queensland could effectively prescribe special procedures for the amendment or alteration of legislation.

An example of a controlling provision in the Queensland Constitution was section 9 of the Constitution Act of 1867, which provided for a special majority in order to disestablish the Legislative Council. That section has since been repealed, but its provisions are an example of what the Privy Council had in mind.

Entrenchment is, therefore, possible on two grounds. Because we wish to take our stand on both these grounds, it is the policy of the Government to keep in existence the Colonial Laws Validity Act, just as it is its policy to keep in existence the provisions of the Acts of 1842 and 1850 concerning the powers of the Governor, and which are repeated in the Bill.

It is necessary to guard against the possibility, which we believe to be remote but which none the less has been theatened, that the Commonwealth Parliament might succeed in repealing these imperial enactments, or have them repealed by the Westminster Parliament. Repeal of these provisions by Westminster is unlikely without the agreement of the Commonwealth and all of the States. Repeal by the Federal Parliament is said to be possible by virtue of an interpretation of the Statute of Westminster which we believe to be implausible, but which was none the less invoked by the Whitlam Government when it sought to enact for the abolition of appeals to the Privy Council from the State Supreme Courts.

The argument was that since Federal Parliament had been given power under the Statute of Westminster to enact repugnantly to imperial statutes, it had been given the power to repeal these even when they related exclusively to the area of State exclusive competence. While we do not believe that there is anything in that contention, we have recognised the threat and we have now avoided it by making the relevant provisions part of the Queensland Constitution Act, which is quite beyond the reach of the Commonwealth Parliament, so that even if these imperial Acts were to be repealed against our will, the relevant provisions would still stand as provisions of our constitution.

We have taken particular care in drafting the entrenchment clause to take into account what the High Court has said in Hughes and Vale v Gair, and Clayton v Heffron about mandatory and non-mandatory or non-invalidating directions. We have also provided that any elector will have locus standi to sue for the enforcement of the entrenching provisions by injunction or otherwise both before and after the presentation of an amending Bill to the Governor.

The machinery for entrenchment will be the requirement that any Bill to alter the position of the Crown, or the office and powers of the Governor, must be submitted to a referendum as prescribed in the Bill. Only if a majority of the voters signify their approval to the Bill will the change be effective. We have done this because we believe that the great majority of the people of Queensland are firm in their belief that constitutional monarchy is the best system of government and that the rules of parliamentary democracy can only be maintained if the traditional relationship between the Crown and its Ministers is maintained. We believe that putting the whole matter in the hands of the people rather than in the hands of a Government is the most democratic thing to do.

It should not go without notice that there are only 24 countries in the world today with a system of parliamentary democracy. This is a precious but diminishing asset and the steps which we are taking are intended to ensure the benefits of that asset to the

people of Queensland for a long time to come. As the late Sir Ivor Jennings wrote in his book on the British Constitution—

> "Any form of government that is not a democracy either is bad now or will be bad very soon."

As the Bill is required by the Australian States Constitution Act of 1907 to be a reserved Bill, it will receive Her Majesty's personal signature. This will be a further guarantee of the integrity of our constitution.

Mr. K. J. HOOPER (Archerfield) (5.12 p.m.): In introducing the legislation the Premier and his supporters are acting as if Australia, and Queensland in particular, is still an enclave of empire. They are living in the past. In case the Premier has not heard, this is the 20th Century. The matter before the Committee today is just another example of the extremes to which an obsessed political leader is prepared to go in order to force his own irrational views on the people of Queensland. Most of the rest of the civilised countries of the world regard monarchies and their useless appendages, Governor-General and State Governors, as relics of a long-forgotten past.

Mr. Knox: Do you want to abolish it?

Mr. K. J. HOOPER: This is my personal opinion.

Mr. Knox: What's that?

Mr. K. J. HOOPER: My personal opinion. The Premier has made two futile trips to London to see the Queen and is now going round the political twist by seeking to entrench the position of the Queen's representative in Queensland.

Mr. Knox interjected.

Mr. K. J. HOOPER: Just wait, I am going to say it.

Mr. Knox: Is that Labor Party policy?

Mr. K. J. HOOPER: It is my own policy. He did this principally, I suppose, because he failed to get the Queen to become Queen of Queensland. He went to unusual extravagance to do this, an exercise which, I understand, has cost taxpayers $20,000. He began by sending the Justice Minister on a secret mission. I might add that the speculation about this earth-shattering secret was right. The Minister was aided and abetted by the Premier. Then we found out that the Minister's trip was nothing but a junket, as even members of the Minister's own department will acknowledge. Even though he is attempting to do a more responsible job than his predecessor, the Minister cannot get away from the fact that he is one of the Premier's men, one of the National Party's representatives in the Liberal Party. We are told that the Justice Minister went to London on an extremely complicated constitutional matter. The idea was to entrench the colonial carry-over of the position of Governor. What I would like to ask the Premier is: why send the Justice Minister? I would be interested in the Premier's reply. Why send this Justice Minister? His field is maps. As the Premier knows, he is certainly no expert in constitutional law, but I suppose it is very hard to find an overseas junket dealing with maps. So the Justice Minister had his junket at taxpayers' expense.

Mr. Lickiss: You will have to stay at home for ever because you can't do anything.

Mr. K. J. HOOPER: Neither can the Minister. We just had to listen to his speech and he was hopeless. He bored the Committee. As I say, on the pretext of getting constitutional advice, the Premier gave this trip to the Minister for Justice in return for services to the Premier. It would be interesting to know where the Justice Minister obtained that advice. He obtained it from none other than the Premier's London connection, that terrible old Tory-inspired Professor of Law at Oxford University, Professor Daniel Patrick O'Connell, to whom he pays $20,000——

Mr. Bjelke-Petersen: Are you going next?

Mr. K. J. HOOPER: Look, Mr. Gunn, I do not mind taking interjections, but not from the——

The ACTING CHAIRMAN: Order! The honourable member does not have to take any interjections.

Mr. K. J. HOOPER: As I was saying, this costs the taxpayers of Queensland $20,000 each year. What a magnificent retainer just to tell the Premier what he wants to hear! In order that honourable members may be better informed, I point out that Professor O'Connell was the man who advised the Premier to send a Queensland policeman and the jet-setting Queensland Agent-General in London on a Sherlock Holmes' mission to dig up dirt in Europe about members of the Whitlam Labor Government. Now no doubt the Premier is acting on O'Connell's advice about the position of Governor in this State.

In my opinion the office of Governor of Queensland is a political anachronism. It is a carry-over from the evil colonial days when Australia was a milch cow for the British establishment.

Mr. Knox: Do you think it ought to be abolished?

Mr. K. J. HOOPER: In my own personal opinion, yes, of course I do.

Mr. KNOX: I draw your attention, Mr. Gunn, to Standing Order 122, and ask that the words used by the honourable member be taken down by the clerks at the table.

The ACTING CHAIRMAN: Is it the wish of the Committee that the words be taken down by the clerks at the table?

Honourable Members: Hear, hear!

Mr. K. J. HOOPER: The office of Governor in Queensland has traditionally gone to broken-down soldiers and airmen or effete members of the British establishment. The main duties of the office of Governor are: to sign anything the Premier shoves under his nose, to open fetes and baby shows, and to make sabre-rattling speeches at R.S.L. smokos. No doubt those speeches are made after the port and cigars have been liberally passed around.

Mr. Gunn, you will recall that last year the present incumbent of the office chose to go outside those functions and to become an instant expert on the economy. At the behest of his National Party mentors he had a lot to say about the economic ills of the country. Twelve months later, with the economy infinitely worse, he is strangely silent. Where was his statement of concern for all the young people who left school last Friday and went straight on to the unemployment heap? He was strangely silent. Thanks to Senator Margaret Guilfoyle they could not even earn the term so cruelly coined by the Liberal Party—"dole bludger". I will lay a shade of odds that we will not hear a word of support from Government House for these teenagers who are seeking employment. The Governor is astute enough to realise that should he dare to criticise the Fraser Government the Premier would have him out on his ear in 10 minutes flat.

The present Governor has already shown that he is politically biased rather than impartial. In my opinion he should get out of Government House and contest a National Party seat. Rumours are rife about Parliament House at the moment that the honourable member for Gympie, the present Minister for Tourism and Marine Services, because of the way he was cruelly treated by the Premier while he held his former portfolio, has cried enough. The story is that the present Governor, Sir Colin Hannah, is going to contest the seat of Gympie and eventually be groomed as the Premier's successor.

The Governor's present loyalty certainly lies with the National Party. Queenslanders were stunned to hear him come out in public with a political statement during last year's political turmoil. A man of integrity would have resigned his post in order to make such a statement if his personal feeling overruled his responsibilities to his office. But the current incumbent of the office believes he is above the average citizen. Official records show that he attempted to use his position as Governor to gain special treatment when his Gold Coast holiday haven was one of the properties damaged in a severe storm. I sometimes wonder why this matter was not reported to Government authorities.

Mr. BJELKE-PETERSEN: I rise to a point of order. I understand that the honourable member said that the Governor used his position to receive special treatment. Of course that is completely untrue. I am sure the honourable member does not mean that.

The ACTING CHAIRMAN: Order! I ask the honourable member to accept the denial.

Mr. K. J. HOOPER: Do I have to accept the Premier's denial? I am asking for your ruling, Mr. Gunn, I do not want to disagree with you, but I do not know whether I should accept the Premier's assumption that that was not so.

Mr. BJELKE-PETERSEN: If the honourable member does not want to be fair about it, I must ask him to withdraw it.

The ACTING CHAIRMAN: Order! I ask the honourable member to withdraw it.

Mr. K. J. HOOPER: I will withdraw it then, at the Premier's behest. I still think that I am correct. Anyhow, I withdraw it.

As an extra point of information I point out that the current occupant of Government House will be remembered from the days of the Comalco share dispute. We all know about that scandal that broke some years ago. He was revealed then as having 2,000 shares in Conzinc Rio Tinto, along with prominent members of the Cabinet. So the Governor and the Liberal and National Parties have something in common. They have shown that the way to get on in Queensland is to play a politicial role on behalf of the National Party.

Mr. Frawley: What's this got to do with the Bill?

Mr. K. J. HOOPER: It has everything to do with the Bill. The National Party in Queensland is now modelled and operating on the lines of the National Socialist Party, of which no decent Australians are proud.

The office of Governor will cost Queenslanders this financial year the sum of $275,988, an increase of almost 300 per cent on the cost 10 years ago of $76,614. And this figure does not include the cost of conducting Government House or the cost of running and maintaining the Governor's fleet of cars, which is capped by a Rolls Royce; nor does it include expenditure incurred on air travel and the establishment-orientated afternoon tea parties. The Rolls Royce that Sir Colin Hannah is driven in around town has a fuel consumption of less than 10 miles to the gallon and it is fitted with a built-in cocktail bar.

Mr. Frawley: That's wrong.

Mr. K. J. HOOPER: That is dead-set correct.

Why should some retired Right-wing Army officer enjoy all these privileges at the taxpayers' expense? Why should this Parliament be asked to ensure that the same privileges

are available for future retired Army officers who are out of touch with the thinking of the average Queenslander? The money could be used for something important, but at present it is being used for the payment of another lackey of the Bjelke-Petersen Government. Sir Colin Hannah's chief role is to sign Cabinet documents, such as the rushed approval of the resignation of the former Police Commissioner, and to give assent to Bills passed by this House. The office of Governor is totally unnecessary.

The only people who would miss the office of Governor are the present incumbent, who enjoys all its lurks and perks, and the establishment hordes who troop along to Government House for free tea and cucumber sandwiches when they should be out doing something useful for the community.

I was pleased to see that in the latest Gallup Poll—the poll so beloved by the Liberals—the overwhelming majority of young people who were polled voted for a republic.

Mr. Frawley: Oh, rubbish!

Mr. K. J. HOOPER: This is true. The Liberals, I might add, are very quick to claim how accurate the Gallup Poll is whenever its results are against the Labor Party, but when they are against their line of thought, they disbelieve it.

It never ceases to amaze me that in a country that is supposed to contain so many rugged individualists we find many people who feel so insecure that they need to have a figure to whom they can bow and call "Excellency". This does not add up. The monarchy, together with its appendage—the office of State Governor—is based on class and as such is divisive of the community and should be abolished.

WORDS TO BE TAKEN DOWN

Mr. KNOX: Mr. Gunn, the honourable member is persisting with what I regard as matters that should be considered as being out of order. I am not advising you what to do, but I again bring to your notice the fact that the honourable member has recommended that the office of Governor be abolished. I object to that and I move—

"That the words used by the honourable member for Archerfield be recorded by the Clerk at the centre table."

Mr. K. J. HOOPER: Of course they can. I am saying them for inclusion in "Hansard".

Mr. KNOX: I do that, Mr. Gunn, under Standing Order No. 122.

Motion (Mr. Knox) agreed to.

Mr. K. J. HOOPER: I have no objection to that, Mr. Gunn. If I did I would not be saying the words.

CONSTITUTION ACT AMENDMENT BILL

INITIATION IN COMMITTEE—RESUMPTION OF DEBATE

Mr. K. J. HOOPER: In conclusion I make it quite clear that this is my personal opinion—I for one am pleased to echo the cry of some of our more far-sighted and progressive founding fathers who, in 1898, shouted, "Long live the republic of Australia!"

Mr. PORTER (Toowong) (5.24 p.m.): The honourable member for Archerfield has just regaled the Chamber with his personal credo, and I presume that he speaks on behalf of his party. He is the authentic voice of A.L.P. republicanism—something that is crude, coarse, boorish and stupid. He looms as the chief A.L.P. hit-man in character assassination, which was the total theme of the speech that he has just made. He is anti-democracy, anti-freedom, anti-British and anti-monarchy. He is a destroyer, never a builder. He is a throw-back to the worst of the crude, bully-boy tactics that belonged to politics of a past era. He talked about those people who want to retain a way of life that has the overwhelming support of the Australian people as being hopelessly out of date. That is a favourite gimmick of his. He talks as though the regressive, backward-looking programmes he espouses belong to the ways of the future. What he is doing is stoking the fires of a class war whose embers were dead and cold half a century ago. He is as out of date as a dinosaur, to which, in some physical ways, he has a rather close resemblance.

After his contribution in this morning's debate on police matters, which was quite farcical, I was convinced—and I am even more convinced by his contribution this afternoon—that we ought to give him permanent police protection because we do not want him hurt under any circumstances. He is our political insurance for the future. While he is around and speaks like that, we are assured of scores of thousands of votes that might otherwise remain uncommitted. He is most useful to us.

I have no doubt that by introducing this legislation we are providing a field day for certain classes of people.

Mr. K. J. Hooper: That is right—the establishment class.

Mr. PORTER: No. I believe that we are providing a field day for superficial journalists, epicene academics and pompous pundits to indulge in their usual smirks and jeers, to deride and belittle us, and to use their favourite weapon of sneering sophistication by saying, "Look, here is Queensland again doing something odd, something eccentric. The odd man out—the deep North—speaks again."

Let there be no doubt that once again, as so often in the past, Queensland is being the innovator and other States will surely follow.

Let there be no doubt, either, about the significance of what we are doing today. We are doing something of immense importance to Queensland and to the whole of Australia. By entrenching the role of the Governor in our constitution and by forging unbreakable links with the Monarch—and that is what this does—we will not only stop any future action by a centralist Government in Canberra trying to turn our Governor into a puppet or a tame viceroy but also, because of the terms of the Australian Constitution, we will halt here any unilateral move to transform Australia into a Republic. Do not let anybody imagine that that is not likely to be attempted.

I think it was the Leader of the Opposition who indulged in some fanciful by-play suggesting that we were trying to stop the Fraser Government. The fact of the matter is that a Labor Government is pledged to introduce a republic if it gets into office again. As the Premier said in his introductory speech, the programme has been outlined already. The recipe has been made clear.

Mr. Burns: By whom?

Mr. PORTER: By Lionel Bowen who made the document available to the Press. Is the Leader of the Opposition denying that he made it available? Mr. Bowen does not deny it. I saw him last Friday in Melbourne. He does not deny that he made the document available.

Mr. Burns: It was defeated in his own committee. It has not gone to conference yet.

Mr. PORTER: The honourable member is trying to suggest that this will get killed somewhere in the Labor Party conference procedures. I remind him that the A.L.P. is dedicated in its platform to the abolition of the States and the establishment of a republic in Australia, with a viceroy replacing the Governor-General. I have no doubt that it will do that. The honourable member may find himself in a little difficulty.

Mr. BURNS: I rise to a point of order. The statement made by the honourable member for Toowong is untrue. It is offensive to me and I ask him to withdraw it.

The ACTING CHAIRMAN: Order! The honourable member has asked that the statement be withdrawn.

Mr. PORTER: I bow to your ruling asking that it be withdrawn. I have said nothing which is in any sense derogatory of the honourable member. I said something about his party; but surely we are not to reach the stage where a reference to a political party can be regarded as offensive. After all, the honourable member's political party is offensive to me most of the time, and I do not ask him to withdraw because he represents it here

Mr. Burns: Are you going to withdraw?

Mr. PORTER: I have withdrawn the statement, but I want to make it quite clear that I have been reading from a Press report that has not been denied in any way by its author, Mr. Bowen.

I say again that I believe it will be the Bible for the Federal Government, if it ever falls to Labor again in the future. We have to remember that if Labor comes to office again in the Federal sphere it will be operating from a plateau which is much higher in terms of the instruments to make Australia a republic than it was when it first came to office in 1972.

I am one of those who believe that my Federal colleagues are not demolishing fast enough or thoroughly enough many of the instruments the Whitlam regime set up when it was in Canberra. I would like to see a great many more of them swept away. But, as things stand, the fact is that should Labor come to power again in the next decade it will be able to go a far longer distance on the road towards setting up a republic than it was able to between 1972 and 1975.

Let me refer in passing to the fact that on the day, or the day following, the statement appeared in the Press—I think it was a statement by the Premier—that this Bill was to be introduced, there was published the result of a Gallup Poll indicating that 65 per cent of Australian people were opposed to Australia's becoming a republic. So there cannot be any doubt that the long-standing attitude of the people of Australia is that the present system and the links that we have with the Crown should continue.

The fact that public-opinion polls suggest that people do not want a certain thing has never been a bar to the socialists and the centralists when they get their opportunity. Right up to December last year they tried to get their own way, even though they knew literally that the massive vote of the Australian people would be against them. They will undoubtedly try again. As I said, Mr. Lionel Bowen says so. The Leader of the Opposition is coy about it, but I do not think that the leopard is likely to change its spots to that degree in the near future.

We have to remember that socialists and centralists work on a very simple philosophy. The philosophy was set down for them by Karl Marx, who is their God and their leader. Karl Marx said—

> "Democracies will always seek to establish a dispersed system of government. We"——

"we", the Communists—

> "must fight against this because only by complete concentration of power in a unitary system can we hope to achieve control."

That is why we are opposed to a unitary system.

The Leader of the Opposition referred in passing to the Hobart Constitutional Convention. He was quite gleeful about the fact that some of the things that we as a Queensland delegation had opposed were carried by a majority of members. That does not in the least make us wrong. Time very rapidly will prove that in virtually everything we stood for we were correct, and, of course, the major things we stood for were indeed carried by the convention, and all the reformers—the socialists—were defeated.

It is notable that in Australia all the effort towards centring power comes from the Labor side of politics. They are hell-bent on turning Australia into a monolithic autocracy. That is something that the great majority of people do not want at any price. There is an unhealthy obsession in the so-called reformists to sweep away all our ties and all the ancestral inheritances that we got from Britain; to break down our rich inheritance of British ideas and institutions; to try to deny that Britain means anything at all in the system that we have inherited from them. If that is all that the republican fervour means, what a miserable, perverted and malformed doctrine it is.

What is wrong with acknowledging the debt we owe to our British forebears? What is wrong with accepting and paying a full element of service to the ideals that Britain provided for us? The West is still the chief repository of free institutions, and it is these free institutions alone that in the long run will guarantee further progress and ideas and inventions. The whole western world—and more than the western world is seeking it now—has used English laws and ideas and institutions and attitudes and tastes and pastimes and morals and clothes and customs and language and literature, too. It has used their units of measurement, their patterns of education and religion, their systems of accountancy, and, of course, their parliamentary systems. All these things we owe to Britain, and I for one have no hesitation about acknowledging the debt and saying that I most certainly do not want to see any system introduced into Australia that denies the debt that we owe, that wants to see us set on some banana republic road merely to prove that we are different. If that is progress, honourable members opposite can have it. The overwhelming majority of people do not see it as progress.

I say again that this is an extremely important Bill. I should like my children and their children—and I have 12 grandchildren—to have the opportunity to be brought up in a system or a society as good, as healthy, as sensible, as moral and as free as the one I enjoyed in my formative years. In that sense, it is important that we do everything we can to ensure that we will not get a puppet Governor here and that we will stop any future centralist Government in Canberra moving to stultify what we want to do in Queensland by putting into Canberra a puppet viceroy appointed for party-political purposes.

There is no question that in all Governments in Canberra there lurks the strange desire to want to do everything for all the people in all parts of Australia. It is bad enough now with Governments of both colours, because unilateral action seems to grow out of the very atmosphere at Canberra. Recently we had the decision on Fraser Island in which the Canberra Government, totally against the wishes of this Government and the overwhelming majority of people in this State, is prepared to throw a considerable number of families to the wolves by denying them employment merely to trade them off to appease the lobbying on uranium-mining.

We have the Torres Strait boundary problem where the Canberra Government is very happy, largely in response to Victorian pressure, to give away part of Queensland in a trade-off to try to get Mr. Somare elected again in the coming election in the New Year. I think that is a very shoddy way of doing things.

I wonder what the story would be if Papua New Guinea wanted a bit of Mornington Island or Phillip Island. I wonder whether Canberra and the Victorians would then be so ready to give something away; whether they would feel that people were not worth bothering about; and whether they would be so keen to sell the notion of a sea-bed border of which one of the Torres Strait Islanders said very sapiently, "How are you going to stop it floating to the surface?" Of course it will float to the surface!

Make any border at all or any delineation and it will be a new boundary—that is as sure as the sun will shine tomorrow—and the people north of that boundary will be out of Australia, no matter for how many years and in what tenuous ways we try to protect them. The realities of life are against it. I say there should be no line and that there is no warrant for it and most certainly Canberra should not act in any unilateral way.

I get a little tired of a Prime Minister who goes up to the islands and says, "You will have to agree to this proposition. We are looking after you. If you do not agree to it and go to the world court, you want to watch out what the world court will do to you; it will be far worse than we do." The plain fact of the matter is that the world court has no jurisdiction.

The 1970 Year Book of the United Nations, dealing with the International Court of Justice, made the point that the question of compulsory jurisdiction of the court was dismissed because only 46 of the 127 nations were prepared to accept that; and of the 46 nations who were prepared to accept it, the

overwhelming majority attached to their acceptances such conditions and hedged them with such restrictions that the acceptances would be meaningless. The plain fact is that the world court can make judgments until the cows come home but that need have nothing to do with us. Unless both disputants accept the authority of the court it has no authority.

It is foolish and wrong for a Prime Minister to try to frighten people into accepting a proposal that he has made on the basis that, "This is the better end of a bad deal. If you don't take this it will go to the world court and you might finish up with something that is a whole lot worse." It is despicable and cynical and I deeply regret that it should come from my side of politics.

This is an important measure—perhaps one of the most important that Parliament is likely to see in many a long day. There is a new era of politics in this country that began in 1972 and in which no man can with any certainty foretell the future. Because of what has been tried and the fear of what may be tried again in the future, we must now provide protection. We must hedge ourselves with defences for the future. One vital defence is the entrenchment in our constitution of the role of the Queensland Governor, which in the past has rested only on various bits and pieces of letters patent and so on. It is proper to put it into the constitution and I applaud the proposition that if any Government in the future seeks to alter the constitution it will have to be done by means of a referendum.

Personally, I should like to see it provided that such a referendum must be held at the same time as a general election. Any future Government in this State that wanted to throw away the State's birthright would then have to chance its arm with a referendum at the same time as it was chancing its neck with the electorate. If there were such a provision, I think many would think twice before doing that.

The Bill is a good measure. I commend it and I believe that the rest of Australia will undoubtedly follow it in short order.

Mr. AIKENS (Townsville South) (5.42 p.m.): The speech of the Leader of the Opposition, followed by a typical speech by the honourable member for Archerfield, exemplifies clearly the degeneration and decay of the A.L.P. in this State. It is possibly picking it up from the party's degeneration and decay in other States. I have heard Labor screamers in this Chamber vehemently supporting the very principles that are embodied in this Bill. I commend to the honourable member for Archerfield and the Leader of the Opposition a perusal of the speech made by one of the greatest Labor Premiers, the late E. M. Hanlon, on the occasion of the appointment of Sir John Lavarack as Governor of this State.

In addition to its degeneration and decay, the Labor Party is continually turning somersaults. Perhaps I should say that it is like a willy wagtail with St. Vitus's dance, hopping here and there on a bough never knowing where to alight and stay. I remember the occasion of the Queen's last visit to Queensland in 1974—only a couple of years ago. Let us compare the attitude of the A.L.P. today with its attitude then.

The Government of the day decided that wherever the Queen landed in Queensland she was to be met by the local member of Parliament. Up in Cooktown she was met by the A.L.P. member for Cook, Mr. Wood. Nobody objected to that. In Cairns she was met by the A.L.P. member for Cairns, Mr. Jones. Nobody objected to that. In Mackay she was met by the A.L.P. member for Mackay, Mr. Casey. Nobody objected to that. In Townsville the boundary between the electorates of Townsville South and Townsville North was Ross Creek, and when the Queen came to Townsville the Royal Yacht "Britannia" berthed on the left side of Ross Creek on entering the harbour and the Queen walked from "Britannia" onto the hallowed soil of Townsville South where, of course, I met her.

Mr. Gunn, you should have heard the howl from the A.L.P. right from the Q.C.E. to members of this Assembly. The Leader of the A.L.P. in this Parliament at the time was the honourable member for Bulimba. Anybody can check what I am saying by referring to the Press of the time. The honourable member for Bulimba squealed like a brumby stallion. He said, "Fancy the Deputy Leader of the Opposition, my pal Percy Tucker who is in Townsville, not being the one to meet the Queen!" He did not know, of course, that Percy Tucker was by that time sharpening the knife that he was to thrust between the shoulders of the then Leader of the Opposition. He said, "My pal, the Deputy Leader of the Opposition, is in Townsville. Why wasn't he given the honour of meeting Her Majesty the Queen?" The Premier is nodding; he remembers the headlines at the time. Tucker was absolutely prostrate. The Queen, according to protocol, stepped from "Britannia" onto the sacred soil of Townsville South where I met her and did my job in my customary very efficient manner. That gives honourable members some idea of the sickening and slobbering hypocrisy of the A.L.P. with regard to the royal family and to royalty and to the things associated with what the honourable member for Archerfield contemptuously calls the establishment.

Now I am going to give honourable members, including the honourable member for Brisbane and the honourable member for something-or-other, a little lecture in constitutional law. I do not mind doing this. I do not mind helping lame dogs over stiles. It is part of my job, and I am happy to do it. Out at Richmond the other day the Premier and I were a very, very fine pair.

We told the people of the trials and tribulations we had to suffer out in the burning West when we were carrying our swags through that area looking for work. Any work at all would have done—shearing, dagpicking, cleaning out bore drains, sinking dams or building fences. I told them, too, of the Premier saying to me out there, "Just as well they didn't have bitumen roads during the times we were carrying our swags through the North-west, Tom, because the hot bitumen would have come through our sandshoes and been too hot on the feet." But we have gone through these things and we know just where the people of Queensland stand, and how they feel.

And I would say that one of the most incredibly stupid things the A.L.P. is doing today—all right from our point of view—is advocating the very things that are being advocated by the honourable member for Archerfield and the Leader of the Opposition: breaking away from the Royal tradition, breaking away from the Royal Family, breaking away from the English establishment and setting up a republic. I have no doubt that if they ever get the opportunity to set up a republic in Queensland, the first president of Queensland will be Mr. Kennedy, who is now the comptroller-general of the Post Office or whatever he happens to be. But before they can do those things—they can do it all right according to the Marxist doctrine and according to the Communist theology and ideology—to prevent them doing that there is something called the Statute of Westminster. It was passed and approved not only by the Imperial Government and by the Australian Government but by the Governments of all the dominions and colonies, and I suggest to the leaders and members of the A.L.P., and many members of the Government—including the honourable member for Brisbane and the barrister honourable member for Ashgrove—to go to the Parliamentary Library and get these two books I have here. One is a very small book, so they can read it through very quickly. It is "The Constitution as altered to 31 December 1969 together with the Statute of Westminster Adoption Act of 1942 and Index".

There are a couple of things I should mention here. What these half-baked Comms in Australia who parade themselves as A.L.P. men are hoping is that the move will come from the British Government. They are hoping that the Imperial Government will support the move to break the colonies and dominions away from the establishment and from the idea of the monarchal succession and the monarchal form of government. We find in the Statute of Westminster Adoption Act a couple of little matters—there are dozens of them actually—which I will quote. The schedule states in part—

> "In this Act the expression 'Dominion' means any of the following Dominions, that is to say, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland."

It goes on to say—

> "No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof."

So even in the Statute of Westminster it is provided that no law passed by a Labour Government in England shall have any effect whatever on a law in Queensland or on the State of Queensland unless the State of Queensland specifically requests that it be so enacted.

And here is something that I feel sure will be gall and wormwood to the members of the A.L.P. They can all remember when this man was their knight in shining armour, when this man was going to lead them out of the political wilderness and put the A.L.P. back into power in the Federal sphere and in the various State spheres. He was going to be the Sir Galahad of the A.L.P. I refer to the late Dr. Herbert Vere Evatt. I commend to members of the A.L.P. and the legal vultures in the Chamber the reading of a book in the Parliamentary Library entitled "The King and his Dominion Governors". In that book Evatt sets out very clearly and very lucidly—so much so that the lawyers in this Chamber could understand it—just what can be done and can't be done under the Statute of Westminster of 1931. He deals specifically with many cases, one of which is the Attorney-General for the Commonwealth of Australia v. the Colonial Sugar Refining Coy. Lord Haldane, who spoke for the Privy Council, said—

> "Their Lordships will now examine the Commonwealth Constitution Act in the light of these observations with a view to answering the question whether the Royal Commissions Acts of the Australian Parliament were within the powers which by this instrument were transferred by the federating Colonies to the new central Parliament. It is plain that, excepting in so far as such powers were so transferred they remained exclusively vested in the States."

Even if there is a Labor Government in control in England and a Labor Government in control of the Federal Parliament in Australia, the power still cannot be taken away from this State to determine whether it will remain within or without the monarchal system of government. Lord Haldane continued—

> "This results not merely from the broad principle laid down in section 51 to which reference will presently be made, but from section 107, which enacts that 'every power of the Parliament of a Colony

which has become or becomes a State, shall, unless it is by this Constitution exclusively vested in the Parliament of the Commonwealth or withdrawn from the Parliament of the State, continue as at the establishment of the Commonwealth, or of the admission or establishment of the State, as the case may be'."

I will refer to just one other case. I will not tax the mental capacity of the legal vultures by going on and on. This one is a quotation from Evatt. Incidentally, honourable members may be interested to learn that the new introduction to this book was written by Zelman Cowen, the vice-chancellor of the University of Queensland, who is a lawyer. Of course, that is a hard thing to say about any man.

In New South Wales v. the Commonwealth of Australia it was said of the doctrine of sovereignity—

"The phrase is most ambiguous. In some aspects, both the States and the Commonwealth are bodies which may lawfully exercise sovereign powers. The Governors of the States are as much the representatives of His Majesty for State purposes as the Governor-General of the Commonwealth is for Commonwealth purposes. The subjection of the States to the jurisdiction of the High Court is accompanied by a perfectly 'equal and undiscriminating' subjection of the Commonwealth to the same jurisdiction. For all purposes of self-government in Australia, sovereignity is distributed between the Commonwealth and the States. The States have exclusive legislative authority over all matters affecting peace, order, and good government so far as such matters have not been made the subject of specific grant to the Commonwealth. And the authority of the State covers most things which touch the ordinary life and well being of their citizens—the maintenance of order, and administration of justice, the police system, the education of the people, employment, the relief of unemployment and distress, the general control of liberty. Speaking generally, all these subjects are no lawful concern of the Commonwealth."

I quote those two very eminent legal authorities to let honourable members know that they need have no fear of the plan that was hatched by the Whitlam Government. I know that the Whitlam Government had hoped that it would be able to put it into effect by going to the Imperial Government, which at that time was under the control of that old egghead Harold Wilson, and get him to put through an imperial law dealing with this sort of thing. But there it is in legal terms, which even the humblest man could understand, that this Parliament has equal sovereign rights with the Commonwealth Parliament.

The Imperial Parliament cannot pass any law affecting us except at our request and with our consent. Therefore the whole matter falls back onto this Parliament and the people of Queensland.

I think the honourable member for Toowong said that 65 per cent of the people of Queensland want to retain our present monarchal system of government. I would suggest that the percentage is higher than that. But I would not care whether the percentage was higher or lower; having studied all forms of government I believe that the monarchal system of government is by far the best system for people who think and act decently and responsibly; therefore, I think the Bill is a good one.

Dr. SCOTT-YOUNG (Townsville) (5.56 p.m.): I was intrigued by the previous speaker's comments. It is obvious that besides being the father of the House he is the father of the art of research. I have been trained in research work and conducted wide research into this subject, and I came to the conclusion that there is very little material on which anyone can put his finger. The Minister for Justice gave us some details of the material that he obtained from Professor O'Connell, that eminent person in England. The Labor Party's comments about the cost of the trip to England were quite uncalled for, because the value gained from the Minister's trip is indeed worth while.

As long as the monarchy remains in England, it is not possible to have a republic in Australia. For many years the mental attitude to government inherited by us from our forebears in England has been underestimated. Many years ago it was underestimated by two people named Marx and Engels, both of whom thought that the marvellous social revolution would take place in England. How wrong they were! Marx never did a decent day's work in his life; he was a bum and a parasite on Engels. His children suffered from malnutrition and starved, but he is the God of the socialists. Obviously he was not capable of gauging the mental agility of the average Englishman.

My research has led me to believe that the Governors of the States of Australia have been appointed by the Imperial Government on the advice of the State Governments. It appears that since federation none of the State Governments has been willing to allow the Federal Government to assume the authority for appointing State Governors. That privilege and power has been carefully retained by the State Governments.

In 1888 the Government of the day in Queensland wrote to the Imperial Government requesting that the Queen not appoint a certain English gentleman who had been recommended for the Governorship. It appears that even as far back as that year the State Government—in other words, Parliament—had the power to pick and choose its Governor.

I was intrigued to hear that the Imperial Constitution Act of 1842 gave us the Governor as an established entity. I have studied

articles on the various constitutions and I found a proclamation of 10 June 1925 by Governor Nathan on letters patent constituting the office of Governor in the State of Queensland. It recited letters patent of 6 June 1859 whereby Her Majesty Queen Victoria, by certain letters patent under the Great Seal of the United Kingdom of Great Britain and Ireland, dated Westminister, 6 June 1859, in the 22nd year of her reign, did erect certain territories described into a colony by the name of the Colony of Queensland. It would appear that the Colony of Queensland was instituted on that day under the Royal Seal.

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

Dr. SCOTT-YOUNG: Before the dinner recess I was discussing the proclamation by the Governor, Matthew Nathan, made on 10 June 1925 on letters patent constituting the office of Governor for this State, in which he recited letters patent of 13 March 1862 in which the boundaries of the colony of Queensland were defined. This proclamation also recited letters patent of 10 October 1878 in which the Torres Strait islands were included in the colony of Queensland. That gave us considerable legal hold on the Torres Strait islands. I hope that our Prime Minister considers this matter deeply before handing them over to Papua New Guinea. He also recited the Imperial Act of 1863–64, from which I wish to quote this passage—

> "Recites Imperial Act 63 and 64 Vict. c. 12, Proclamation of 17 September 1900, and Letters Patent of 29 October 1900. And whereas in virtue of the provisions of the Commonwealth of Australia Constitution Act, 1900, and of the Proclamation issued thereunder by Her said Majesty, by and with the advice of Her Privy Council, on the Seventeenth day of September 1900, Her said Majesty did, by certain Letters Patent under the said Great Seal of the United Kingdom of Great Britain and Ireland bearing date at Westminster the Twenty-ninth day of October 1900, make provision for the Office of Governor-General and Commander-in-Chief in and over Our Commonwealth of Australia."

It is quite clear that the position of Governor-General was created legally by a proclamation made by Her Majesty. That means that if the position of Governor-General were sought to be done away with the only way to do so would be to remove the monarchy in England.

The quotation continues—

> "And whereas by certain other Letters Patent under the said Great Seal also bearing date at Westminster the Twenty-ninth day of October 1900 the Office of Governor in and over Our State of Queensland and its Dependencies in the Commonwealth of Australia, was constituted as therein provided:".

Very definite notification is contained in that proclamation about the position of Governor in Queensland being legal and binding. I am very pleased to note that the Premier has introduced this legislation to ensure that the only way to abolish the position of Governor will be by way of referendum.

Later, under the heading "Office of Governor constituted", the following appears—

> "And further know ye that We do by these presents constitute, order, and declare, that there shall be a Governor in and over Our State of Queensland and its Dependencies, in the Commonwealth of Australia (comprising the Territories and Islands hereinbefore described), which said State of Queensland and its Dependencies are hereinafter called the State, and that appointments to the said Office shall be made by Commission under Our Sign Manual and Signet."

There can be no doubt that the position of Governor of Queensland was created legally by royal command and royal assent.

What would happen if we did not have a Governor? Certain parliamentary and executive procedures would have to be rethought completely. In fact the whole of the Australian Constitution would have to be replanned and redesigned. If we do away with the Governor of the State, we interfere with a major mechanism in our constitutional democracy and the Governor-General's office must then be reviewed. That would fall right into the hands of the centralists and socialists. Two of the greatest clowns at the moment are Donald Horne and Professor Wright. With their mate or running-dog, Halfpenny, they are going around the country professing faith and belief in a republic.

Mr. Frawley: And the member for Archerfield, too.

Dr. SCOTT-YOUNG: The honourable member for Archerfield has no ability to think either way. He differs from his leader on the same subject. I am not paying much attention to the ideas expressed by the honourable member for Archerfield.

What would a centralist federal system mean? It would mean the abolition of all State Parliaments and State Governments. It would transfer their power to a centralist Government, which would also be minus a Governor-General, because that position would become redundant. The States would be cut up into regions and provinces, to which would be transferred some functions of State administration. One big danger at the moment is that even this Government is thinking in terms of regional development, most probably with the idea of doing away with local authorities or transferring the State administration to a municipal body, which is somewhat similar to the set-up in England, where there is a central Government and large municipal organisations. The same state exists

in New Zealand. When the Union was formed in South Africa—a country one-sixth our size—it proved a complete and utter shemozzle and led to a lot of their present racial problems. So I do not think anything is to be gained by having a centralist system.

I repeat, the same theme is followed by our present so-called non-socialist Government in Canberra. Those people have been slowly whittling away our powers by a plan of continual and gradual erosion and economic sanction. Section 109 of the Commonwealth Constitution states quite clearly—

> "When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid."

That is what is happening. By the central Government's careful planning and passing of legislation, we are slowly but surely having our powers whittled away in the economic, legal and political fields. The other interesting part is that not only does the Commonwealth Government do it by legislation but it also tries it by referenda. I refer honourable members to referendum No. 19—Constitutional Alteration (Post-War Reconstruction and Democratic Rights) 1944—which luckily was lost. It sought to combine a large number of items and procedures, all of which taken together would have imposed a terrific burden on our democratic way of life and would have taken away a lot of our freedoms.

I will not quote them in detail, but they are there for any member to read carefully. Think of the problem that could have rested on our shoulders if that referendum had not been rejected—and very wisely so—by the public. It is interesting that Queensland voted very strongly against the proposal. If that referendum had been passed, our State would have been shackled both economically and legally. Most probably, we would have had to bring this type of legislation in much sooner.

It is claimed that central government is much more efficient and economic than our present system of State Governments and State Governors. What would happen under a centralist system is that the Government would sit in Canberra and exercise control over vast areas of this country—a country that varies greatly in climate, terrain, density of population and private productivity. We would lose certain safeguards that are written into our constitution, under which some of the smaller—or weaker—States are protected. We would have unified codes and laws for everybody in the country. There would be a great integration and absorption of public servants from State departments into a large central Government. Families would be uprooted and large-scale dismissals of supernumeraries would occur. Large departments would be integrated.

Primary industries, industrial development and welfare would all be clumped together and controlled by a central bureaucratic group, which would endeavour to differentiate between the problems of Perth and those of far away Thursday Island. Very little efficiency would exist in the system. I ask honourable members to try to imagine people in Canberra attempting to resolve the differences between Perth, which is 2,000 miles away from Canberra, and Townsville, which is 1,800 miles away. Even with modern-day communications such as are provided by telecom and air travel, that is not possible.

Looking at economics I cannot see how the centralists can hold their heads up. The Leader of the Opposition said that the system of having a Governor-General and State Governors was a costly business. He would be surprised what he would find if he looked up a few statistics on this subject. In 1937-38, according to the Commonwealth Year Book, the cost of Commonwealth and State Governments was 3s. 11d. per head of population. That is less than it costs to register a dog.

Mr. Burns: What's this about? I never brought that in.

Dr. SCOTT-YOUNG: The Leader of the Opposition said they were costly items.

That amount of money takes into account the salary of the Governor-General, the cost of the Lower and Upper Houses, Executive Council, Minister's salaries and expenses, the electoral office and royal commissions.

According to the Queensland Year Book, 1975, parliamentary government in Australia, for all Parliaments, cost $3.29 per head of population per annum. For Queensland the figure was $1.68. The most interesting feature is that Parliament cost only $1.34 per head of population and the Executive, including the Governor, cost 0.34c. So that the cost of running our democratic parliamentary system, with a Governor-General and State Governors, is extremely cheap. I cannot see how the Opposition and the centralists work out that it would be more economical to run a centralist Government than the present democratically elected Government.

I consider that the Premier must be congratulated on this move. If we ever cease to have a monarchy in the United Kingdom, the fact that we have to change our present parliamentary system only by referendum gives the people of this country the safeguards that our forebears provided for us.

Mr. FRAWLEY (Murrumba) (7.27 p.m.): The Bill introduced by the Premier to amend the Constitution Act 1867–1972 will be hailed by all loyal Queenslanders as a genuine attempt to preserve democratic government not only in this State but in the whole of Australia. It will preserve the office of Governor as the people's guardian and will ensure that that office can be abolished only

by a referendum of the people of Queensland and not at the whim of any group of politicians such as the A.L.P. Anybody who is familiar with A.L.P. policies knows that the office of Governor is to be abolished if ever it becomes the Government.

The honourable member for Archerfield—the Idi Amin of Inala—has stated in this House on more than one occasion that the office of Governor should be abolished. He said the same today. One can well understand these sentiments being expressed by that honourable member, who, besides other things, is patron of the Inala Branch of the Chilean Communist Party.

Mr. K. J. HOOPER: I rise to a point of order and I will make it quick because I do not like taking points of order. As you know, Mr. Gunn, I am not particularly thin-skinned. That statement is completely untrue and is offensive. The honourable member for Murrumba is a mug and a parrot and I ask him to withdraw it.

The ACTING CHAIRMAN: Order! The remark is offensive to the honourable member for Archerfield and I ask the honourable member for Murrumba to withdraw it.

Mr. FRAWLEY: I withdraw it.

Again today the honourable member for Archerfield showed us where his loyalties lie. He read a brief prepared by the Left Wingers at Trades Hall and proved to the people of Queensland just what they can expect if the A.L.P. ever becomes the Government in this State.

The Labor Party has been infiltrated by Communists and the Socialist Workers' League. Every rat-bag and radical with an axe to grind has hitched his wagon to the A.L.P. star. The homosexuals and lesbians have made the A.L.P. their playground over latter years and it has degenerated from a once great party into a group of idiots.

Mr. Jensen: The South Australian Government has just passed a law making it a criminal offence for a man to rape his wife.

Mr. FRAWLEY: What a lot of rubbish! How could a man rape his wife? That is just the silly sort of thing that Dunstan in his pink pants and the homosexuals would decide.

The A.L.P. has even tried to accede to the wishes of all these radicals and way-out people. In Canberra it wanted to legalise incest committed by people over 18 years of age, homosexual marriages and every other stupid thing round the place. Delegates to the Labor conference in Cairns even wanted to legalise the smoking of marijuana. They have always advocated that. They have even tried to destroy the Christian concept of marriage by appointing marriage celebrants. At $40 to $50 a pop, they are on a very good wicket.

A Government Member: We should chuck them out completely.

Mr. FRAWLEY: We certainly should. The Government in Canberra is not living up to its responsibilities by allowing such things to continue.

Mr. Jensen: People can go to registry offices.

Mr. FRAWLEY: That has been the case for years. Marriage celebrants were appointed by the Labor Government only as an attempt to destroy the Christian marriage and to get under the necks of ministers of religion.

The only ones who complain about the Bill are those who see their cherished hopes of turning this country into a dictatorship being blocked by the Premier and the Government. The threat of Communism still hangs over this nation. This was emphasised by the demonstrations in Brisbane last year when the Whitlam Government was dismissed. A group of traitors to the State of Queensland marched down here and stood outside the gates of Parliament House waving flags showing hammers and sickles and chanting Communist slogans. They expressed their allegiance to the Communist Party. They flaunted Russian flags outside this Parliament.

Mr. McKechnie: The honourable member for Rockhampton was only a few yards away.

Mr. FRAWLEY: He went out and spoke to them. They chanted slogans, spat on policemen and used the dismissal of the Whitlam Government to revile this Government. In this they were encouraged by the A.L.P. Everyone was aware of the alliance between the Communists and the A.L.P. At a meeting at the Trades Hall on the day of that march, the Leader of the Opposition addressed the workers. He told them, "Don't worry if you have to crack a few heads." The Leader of the Opposition knows that he said that.

Mr. Burns: That's a lie.

Mr. FRAWLEY: No, it is not. One of my stooges at the Trades Hall told me about it. I was a member of the Electrical Trades Union for 20 years and I still have many friends in the union movement.

Mr. BURNS: I rise to a point of order, Mr. Gunn. I put on record that this man is a liar. I never said that at any meeting at the Trades Hall and I ask that it be withdrawn.

The ACTING CHAIRMAN: Order! The honourable member for Murrumba will withdraw that statement.

Mr. FRAWLEY: I withdraw it, Mr. Gunn.

The ACTING CHAIRMAN: Order! The Leader of the Opposition has called the honourable member for Murrumba a liar. That is unparliamentary and I ask that he withdraw his statement.

Mr. BURNS: It is true, but I will withdraw it.

Mr. FRAWLEY: I will withdraw what I said, too.

I am certain that all Australians who fought under the Australian flag in all the wars in which this country has been involved would not like to live under the Russian or Chinese flags.

Mr. Burns: Joh went to war, too, didn't he?

Mr. FRAWLEY: I do not know. I am talking about myself. I went to war and so, too, did the Leader of the Opposition.

All Christians should be reminded of the dangerous situation that exists in this country. If we want to retain the freedoms that we enjoy, everybody must be warned about Communists and the Labor Party and the fact that Communists have full control of some unions. They control the Amalgamated Metal Workers' Union here and in the South, where there are those idiots Carmichael and Halfpenny. They control the Builders' Labourers' Federation with Hughie Hamilton, who is president of the Queensland branch of the Communist Party. They run the Seamen's Union, the Transport Workers' Union and, I am sorry to say, the Electrical Trades Union of which I have been a member for years. It, too, is now under the domination of Communists and Left-Wingers.

It is necessary to amend the Constitution Act to protect this State from the domination of Communists. Even when the Bill becomes law, there is still the danger that an A.L.P. Government would attempt to ignore it. A typical example of the attitude of the A.L.P. to the wishes of the people of Queensland was the abolition of the Queensland Legislative Council in 1922.

Mr. Burns: Do you want it back?

Mr. FRAWLEY: I certainly do. I go on record as saying that I believe there should be a Legislative Council in this State. But I do say that if the Legislative Council were re-established the membership of this House should be reduced by the number in the Upper House so that there would be no extra cost to the people of Queensland.

Mr. Burns: Your seat might go.

Mr. FRAWLEY: Even though I say it myself, I would make a good member of the Legislative Council.

A referendum was held in Queensland in May 1917 on the abolition of the Legislative Council, in which 179,105 people voted to retain the Upper House and 116,196 voted for its abolition. There were 2,968 informal votes. Approximately 424,000 were entitled to vote. Against the wishes of the Queensland people the A.L.P. then proceeded to abolish the Upper House by infiltrating it from within. It kept on appointing enough members—it was a House of appointment—and it completely destroyed the Legislative Council with its suicide squad.

Mr. Lindsay: Thank God they did.

Mr. FRAWLEY: With all due respect to the honourable member for Everton, who is only a newcomer to politics, I never thought I would hear a member of the Government say that. He is not a bad bloke and I like him very much, but I think he made a wrong statement.

This Government is committed to protecting the rights of Queenslanders, and this legislation will protect and preserve all that is best in the British and Australian constitutional systems, particularly as they apply to Queensland. Normally this legislation would not be necessary, but unfortunately the A.L.P.—which is the only major political party in Queensland, other than the two Government parties, which could attain Government in this State—could change that office against the wishes of the people of Queensland. I say that anyone who wants to enjoy the so-called advantages of Communism should get out of this country and go to some place where it is practised and see just how good it is. Fortunately for all these people in the A.L.P. and their running mates, this is a democracy and the fundamental principle of democracy is that everybody has to respect the political opinions of other people.

Mr. Burns: Do you do that?

Mr. FRAWLEY: I certainly do.

Mr. Burns: Even to Communists?

Mr. FRAWLEY: If I did not, we would have had Communists deported from this State long ago.

The ACTING CHAIRMAN: Order! The honourable member will address the Chair.

Mr. FRAWLEY: I am continually being distracted by the members of the Opposition.

The ACTING CHAIRMAN: Order! The honourable member does not have to take interjections.

Mr. FRAWLEY: Another principle of democracy is that the rights of minority groups are recognised, as is freedom of speech and freedom of thought. They are all part of democracy. An essential safeguard of the democratic rights of the people is the probability of regular and peaceful changes of Government by the collective will of a majority of the people. That is why we hold regular elections.

Mr. Jensen: Do you think the Communist Party should be banned?

Mr. FRAWLEY: Of course the Communists should be banned. I said that. But under our system of democracy we tolerate them. I say they should be banned, but

under the democratic system that exists in this State we have to give them a fair go and that is why they do so well here.

Mr. Jensen interjected.

Mr. FRAWLEY: The honourable member is wasting his time.

The ACTING CHAIRMAN: Order! The honourable member for Bundaberg will cease interjecting.

Mr. FRAWLEY: I am tougher than him —twice as tough. I am not worried about how many interjections——

Mr. K. J. Hooper: It's the only way you can make a speech.

Mr. FRAWLEY: I do not have my speeches written for me by any Left Wingers at the Trades Hall and stand up here like a parrot——

Mr. Prest: You're reading now.

Mr. FRAWLEY: I'm not. Look at the notes I have made myself, shorthand and longhand. I do not have speeches written for me by anybody.

The A.L.P. and their blood brothers want to turn this country into a republic. Mr. Whitlam and the A.L.P. became the Federal Government in 1972 and he set about turning Australia into a republic. Of course, he had to gain control of the Senate, and when there was an opportunity to have a half-Senate election, what did he do? He tried to arrange for six vacancies in Queensland by appointing the then leader of the D.L.P. in the Federal Parliament, Vince Gair, as Ambassador to Ireland. We all know what happened then. The Premier was too smart for Gough Whitlam. He issued the writs for the Senate election and made sure there were only five Senators to be elected from Queensland and that the State Government would appoint the other senator. We would have appointed a D.L.P. senator to take Vince Gair's place just as we appointed a good strong Labor man to take the place of the late Bert Milliner. He was a man for whom I had a great deal of respect. He typified the old-style A.L.P. man who does not seem to exist now.

Some honourable members opposite are a disgrace to the Labor Party. That is why it is in its present shocking state, with only 11 men in Opposition. I am sad when I think back to the days of Ned Hanlon, Curtin, Chifley, Forgan Smith and those other good men who made the Labor Party what it was and then see the state into which it has degenerated today.

We had Whitlam appointing Murphy to the High Court of Australia. In his smart way he thought in the years to come he would gain control of the High Court. He thought it would be very nice to have a puppet of his in the High Court.

Then in 1975 during the Federal election campaign here in Queensland various candidates made threats that there would be violence if the A.L.P. was not re-elected. I well remember Mr. Hungerford, the Labor candidate for Petrie, stating in the "Pine and Peninsula Post" that if the Labor Party was not re-elected, there would be violence in the streets. There was violence in the streets. What an awful threat to try to make the people of Queensland vote for a Labor candidate! All the violence that has erupted since the dismissal of the Whitlam Government by Sir John Kerr has been fostered by the Labor Party. It has been behind every demonstration. It has even financed some of them. Last week in Sydney a builder's labourer was convicted of causing riots. He admitted he was paid $150 to go to different jobs and cause disruption and violence. He admitted that in court under oath. He did not say who paid him, but one can read between the lines. That is the kind of lawlessness we have come to associate with the Labor Party.

The Bill will go a long way towards ensuring that this State will always have the protection of a Governor who can override any legislation that may be brought in by any political party to alter the constitution to suit its own policies. The Governor has the right to override any legislation introduced in this State. That is why we have to entrench the office of Governor. We certainly would not want this country to finish up as a republic. I do not think the honourable member for Archerfield really knows the definition of "republic", so I went to the trouble of looking up the definition for him. It is a State where the power is not directly in the hands of or subject to complete control of the people. That is not democracy.

Mr. Jensen: What about America?

Mr. FRAWLEY: America is a different form of republic. It is a democratic republic. I have a whole lot here about the American republic, but I do not intend to bore the Committee by reading it. Honourable members opposite can go to the Parliamentary Library and get it for themselves. Look at the dangers of a republic. Take Uganda, for example. According to its constitution of 1967, Uganda was a sovereign republic within the Commonwealth of Nations. It had an executive president at the head with 82 elected members of its National Assembly. It had another number of specially elected members to give the party having the greatest numerical strength in the Assembly an over-all majority of not more than 10. In 1971 Uganda's Government was overthrown by the armed forces. A return to civilian rule was promised. Here we are in 1976 but still nothing has been done about that. That is one danger of a republic. The Labor Party always talks about Queensland as a banana republic. I will tell honourable members

opposite about a banana republic. In 1966 Uruguay had a constitution which restored the presidential system of government.

Mr. K. J. Hooper: What has this to do with the Bill?

Mr. FRAWLEY: I am just pointing out the dangers of a republic. The honourable member for Archerfield is a great republican but he does not even know what "republic" means.

Mr. K. J. Hooper: The Parliamentary Library gave you this.

Mr. FRAWLEY: Of course, the Parliamentary Library has this information. It has a great research section, which is far different from what that bloke Wiltshire said at a Labor seminar recently when he alleged that back-benchers in this Parliament did not enjoy any facilities in the library. He cast a slur on the library staff.

The ACTING CHAIRMAN: Order! The honourable member will return to the Bill.

Mr. FRAWLEY: I honestly believed that you were allowing members a fairly wide range in this debate.

The ACTING CHAIRMAN: Not as wide as the honourable member has gone.

Mr. FRAWLEY: I misinterpreted. I am sorry.

Getting back to the Republic of Uruguay —its parliamentary regime was suspended in June 1973, and replaced by a 20-member Council of State led by some way-out President Bordaberry. He was tossed out in June 1976, and that country still has not had a democratic election. I have referred to two republics.

Mr. Jensen interjected.

Mr. FRAWLEY: The honourable member for Bundaberg will be lucky to retain his seat at the next election. I will advise him not to make too many interjections or I will not come and help him. He is a typical example of what would happen if the Labor Party were in control in this State. Every member would have to kick in 3½ per cent of his salary to get endorsement.

The ACTING CHAIRMAN: Order! The honourable member is wandering away from the Bill once again.

Mr. FRAWLEY: I do not want to try your patience, Mr. Gunn.

We do not want Australia to be turned into a republic. The Premier should be congratulated on this legislation. Nobody can ever say that I heap praise on the Premier unless it is well and truly earned.

Opposition Members interjected.

Mr. FRAWLEY: I am not angling for anything at all. I can stand up here and speak truthfully like the honourable member for Townsville South, a man whom I admire greatly. That honourable member made a valuable contribution to this debate, and I am very pleased to be able to follow in his footsteps. The Premier has done something worth while in introducing this Bill to try to preserve democracy not only in Queensland, but in the whole of Australia.

Mr. MILLER (Ithaca) (7.45 p.m.): Many people in Queensland will be asking why this legislation is coming before Parliament today, why it was necessary for the Minister for Justice to make a trip to England at their expense, why it has been necessary for the time of Parliament to be taken up with this type of legislation. I wonder how many people in Queensland realise the dangers that they could face if the A.L.P. should ever regain the Government benches in Canberra.

Two members of the Opposition spoke to this Bill—one, the Leader of the Opposition, putting forward one point of view; the other, the member for Archerfield, putting forward another point of view.

Mr. Burns: That's democracy.

Mr. MILLER: Of course it is democracy.

Mr. Burns: You don't have that on your side.

Mr. MILLER: My word we do!

Mr. Burns: You all give the same point of view.

Mr. MILLER: I am very happy to be able to tell the Leader of the Opposition that on this particular issue all of us on this side of the Chamber are in agreement. On many matters that come before the House we do not agree; on this matter we do agree.

We might ask which of the two points of view put forward today by the Opposition is the official point of view of the A.L.P. Is it that put forward by the Leader of the Opposition, or is it that put forward by the member for Archerfield? For my part, I believe that the official policy of the Australian Labor Party was stated by the member for Archerfield. I have great respect for the Leader of the Opposition as a person, but today he spoke with forked tongue and expressed a point of view that he does not really believe in.

Mr. Burns: What a terrible thing to say!

Mr. MILLER: What a terrible thing to say? I am sure all of us will recall his being reported in "The Courier-Mail" in 1971 as saying that he would do away with Government House and convert it into an old people's rest home. Today, in 1976, he states that he believes in the position of Governor and would retain it. That was in answer to my question.

The member for Archerfield, on the other hand, made it quite clear that he did not believe in the position of Governor, and, as I said, I believe that on this issue he is

the official spokesman for the A.L.P. In 1971 the Leader of the Opposition was State Secretary of the A.L.P. He said, "This is our own country and we should run it. We do not need to have someone's rubber stamp giving authority to our decisions." He also said that Government House and its spacious grounds should be made available to the senior citizens of this country. As I say, that was in 1971. I wonder whether in 1972 he had a different point of view.

Mr. Burns: I did.

Mr. MILLER: I do not think he did.

Mr. Burns: Yes, I did.

Mr. MILLER: He, together with other members of the A.L.P., refused to attend a garden party at which the Governor would be present because he considered it to be more important to go to a senior citizens' afternoon tea. Would any member of Parliament, who is able to attend an afternoon tea with senior citizens on almost any day of the year, miss out on the one afternoon in the year when he could have afternoon tea with the Governor if he really believed that the Governor was a person who should be looked up to and recognised? Again I say that the Leader of the Opposition is speaking with forked tongue.

Over the years the A.L.P. has remained unchanged. In 1974, for example, another A.L.P. member made certain statements on its behalf. On that occasion it was Bart Lourigan.

Mr. Burns: Who is he?

Mr. MILLER: Who is he? For a long time he was the honourable gentleman's friend. On 6 August 1974 he said that the State Government should abolish the office of Governor. Today the Leader of the Opposition said that it should be retained.

What is the situation in the Federal sphere? In my view, the danger lies there, not in the State sphere. On 15 November 1976, Mr. Bowen, the shadow Federal Attorney-General gave Labor's recipe for a republic when he said that the new Constitution would take Australia to the brink of republicanism. He then spoke about why there should be a republic in Australia. Is he the only A.L.P. member in the Federal Parliament talking about a republic? No! On 20 October 1976 Gough Whitlam, the Leader of the Federal Opposition, was asked this question, as reported in "The Australian"—

> "Under the Constitution we have a Prime Minister who can sack the Governor-General and a Governor-General who can sack the Prime Minister. Do you think we should be considering a republic and an elected President?"

His reply was—

> "If we were contemplating a republic then we should contemplate the American system where the President is both head of State and head of government."

He then said, "A republic is inevitable." Those are the thoughts of the Leader of the Federal Opposition, Mr. Whitlam. Yet the Leader of the Opposition in Queensland said that he believes the position of governor should exist, that we should have a governor in Queensland, and that the position of governor should be a safeguard for the people of Queensland.

Exactly what is the Governor's position in this State? He is a check and balance against the stupidity of a Parliament which may be elected at some time in this State. I repeat: the Governor is a check and balance against the stupidity of a Parliament that could be elected at some time in this State. Every other State has two checks and balances; Queensland has one. If the Governor does not assent to legislation passed in this Chamber, it does not become law. Every other State in Australia has two checks and balances; yet the Australian Labor Party today is saying that we should not have a governor in the State, that we do not need these checks and balances. Irrespective of the type of parliament elected. Labor wants the situation in which any legislation that is passed, be it good or bad, will not be subject to any check and balance. Labor believes that no second thought should be given to it, that once it passes through the Chamber it should be law. I never want that to happen in Queensland. Other honourable members have said that they would like to see an Upper House in Queensland. So would I, if for no other reason than to have a check and balance against what we do.

Mr. Jensen: An elected house, or an appointed one?

Mr. MILLER: I want it elected in the same way as this House is elected. If people can elect members to this House, they can elect members to an Upper House.

Surely Opposition members cannot be satisfied with every piece of legislation that has gone through this Chamber. I certainly have not been. Some of the legislation passed in this House has not been in the best interests of the people. I do not believe it would have been passed if there had been an Upper House. I want an Upper House and a Governor.

Professor Hughes, in remarking on the role of the Governor, pointed out that the Governor did an excellent job in 1957. Under the heading "Even Red powers need a governor", Professor Hughes is reported in these terms—

> "The Governor's role as the watchdog of the people's interest was a very real responsibility, he said.
>
> "Professor Hughes said Sir Alan Mansfield as Administrator, in 1957, had protected the public's interest during the fall of the Gair Government.

> "At the Labor-in-Politics convention in Surfers' Paradise, the Australian Labor Party extended its policy of appointing only Australian Governors to mean the abolition of the Governorship."

So we see that the role of Governor is a very vital one indeed. It is a role that we have to ensure is exercised in the best interests of the people. I only hope that the money we have spent in sending the Minister for Justice overseas and the time that has been spent in the Chamber today will ensure that the position and the role of Governor will always be safeguarded in Queensland. I hope that we are not wasting our time, because I certainly do not want to see a republic similar to that in America or France. America has shown me nothing over the years that would enable it to be held up as an ideal system of Government. I believe that in Australia there are principles we can hold up and say, "That is what we believe in. This is the safeguard that the people of Queensland and the people of Australia have." The American system does nothing whatever for me.

I believe that we were embarrassed over the Queen of Queensland legislation. I hope we are not embarrassed over this Bill. I hope we ensure that what we are doing today will continue what has been done in the past.

Mr. Moore: It doesn't matter. We shouldn't get embarrassed. We have to keep trying.

Mr. MILLER: I was embarrassed over the Queen of Queensland incident, if only because we were not sufficiently strong to ensure that we achieved what we set out to do. I do not believe in wasting the time of the Parliament.

I commend the Premier of the State and the Minister for Justice on the introduction of this legislation today. I hope the people of Australia will realise just what is meant by its introduction.

Mr. GIBBS (Albert) (7.57 p.m.): I rise to support this move to amend the Constitution Act 1967–1972, basically to entrench the position of Governor. It assures Queenslanders that we cannot be turned into a republic without the full agreement of the people of Queensland—and without their full agreement by vote. We have to pay a great tribute to the Premier for giving this lead. The previous speaker referred to the Premier and the Queen of Queensland legislation and said he felt embarrassed because we did not succeed. If we are frightened to stick out necks out for fear that we might not succeed, we will not get very far in this world. The Premier has proved that over the years that he has headed the Government in this State. He will continue to prove it.

We pay a tribute to the Minister for Justice (the Honourable Bill Lickiss) for the job he did in England and for bringing back all the information necessary to enable this legislation to be brought forward. I am proud to be part of a Government that introduces this legislation.

As the Minister for Justice said, the heart of the Bill concerns the office of Governor to represent the Queen in the exercise of her functions under our own Constitution Act and under the royal prerogative generally as it affects Queensland. He said that we will extend statutory recognition to the Governor, whereas previously that was merely assumed. Previously in Australia we have always had the security that allowed us to assume this would happen. However, all that changed with the advent of the Federal Labor Government and the way they behaved and their attitudes to Australia—their attitudes to change, to socialism and to republicanism. Whatever the system, they wanted to change it. They were dedicated to changing the system. It is amazing that, with a system that has worked for many, many years, all of a sudden they contend that it is unworkable and set sail to dismantle it. The aim of this legislation is directly related to the attitudes of that Government.

I wish to refer now to some Press clippings. "The Australian" on 20 October 1976 had the large headline, "Gough would keep Kerr. But we'll have republic in time". The article apparently resulted from a question-and-answer session between Mr. Whitlam and a journalist. One of the questions was, "What is your personal view?" The answer given was, "A republic is inevitable." That is our Prime Minister of the day. Of course, Kerr finally sacked him because he would not obey the constitution. We are lucky that we had a man like Kerr who carried out his duty as he had to under the constitution that was formulated in Australia by a lot of wise men many years ago.

I should now like to refer to the Australian Labor Party platform and the form of pledge that a candidate has to sign. One of the pledges reads—

> "I also pledge myself to actively support and advocate at all times the Party's objectives—the socialisation of Industry, Production, Distribution and Exchange."

We know what those few words mean when we look right into the system. The pledge also states—

> "The democratic socialisation of industry, production, distribution and exchange —to the extent necessary to eliminate exploitation and other anti-social features in those fields—in accordance with the principles of action, methods and progressive reforms set out in this Platform."

They are bound to accept those pledges irrespective of what the Opposition has said today and irrespective of what its members are recorded in "Hansard" as having said. They have to sign that form and obey on that basis.

"The Courier-Mail" of 25 October 1976 contained an article written by Senator Colston. It is headed, "System 'no bar for socialism' ". The article reads—

> "Democratic socialism could be achieved in Australia under the present Constitution, Labor Senator Colston said yesterday."

The article also says—

> "Senator Colston was speaking in place of Mr. Bart Lourigan, former Queensland party secretary.
>
> "The seminar was held at Labor House, Newstead."

Once again that spells out the attitude of the newest senator, who represents Queensland in Canberra. That is what he stands for. It is no wonder that we chose to elect Senator Field. He is a man of integrity who was put there for the time being. I believe he did a tremendous job while he was there.

A headline in "The Australian" of 28 October 1976 reads, "Kerr attacks republicanism". The article reads —

> "The Governor-General, Sir John Kerr, said yesterday amendments to Australia's Constitution may be necessary but he disagreed with those who wanted Australia to become a republic."

And later—

> "Sir John said many formidable barriers existed to changing the system of constitutional monarchy to republicanism."

Sir John was a Labor appointee. With great courage he carried out the job that he had to do in sacking the Whitlam Government. He, too, speaks against a republic.

"The Australian" of 15 November 1976 contained an article headed "Labor recipe for republic", written by David O'Reilly. It commences—

> "The A.L.P. is to examine proposals soon for a revamped Constitution compiled by the shadow Attorney-General, Mr. Bowen.
>
> "The new Constitution, which would take Australia to the brink of republicanism, was drawn up because of the continuing controversy over the present constitutional framework."

We all know who Mr. Bowen is. The intention at any future conference on the constitution is to alter anything possible to allow Australia to become a republic. In the same article, which was based on the philosophy of Mr. Bowen, the shadow Attorney-General in the Federal Parliament, it is also stated —

> "The new Constitution would also include a bill of rights but it would not make Australia a republic in the American sense.
>
> "Those who wish to recognise Australia's relationship with Britain would be free to do so but there would be no specific mention of the Queen in the Constitution."

That means that a person could send Her Majesty a Christmas card every year but that is as far as he could go. That is how I interpret that statement. The article also states—

> "Asked if the Governor-General would be sacked if he objected Mr. Bowen said: 'Yes, he'd be replaced by somebody who would at least carry out the law because the position is quite clear; the power of rejection is not in the Senate.' "

I think that the man who made that statement either has no integrity or does not know the law. The shadow Attorney-General in the Federal House should know better than that.

"The Australian" of 25 November 1976 has the headline, "Bjelke's legal bid to stop the republicans." This article by Norm Harriden reads—

> "The Queensland Government has prepared legislation to ensure that Australia will never become a republic after a comprehensive legal brief endorsed by constitutional experts in Britain.
>
> "The Premier, Mr. Bjelke-Petersen, said today he would introduce legislation this week to ensure that Australia could not become a republic until a referendum was held in Queensland.
>
> "There was 'no way in the world' Queensland would accept a referendum vote by other States to create a republic."

That, of course, is the whole crunch of the deal today. I believe this Bill is probably the most important legislation on the constitution that has ever been put through this Parliament. It is a shame that the Government has had to go to these lengths to overcome problems that could arise in future for those who live in this wonderful State in which democracy must reign for all time. Whilst we are the Government we will do all in our power to see that this is done.

I heard Opposition members refer to Prince Charles. I greeted him last year when he visited Queensland. He is a very bright person who knows what is happening throughout the world. After a conversation with him, I am sure that he is a wake-up to Opposition members when they say that they would like to see him here. They are, of course, the same ones who have rejected and insulted the Governor. Many of them did not attend the function following the opening of Parliament in 1972. The newspapers and "Hansard" record what Opposition members think of the Governor and the whole viceregal set-up. We have heard repeated today the Opposition's claim that Government House should be used for some other purpose and that the office of Governor should be abolished.

I am pleased to be part of a Government that is entrenching the office of Governor in Queensland so that no Government in Canberra, irrespective of its point of view or its

political colour, will be able to upset Queensland in its constitution and its democratic rights. I believe that the action being taken today will be of great significance to not only Queensland but all of Australia in the future.

Mr. BROWN (Clayfield) (8.8 p.m.): I was delighted to hear the honourable member for Albert refer to the first plank in the platform of the Federal Labor Party, which is the democratic socialisation of production, the means of——

Mr. Wright: He doesn't know it. One of the first rules for public speaking is to know your subject.

Mr. BROWN: I shall have it in a moment. The first plank in Federal Labor's platform is socialisation of the means of production, distribution and exchange. I was merely clearing my throat. I should like to relate this plank to the State scene. After all, we are in Committee of the State Parliament. I should like to refer to the Labor-in-Politics Convention held in Cairns in 1974.

Mr. Burns: What happened there?

Mr. BROWN: I am about to say what happened there. A motion was passed seeking the eventual collective ownership and control of industry.

Mr. Gibbs: Did they legalise brothels up there, too?

Mr. BROWN: I think they did. But I am more concerned now with supporting the argument of the honourable member for Albert. When one looks at such motions, one finds the real A.L.P. As the honourable member for Toowong said this morning, it is the leopard that does not change its spots.

The Leader of the Opposition pays lip-service to the monarchy and expresses some deference to the office of Governor. On behalf of the Opposition, he does not oppose the measure being brought down this evening. However, we have these two rather damning items which are a part of A.L.P. policy as we know it. This is quite evident if we cast our minds back to 1972, when the A.L.P. came to power in the Federal scene. Before the disastrous election I do not recall ever hearing Mr. Whitlam or any of his colleagues talking about socialism. It was all Labor this and Labor that. I am perfectly aware that we lost in the Federal sphere and that the Government was taken over by Mr. Whitlam and his cohorts. It was not very long after that—a matter of some months—that they were indeed talking about socialism with some degree of pride. This is the sort of thing we have to guard against.

This Bill seeks to entrench the parliamentary system as we know it in this State. It seeks to protect the citizens of this State by giving them the power to make any changes to the Act by referendum. This is where the power should be vested—in the people.

I would like to make reference to some statements made by the honourable member for Archerfield, which were diametrically opposed to those made by his leader. He sought to make these statements under the guise of expressing a personal opinion. However, that is not quite good enough in this place. I do not think I could rise and say that I was expressing a personal opinion which was diametrically opposed to the policy of this Government. So when looking at this measure we have to look at the attitude of the honourable member for Archerfield and at the platform of the Australian Labor Party.

A measure was introduced at the Labor in Politics Convention in Cairns in 1974 which sought the collective ownership and control of industry. I like that word "collective", it's a beauty! It is a word one does not often hear in Government circles in this nation, and it should not be heard in this Chamber.

Mr. Jensen: Did you say "co-operative ownership"?

Mr. BROWN: The honourable member makes a good point there.

Mr. Jensen: It is just like "co-operative"; that is the same as "collective".

Mr. BROWN: I see; "co-operative" is like collective farming or collective this and collective that. "Collectivisation" is a term that is employed extensively in the Communist States as we know them.

Mr. Jensen: I didn't mean that.

Mr. BROWN: That is what I am talking about, and that is how the motion was framed. If the honourable member wants to dispute it he should have a look at the record because it is all there.

However, the honourable member for Bundaberg is a man for whom I have enormous respect. We have to recognise that a Labor-in-Politics Convention can direct State members, who are elected by the people of this State, as to how they should act. This is something that creates a tremendous gulf between the political ideologies of the Liberal and National Parties on the one hand and the Australian Labor Party on the other.

The honourable member for Bundaberg has stood up to his principles and refused to accept a direction from the Labor Party. As a result of this he has been hounded and victimised and probably will not gain re-endorsement. He has been forced into a situation where, because of his high principles, he will have to stand alone in seeking the endorsement of his constituents. I think that is the sort of thing we are afraid of. I do not mind telling honourable members that I am afraid of it. I think we should all be afraid of it because this is the difference between the A.L.P. and our side of politics. The purpose of this Bill is to preserve

democracy against the forces which are so active today and which are intent on destroying it.

Mr. K. J. Hooper: You're drawing a long bow.

Mr. BROWN: The honourable member for Archerfield is going off again. He has had his say. We know that he is a republican. We have seen him at work. At least he comes out and says what he thinks. We know that he wants to get rid of the Governor. He has said that he wants a republic. That is on record. There is no argument about that. We know that he does not agree with his leader. He has already said that, too.

I support the Bill. I see in it a means to protect Queenslanders. It takes a lot of courage for the Premier and this Government to bring this measure forward. It is designed to protect Queenslanders first and to protect this nation second. I commend the Bill to the Committee.

Mr. WRIGHT (Rockhampton) (8.16 p.m.): I have listened very carefully to the contributions made in this debate. Having considered the thoughts put forward I believe the Bill is now a clear admission by this Government that it believes quite earnestly that a Labor Government will soon be back in power in Canberra. There is no other reason for this legislation; that is what it comes back to. It has been said time and time again that there is a threat by Communists or socialists to remove the system whereby the Governor has the control in this State.

Either that is the reason or the Government does not trust Malcolm Fraser; and it thinks that perhaps he has some strange scheme. There can be no other reason for the legislation. I don't believe that the office of Governor is under threat, and I do not believe it ever has been under threat, so we must ask the reasons for the legislation. Surely this Parliament is not going to waste a tremendous amount of time and money on a useless exercise. I wonder what it has cost. What does it really cost the people of Queensland to introduce this legislation today and tonight? We know that the Minister for Justice went overseas. We do not know what that cost but I should imagine it would have been many thousands of dollars—probably $30,000 or $40,000 because he didn't go by himself. Maybe at some time the Minister will tell us exactly what it did cost. The Minister met top legal advisers over there, but they do not give their advice for nothing. They are not going to say, "O.K., Mr. Lickiss, you are the Attorney-General for Queensland. We think you are a nice guy, and our advice to you is free." If a person starts going to top silk in Queensland it costs a lot of money. It costs $10,000 to $15,000 for a long-drawn-out court case. When a company has top legal advisers on tap all the time, it pays them considerable remuneration. It might pay $25,000 to $30,000 a year to a legal firm. Those people overseas are being paid. The Government sent a top Minister over there, and aides were sent with him. That would have been at massive cost. We know that there is tremendous cost involved in keeping this Assembly going for three or four hours. I remember the honourable member for Mansfield saying that it costs something like $3,000 to have a question answered in Parliament. I recall another member saying that every time an amendment is made to legislation it costs the people of Queensland about $30,000. I cannot recall who made that point, but if it is not true let it be challenged. I think we all realise that while the Parliament is sitting, the Government is paying people to be here. The introduction of this Bill is at no small cost to the community. Surely we have the right to know whether there is really a threat against the office of the Governor of this State. I do not believe there is, unless there is an admission that the Labor Party will soon be back in power.

There are some aspects of the legislation that I totally support, namely, the principle of using the referendum. I have always supported the principle of a referendum. It goes back to true democracy and the direct democratic ideas of the Greeks, where the people had the say. I have always supported that idea. When it comes to major changes legislatively and major changes constitutionally that will affect the lives or the administration of the lives of the people, the people should have the opportunity to decide.

But we have two different policies in this Chamber. When it is a matter like this the Government says, "Yes, there will be a referendum, because we support it. We believe that the people should determine these questions." But when it comes to the people of Brisbane saying that they should have a referendum to decide whether or not there should be an electricity rationalisation scheme, the Government says, "No, it should be the Minister for Local Government who decides it." When it comes to a proposal to set up a tavern or a hotel in a suburb, there is no referendum. Even though the establishment of a tavern affects the lives of people, they are denied the right to have a say. The matter is decided by the Government, the Cabinet, the Minister. So two totally different policies are followed here.

When the Premier put up the idea of secession from the Commonwealth did he also put forward the idea of a referendum? Did he say that the people would be given the right to decide? No, he did not. He said that he would have his navy and his aeroplane. When he raised the matter of the Queen of Queensland, did he say that is would be decided by the people of Queensland or that a referendum would be held? When appeals to the Privy Council were retained, did the Premier say that, as this was such an important

matter for the people of Queensland, they will be given the right to decide? Of course not. He told us that Governments decided these things. Again I say that two different approaches are adopted here, one of which is naturally based on political convenience.

Government members have talked about loyalty and allegiance to the monarchy. At the same time, however, they are prepared to threaten to go it alone as a State.

I have made it fairly clear that I question the idea of maintaining the position of Governor, yet I see the need for a non-political State representative. The important criterion here is the "non-political" aspect, but I won't discuss whether or not the present Governor is non-political; there have been some issues in which I believe he has encroached upon the political arena. However, we must question his role.

I hark back to the garden party, because the member for Ithaca made the point that some years ago a few Opposition members went to see some pensioners instead of attending a garden party. I recall that at the most recent garden party held here the Governor did not even come downstairs. We did not even see him. And it was his garden party; he was the person who opened Parliament. I remember Government members voicing their disapproval.

It is also worth noting that this allegiance, this loyalty, this subservience, in some sense is not a two-way process. During next year's royal tour the Queen's visit to Queensland will be only a whistle-stop in Brisbane. No thought has been given to other parts of the State. Yet nothing has been said about that by the Premier. I have not heard the great royalists in the Government ranks raise their voices against this. Why isn't the Queen going to Rockhampton or to Townsville? She should visit those cities and I personally believe that she would want to. She does not meet Queenslanders only by popping in to Brisbane. I do not blame her at all; the organisers are at fault, and they have demonstrated quite clearly that they have no special consideration for Queensland.

In spite of this Government's proposal to declare the Queen as the Queen of Queensland, in spite of its moves to retain the right of appeal to the Privy Council and in spite of its attempt to maintain this total link with Great Britain, the organisers of the royal tour have clearly demonstrated how unimportant they think Queensland is. As I say, there is no outcry against the Queen's whistle-stop in Brisbane.

I suggest there is some value to be gained from maintaining strong links with Britain, but that value is diminishing. Through the European Economic Community, Britain is becoming more and more a European State; through agreements that it has with European countries, it is becoming more involved militarily with Europe; through cultural ties, it is very much a European State. So I do not think we should pursue the idea that we will remain an English potato in an Asian stew. And that is what we are. By all means let us retain the links, because traditionally great value can be obtained from them. I think there is a little bit of the traditionalist in each one of us. But we need to look very carefully at the role of Australia and the role of Queensland as an independent entity. I think there has to be a gradual move towards independence.

Mr. Lickiss: That is what this Bill will do; it will patriate the system of Australia.

Mr. WRIGHT: I do not think it will do that. It will merely maintain the position of Governor, and, as I say, there is no threat to that.

Mr. Ahern: What rubbish!

Mr. WRIGHT: Where is the threat coming from?

Mr. Ahern: From Whitlam.

Mr. WRIGHT: What? From 11 members of the Opposition and from 30-odd members in the Federal House? Oh, come on! The honourable member for Landsborough is having us all on. He is smiling too heartily to be sincere in that comment.

I believe that we already started to make the breaks by removing some of the appeals from the Commonwealth to the Privy Council. There is a consensus that we ought to move gradually out of the realm of the British Commonwealth. So, while I support the legislation, I contend that it is totally unnecessary. This Parliament and the people of Queensland should be told why we have spent so much time and money today in bringing forward this legislation.

Mr. CASEY (Mackay) (8.25 p.m.): I am rather puzzled about what is intended under this Bill, although I listened intently to the Premier outlining the reasons for introducing it. His speech included a tremendous amount of waffle about problems in the constitution concerning no proper recognition of the Governor and so on. Much prior publicity was given to this legislation. Judging by the reaction after the joint-party meeting held about a fortnight ago, I thought that this would be the most important legislation to be debated in Queensland. However, I am sure that the Minister for Police believes that matters debated earlier today are far more significant than the provisions we are dealing with under this legislation.

After listening to the Premier's comments and many other statements made today, I have come to the conclusion that this is a great lot of garbage. I was amazed to hear a lot of political bashing of the Federal Government, or the previous Federal Government. It seems that problems emanating from Canberra have become an obsession with the Premier and the Government. They remind me of the old blind horse shying at

a gate. We must be realistic. There is a Liberal-National Country Party Government in power in Canberra. It has been there for almost 12 months and it has the authority of the people of Australia to be there for another two years. Government members cannot truthfully be blaming the Whitlam Government.

I have studied the constitutional Acts of the Queensland Parliament to see where they go wrong and where the Governor does not seem to have the necessary powers. To be fair, the Attorney-General and his officers who went overseas may have wanted to look fully into all legal aspects, but surely with our three-tier system of government, the Queen or her representative and Parliament have become firmly entrenched over 109 years. Those who have wanted the law changed or have been critical of it in that time have had ample opportunity to challenge the constitutional Acts. Everything done in this House is done by Order in Council or by Acts of Parliament in the name of the Queen or her representative.

To put this matter in its proper perspective, we must trace the foundations of the Colony of Queensland, which can be found in the letters patent referred to by the Treasurer, which were issued in about June 1859. We see from them that all power was given to Sir George Ferguson Bowen, our first Governor. The important part of the powers lies in section 22, which gives this Legislative Assembly the power to alter the constitution where necessary or where required. A number of significant amendments have been made to the constitution. A few minor ones were made in 1972 to tidy up some aspects, but the last major amendment of the Queensland Constitution was in 1934 when certain defects were remedied. In 1925 certain aspects of the constitution and others relative to the Governor's powers were confirmed. I point out that, on both occasions, action was instigated and taken by Labor Governments. In 1925 action was taken by the Theodore and Gillies Governments and the consequential amendments in 1934 were introduced by the Forgan Smith Labor Government.

Mr. Lickiss: That was to entrench it so that it was difficult to reinstate the Legislative Council.

Mr. CASEY: The 1934 legislation not only made it firm that the people of Queensland had to be deciders if there was to be a Legislative Council in Queensland—and there were fears of it during the three years of the Moore Government—but it also entrenched the fact that there had to be elections every three years. If anybody wanted to break the three-year term of office, that matter would have to go to the people. They were the two major measures incorporated in the 1934 legislation. Why not? After all, that was the right and prerogative of the people of this State. They went from 1922 to 1934 without the Legislative Council. Only in certain quarters were there suggestions that the Legislative Council be re-established. In the three years from 1929 to 1932 the Moore Government had the opportunity to do that. Even now we find a suggestion for the reinstatement of the Legislative Council coming from only some people, such as the honourable member for Ithaca and some others in the Chamber. There is certainly no major move from the people of Queensland to bring the Legislative Council back. Rather is the contrary the case. And there have been tremendous moves in other States of the Commonwealth to get rid of their Legislative Councils. Perhaps under their constitutions they were not able to do so.

Under the constitutional Acts of the Parliament, various proclamations and further letters patent were given under the hand of His Majesty the King of England in June 1925 to entrench within our constitution aspects of the office of Governor of Queensland. That is to be found in the constitutional Acts of this State. We have been operating under that law for some considerable time. In actual fact, the proclamation of 1925 reaffirms all previous letters patent, going back to 16 June 1859. So I fail to see that this amendment of the constitution will do anything more than further affirm all those aspects of the Constitution of Queensland, unless somehow or other it is a further affirmation of the letters patent of 10 October 1878, which incorporated various islands of the Torres Strait into the State of Queensland to ensure that no Federal Government could cede them away from Queensland. Under the Commonwealth Constitution we see that before any territory can be taken away from a State there has to be a referendum of the people of the State concerned. If there were some problems about the Torres Strait islands and it was sought to cede them, there would have to be a referendum of the people of Queensland.

Going further again on the letters patent issued on 10 June 1925, we find that the Governor's powers and authorities are clearly set out in that documentation, which is part of this State's statutes. Since 1925—a period of 51 years—these have been operated and acted upon despite the changes of Government in Queensland in that period. Even this Government, which has been in power since 1957, has found no reason to change those in any way. On the same date the then King of England—King George V, I think it was—further issued royal instructions to the Governor of Queensland which are now incorporated in our Act. They clearly defined the powers that he has and the way in which he must accept advice from the Executive Council (the Queensland Executive Council, that is) and from no other body or organisation, which the Premier said today is going to be incorporated in this Act. None of those powers have been changed in any way since 1925.

It seems to me that this is a great waste of time. I can go back to the early stages of our history—to the Australian Colonies Act. The first Colonies Act related to the Colony of Queensland, when it was part of New South Wales. All of these again are contained in the Constitution Act, which clearly defines the powers that can or cannot be exercised.

The part of the Constitution Act commencing at section 12 clearly sets out and defines certain powers that the Governor has in Queensland. It is the Governor and no-one else who has been given the power to convene Parliament at a certain place and time and to prorogue the Parliament. It is the Governor only who has this right and authority in Queensland. Why is there any need to change it? Why do we have to make some alteration to it?

It is the Governor's prerogative, and his only, to appoint certain offices under the Government of the Colony of Queensland. If we look at the Queensland Government Gazette we notice that it is only through him and by Order in Council from the Executive Council that these offices and various departments are established. The Ministers—his ministerial advisers—can be appointed only by the Governor of Queensland. That is already written into our constitution and Constitution Act.

Section 18 of the Constitution Act sets out that this Parliament cannot introduce a money Bill in any way other than on the initiation of the Governor.

Surely when we look at this we must admit that most of our powers are already tied up with the Governor and already he has extraordinary powers. On the advice of his Ministers he might act or do otherwise. This is set out clearly in the Act.

Under a similar Act and similar letters patent the Governor in New South Wales used his powers in 1931 to dismiss the Lang Government. I forget the name of the Governor at that time.

Mr. Moore: Sir Philip Game.

Mr. CASEY: That is right.

I read with great interest in the Parliamentary Library a book written about that episode by the granddaughter of the person who was the secretary to Sir Philip Game at that time. It was written by a person who was more on Sir Philip's side and of his political feelings; however, it was a very unbiased publication which set out clearly that, even then, Sir Philip Game, despite pressures put on him by Mr. Lang (they both agreed to disagree for a considerable period), took action not for political reasons but because the Government could no longer continue without the financial backing it required. Therefore Sir Philip felt that the members of Parliament must go back to the people in order to get it.

The point I make is that our constitution has been in operation for 109 years. Where is it wrong? I do not think it is very wrong at all. We have gone on fairly well under the existing constitution and without any real problems. It has stood the test of time. Once we start mucking around with it, we might start getting problems.

In repudiation of some comments made at various stages of the debate, let me point out that we are living in a democracy and that in a democracy the power must come from the people themselves. This applies to the power of government. This is a powerful Government because it has a large majority which was given by the people of this State. It is able to do, without worry or consideration or with impunity, the things it wants to do, because it has been given the power by the people. When the people decide they no longer wish the Government to have that power, it is the people who will take the power from it. Not the Government, not the Queen, not the Whitlam Government, not the Fraser Government or any other Government in any other State within the federation; it will be the people of the State of Queensland who will take the power away.

It is important to remember, if we want to maintain a monarchal system, the mistake made by King Louis and Marie Antoinette. They held on to their power until eventually they could no longer resist the fact that the power came from the people. They really lost their heads. We have reached the stage where, under our constitutions and the way in which our Governments have followed the Westminster system, there are really only five royal families left in the world.

About the only effective royal families remaining are those of England—and hearts, clubs, diamonds and spades. The Queen of England is also the Queen of Australia, and I was glad to see her so styled by the Whitlam Government. Her Majesty was only too happy to accept that title. In fact, she commented that her father, the late King George VI, who was admired by most of us here today, wanted to adopt this title himself years ago but advisers in Australia were against it. Queen Elizabeth was very happy to be styled the Queen of Australia.

If we are to retain the monarchal system, let us not start mucking around with it. As soon as we started to do that, we would upset the well-established three-tier system of government in Queensland and the other States of the Queen, through the Governor as her representative, the Parliament and the people. But all power comes from, and goes to, the people.

Hon. T. G. NEWBERY (Mirani—Leader of the House), for **Hon. J. BJELKE-PETERSEN** (Barambah—Premier) (8.41 p.m.), in reply: In the absence of the Premier and on his behalf I advise honourable members that he will reply on the second reading of the Bill.

Motion (Mr. Bjelke-Petersen) agreed to.

Resolution reported.

FIRST READING

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

FINANCIAL ADMINISTRATION AND AUDIT BILL

INITIATION IN COMMITTEE

(Mr. Miller, Ithaca, in the chair)

Hon. T. G. NEWBERY (Mirani—Leader of the House) (8.45 p.m.): I move—

> "That a Bill be introduced 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."

It is not often that a Bill dealing with the financial administration of the State and the audit of the public and departmental accounts comes before this Assembly. Indeed, the principal Act which is repealed by this Bill was enacted some 102 years ago. As might be expected, the Bill provides for some fundamental changes which have been developed only after in-depth research of the laws and practices of a number of countries and States under the Westminster system of Government.

The Bill is drawn with full recognition of the fundamental principle that, under the Westminster system of government, Parliament controls the purse-strings; that the administration is accountable for the use of the moneys voted in trust by Parliament for governmental purposes; and that the Auditor-General is responsible for ensuring that the accounting given to the Parliament by the administration is true and fair and represents complete reporting.

The measure is of fundamental importance and calls for mature and informed consideration by the Committee. Thus the Government intends that the Bill be introduced during the current sitting, read a first time, printed and then held over for detailed debate in the next sittings. To assist honourable members in their detailed consideration of the measure, a memorandum has been prepared explaining not only the contents of the Bill but also the basic concepts to which regard was had in settling its contents. It is the Government's intention to circulate this memorandum to honourable members once the Bill has been read a first time and ordered to be printed.

The memorandum explains a number of matters including—

* the doctrine of accountability of the administration to Parliament and the measures enacted in the Bill to implement this doctrine;
* the case to continue the public accounts on a cash basis, as at present, rather than on an accrual basis—although it should be made clear that trading and other like commercial-type accounts will be kept on an accrual basis;
* the need to build up effective internal audit organisations in departments and the functions of such organisations;
* the scope of the external audit by the Auditor-General in other legislatures and the Government's thinking as to the desirable scope of the audit in this State; and
* the powers necessary to be conferred on the Auditor-General to enable him to report to Parliament not only on the results of his audit but also on broader aspects of finances generally, including departmental work in ensuring value for money expended.

It is the Government's hope that this memorandum will substantially assist honourable members in reaching a detailed understanding of the principles followed in drawing the Bill. As I have already said, copies of the memorandum will be circulated to honourable members once the Bill is ordered to be printed.

Coming now to the provisions of the Bill, I propose to give a broad outline only as the explanatory memorandum will afford honourable members a detailed review.

The Bill repeals the present Audit Act, which was first passed in 1874 and amended on a number of occasions since then. The title of the repealed law—the Audit Act—is misleading in that the law covers a number of aspects of the administration of the State's finances in addition to auditing. The title of the Bill—the Financial Administration and Audit Bill—more properly describes the field covered by the proposed legislation.

The Bill is divided into four parts—

Part I—Preliminary;
Part II—Financial Administration;
Part III—Audit; and
Part IV—General Provisions.

The part dealing with financial administration is mostly a consolidation of existing law and practice so far as matters of accounting are concerned. However, it introduces some new principles in the matter of accountability of the administration to Parliament. Briefly, the following broad fields are covered:—

* The present Consolidated Revenue Fund, Loan Fund and the various Trust and Special Funds kept by the Treasurer are

continued in operation. These funds constitute the public accounts, and expenditure from these funds requires parliamentary appropriation. The Bill specifies the moneys payable into and from such funds.

* The Bill establishes the various accounts which departments must keep and the moneys payable into and from such accounts. These provisions follow existing law and practice. These departmental accounts fall into two broad categories—
  * Those subsidiary to the public accounts, that is, those recording the collection and expenditure of public moneys by departments on account of the public accounts. Expenditure from these accounts is subject to parliamentary appropriation; and
  * Miscellaneous accounts relating to the collection and expenditure of moneys other than public moneys. Expenditure from these accounts is not subject to parliamentary appropriation.
* There are provisions relating to the various bank accounts necessary to be kept by the Treasurer and departments.
* The Bill enacts provisions relating to appropriation and Supply. Generally speaking, these provisions follow existing law and practice and cover the availability of public moneys under three broad headings—
  * Under the first heading are special services, that is the services which are provided for by permanent appropriation under various Acts and which do not require to be provided for by an annual Appropriation Act. Salaries of members of the Legislative Assembly are an example of special services which are permanently appropriated.
  * Under the second heading are Supply services which are the services for which moneys are provided under an annual Appropriation Act.
  * Under the third heading is unforeseen expenditure approved by the Governor in Council pending parliamentary appropriation under Supplementary Estimates.

  The provisions relating to Appropriation and Supply follow existing law and practice save as follows:—
  * Under the present law a Vote is available for expenditure during a year and for seven days thereafter. Administrative experience shows the period of seven days to be too short, and it is extended to 14 days.
  * Under existing law the Auditor-General reports to Parliament on lapsed Votes, that is, sums appropriated for Supply services and not expended during the year. Under the Bill, details of lapsed Votes will be included in departmental appropriation accounts which will be certified by the Auditor-General and furnished to Parliament as part of the Treasurer's Annual Statement.
  * The present law is silent on the matter of availability of appropriations following administrative re-arrangements made during a financial year after the passing of an annual Appropriation Act. The Bill enables the Governor in Council to re-arrange Votes, subdivisions and subdivisional items for the Supply services of functions transferred from one department to another. These rearrangements will be reported to the House in the departmental appropriation accounts.
  * Under present law, transfers between subdivisional items in the approved Estimates may be approved by the Governor in Council. Following practice in other Legislatures, it is proposed that this power be now exercised by the Treasurer. Details will be included in the departmental appropriation accounts and reported to the House. It should be noted that the power of transfer applies only to subdivisional items and not to Votes or subdivisions of Votes, which must remain as appropriated by the House.
  * Whilst the practice of the Governor in Council approving unforeseen expenditure is well established, it is not specifically covered by the present law. This position is remedied and specific provision is made in the Bill for the practice. Under present practice, the Auditor-General does not certify Governor's warrants for unforeseen expenditure. Under the Bill, the Auditor-General will certify such warrants before they are signed by the Governor. The present requirement for details of unforeseen expenditure to be reported to the House in the Supplementary Estimates will continue.
  * Under present practice, the House grants Supply to the Treasurer in lump sums pending the passing of the Estimates-in-Chief and the annual Appropriation Act. However, the present law is silent on the authority of each department to spend moneys under lump-sum appropriations which are, of course, not related to specific departmental Supply services. In order to ensure proper financial and budgetary control in this matter, the Bill provides for the Treasurer to allocate the lump-sum appropriations under suitable headings to which expenditure will be charged by departments pending the passing of the Estimates-in-Chief and the annual Appropriation Act.
* Present law and practice relating to the issue of public moneys are re-enacted with the following amendments or additions—
  * As already explained, the Auditor-General will now be required to certify warrants for unforeseen expenditure before they are signed by the Governor.

* Instead of Governor's warrants being current for one month, they will now remain current for three months. In view of the continuous audit of the Treasury and more sophisticated financial controls, this extended period is warranted. In the legislation of a number of places, limitations on the Governor's warrant relate only to the sums appropriated for the financial year and not to any period of time within that year.

* In recognition of the basic constitutional doctrine of the accountability of the administration to Parliament for the use of moneys granted to it in trust by the Parliament for the services of the Crown, each departmental permanent head is constituted an accountable officer for the purposes of the Bill. Provision is also made for an officer in charge of a subdepartment, branch or section of a department to be appointed the accountable officer for certain Votes. This meets the case where such subdepartment, branch or section keeps its own separate accounts subsidiary to the public accounts. This new practice follows that in vogue for many years in the United Kingdom.

* The functions and duties of an accountable officer are set out in the Bill. Amongst other things he has to manage appropriations for the services of his department efficiently and economically, avoiding waste and extravagance; he must cause proper accounts to be kept; he has to ensure that proper procedures are instituted to control expenditure and to ensure expenditure is for lawful purposes; as far as is possible, having regard to the limits of his powers and control, he is required to see that reasonable value is obtained for moneys expended; and he has to ensure that procedures in his department and the internal check afford adequate safeguards as to payments made, the assessment and collection of public moneys, the proper care of public and other property and the prevention of fraud or mistake.

* The Bill recognises that an accountable officer may need the services of an adequate internal audit organisation in his department if he is to properly undertake these functions and duties. Such an organisation cannot be established overnight because of financial limitations and the need to recruit and train suitable staff. The Bill provides the machinery by which internal audit organisations will be set up gradually by the Public Service Board acting on the recommendation of permanent heads of departments. In the case of the Railway Department, the responsibility for establishing an internal audit organisation is imposed on the Commissioner of Railways.

* In the chain of accountability of the administration to Parliament, each accountable officer will be required to submit annual departmental appropriation accounts to the Treasurer, and these will be certified by the Auditor-General and submitted to Parliament appended to the Treasurer's Annual Statement. These departmental appropriation statements will account for expenditure in terms of the Votes and headings under which moneys were appropriated. They will set out details of unforeseen expenditure and lapsed Votes. Explanations of significant variations between the actual and voted expenditure must be given and details of losses and special payments must be shown. "Losses" include such matters as deficiencies, shortages and other like losses in money and property; irrecoverable overpayments and debts; expenditure made without lawful authority; and losses arising from failure to properly assess and levy approved charges and fees. "Special payments" include ex-gratia and extra-contractual payments. This requirement is based on well-tried practices and procedures in the United Kingdom, where accountable officers submit departmental appropriation accounts to the House.

* The Treasurer's Annual Statement will be required to be furnished to the House with the departmental appropriation accounts appended thereto.

* The powers of the Treasurer enacted in the Treasury Funds Investment Act relating to the investment of public moneys are re-enacted in the Bill with minor alterations in verbiage.

* The Treasurer will be required to issue Treasurer's instructions for the guidance of accountable officers, and each accountable officer will be required to issue a departmental accounting manual for the guidance of the accounting and other officers and employees of his department in carrying out their duties related to financial administration. Under existing law, the Auditor-General has wide powers of direction to departments in matters of financial practice and procedure. This is not considered a proper practice and is not followed in most other Legislatures. It seems anomalous that, under existing law in this State, the Auditor-General should be required to set standards and then report on those standards to the House. The requirement is dropped, but the Bill does make provision for the Auditor-General to be consulted in the preparation of instructions and manuals and for regard to be had to his recommendations. If departments fail to establish proper practices and procedures, the Auditor-General is required by the Bill to report this fact to the House.

* The present law relating to unclaimed public moneys is re-enacted but the name of the fund into which such moneys are paid is altered from the Audit Act Trust

Fund to the Treasurer's Unclaimed Moneys Fund. This new title is more descriptive of the purposes of the fund.

Coming to the matter of the audit provisions, the provisions of existing law relating to the appointment of an Auditor-General and a Deputy Auditor-General are re-enacted with some minor alterations to verbiage. The main amendments to existing law and practice are as follows:—

* The accounts of the Auditor-General's Department will be audited by a registered public accountant and not the Auditor-General for it is felt that the Auditor-General should not audit his own departmental accounts. A copy of the report on such audit will be furnished to the House.

* The Auditor-General will be required to conduct his audits in such manner as he thinks fit having regard to the character and effectiveness of the departmental internal check and internal audit and recognised professional practices and standards.

* Special provision is made to enable the Auditor-General, in any year, to dispense with minor audits, but he must report such dispensation to the House together with the reason for dispensation. Some minor audits can safely be performed at greater than annual intervals without impairing the integrity of the public accounts.

* The matters to which the Auditor-General must have regard in making his audit are set out in some detail. Generally speaking, the provisions are directed towards ensuring that the Auditor-General will, following his audit, be in a position to express to Parliament an informed opinion on the stewardship of the Treasurer and accountable officers, and whether the accounts laid before Parliament are in accordance with the public accounts and departmental accounts and are properly drawn up so as to present a true and fair view of the transactions on a basis consistent with past practice. The audit will not be limited to a financial and compliance audit. It will be extended to an operational audit in matters which are basically financial and, inter alia, will have regard to the work of accountable officers in ensuring value for money expended by departments.

* The existing powers of the Auditor-General with respect to access to accounts, the calling for persons and papers, the examination of persons so called, and the obtaining of information necessary for audit purposes, are re-enacted with some minor alterations to verbiage.

* The Auditor-General is empowered to levy audit fees where such fees are not a charge on the Consolidated Revenue or Loan Funds. This has been the practice for many years without express legislative backing.

* The provisions relating to the contents of the Auditor-General's reports to Parliament have been redrawn to specify with some particularity the matters to which attention must be drawn in such reports. These new clauses are the last link in the chain of accountability of the administration to Parliament and are the means by which Parliament is assured that the administration has made a full accounting to the House and that the financial reports by the administration are true and fair and represent complete financial reporting.

The general provisions of the Bill are brief. The one provision to which attention is drawn is the power to recover from officers and employees moneys which are unaccounted for, and also to recover the value of property lost, destroyed or damaged. Under the existing law there is a power of surcharge vested in the Auditor-General to deal with such cases. This power has not been exercised for many years. It is not felt that the Auditor-General should be the prosecutor, judge and jury in such matters, as he is under the existing law. Under the Bill, the powers of recovery must be taken through the judicial processes of the courts, and it is a defence if the officer or employee proves that the loss, destruction or damage was not caused or contributed to by his failure to take reasonable steps to prevent the same.

I think it will be clear from the outline I have given that the Bill is a most important measure which requires the mature consideration of all honourable members. I commend it to the Committee.

Mr. BURNS (Lytton—Leader of the Opposition) (9.5 p.m.): This Bill rewrites legislation that has existed virtually unchanged in Queensland for 102 years. Whilst other Westminster-type Parliaments have instituted massive reforms in the area of public accountability of expenditure, this Government and successive Queensland Governments have continued to operate within what I believe are antiquated terms of reference. So I hope the Bill does adopt many of the simple reforms introduced throughout every other State in Australia.

I commend the Leader of the House for saying on introducing the measure—and the Premier announced this—that it will lie on the table for expert examination and public discussion until next year. It is regrettable that the Government does not display the same legislative patience more frequently.

The Opposition supports the introduction of this measure and will make a detailed study of the Bill during the parliamentary recess.

I believe in no State is the need for streamlined, airtight auditing more urgent than in Queensland. The Premier's political adventures alone would occupy a team of auditors for the best part of a year. The

Auditor-General should be empowered not only to expose Government waste but also to introduce safeguards against it.

I believe that Governments have long since ceased to be merely the maintainers of internal law and order and the protection of citizens from external aggression. The growth of the welfare State and the advent of Keynesian economics now means that Governments are expected to play a positive interventionist role in the economy to keep it stable and developing. Commensurate with this growth of Government responsibility has been the growth of ministries, Crown servants and public servants. More discretion and long-range planning tasks are vested in the administrators. To err is human. Administrators are human, and the mistakes of administrators can be costly and expensive.

In this nation the public sector accounts for one third of the economy and one in every four employees works for a Government. No mere Treasury official or Auditor-General can scrutinise the huge monolith of the public sector and maintain accountability of Government under the present system in Queensland. This year, for example, we have seen the setting up of huge Government bureaucracies—monoliths that are outside the control of the Government.

I quote, for example, the Port of Brisbane Authority, which will be outside Government control, the Metropolitan Transit Authority, in the same way, and the new electricity authority, which was introduced in the last week or so. Already we have large bodies like the S.G.I.O., in which the Auditor-General is involved in the accounting, but which is still outside the control of this Parliament—and this Government, to a certain degree. Of course, I could refer to the T.A.B., which, although set up by us, thumbs its nose at members of Parliament who try to seek to have introduced a degree of accountability for what it does with its money or where the punters' money goes. As a punter, of course, I am interested in the T.A.B. I would be interested in having the Auditor-General check on the T.A.B. from time to time. The trend has been to remove more and more areas from the control of this Parliament—and the Government—and give them autonomy.

The Treasury has no control over these many commissions, boards, authorities, utilities, and other statutory instrumentalities. One of the few controls left is the office of the Auditor-General. While the trend continues to take Government outside the control of Parliament, the office of Auditor-General must be strengthened. The Deputy Premier and Treasurer has already warned that State Parliament faced the danger of becoming Cabinet's rubber stamp. He was reported in "The Courier-Mail" of 21 April 1975 as having said when addressing the Liberal Party's Central Queensland Area Conference that "the Government was conscious of this and was determined to avoid it."

I thought I would look up the definition of "accountability", because I think that is the real question today in politics—some form of accountability not only in relation to accounts, but also in relation to performance, in relation to policy and indeed in relation to all areas of government. A satisfactory definition of the notion of accountability in the context of Government accounting is to be found in Mr. E. L. Normanton's work "The Accountability and Audit of Governments". It goes like this—

> "To be accountable means, as any dictionary will confirm, to give reasons for and explanations of what one does.
>
> "But a certified financial account rarely provides explanations, and it never gives reasons. It does not as a rule even contain much detail of what actually has been done. A final account must be technically correct and is therefore a device essential to the prevention of fraud. It is not, however, an adequate public record of policy and transactions during the period concerned.
>
> "A financial account in any large scale hides far more than it reveals. The law provides that it may not conceal criminal sins, but any kind of sin can and normally will be lost without trace among the headings and totals."

I then thought we should have a look at the question of deficiencies in the current system. I looked at the address on the accountability of the Government accountant given to the annual conference of the Queensland Branch of the Australian Society of Accountants by Mr. K. W. Wiltshire in February this year. He said—

> "We have now reached a stage where Government accountants are possessed of a fastidious preoccupation with line item entries in a ledger, i.e., with the inputs of government. As long as every entry is accompanied by a voucher or authorisation, as long as the columns total and balance correctly and as long as that balance is within the Treasury's appropriation limit for that item in that department all is well. The results, ladies and gentlemen, are that you are all fine bookkeepers but pitiful accountants."

I agree with him. I think that is exactly the sort of report and figures we get here. He goes on to say—

> "All that they do is to follow the same tracks left by the Government accountant checking every voucher against every entry with faithful precision."

The obvious fault is that if any discrepancies are discovered then to use the words of Wiltshire—

> "All that can be done is to close the stable door after the horse has bolted because the transactions being assessed will be anything up to 12 months old."

Auditor-Generals are officers of the Parliament and as such are not responsible to

the Government of the day. If only Parliament can act on or follow up the Auditor-General's report, then what should we do in Queensland where no follow-up machinery is provided? This is where I believe the public accounts committee must come in. I know that it has been debated in this Parliament so often but when we are debating legislation for the first time in about 102 years to make some changes to the Audit Act it is an opportune time to look at the question of parliamentary public accounts committees.

In Queensland precautions against Government financial abuse are less stringent than in most other parliamentary systems of Australia. Queensland alone is denied the protective shield of a joint parliamentary committee on public accounts. The Federal Government first established a committee of this type in 1913 and, after it lapsed for a lengthy period, it was re-established in its present form in 1951—25 years ago. Westminster, upon which the Premier relies so heavily for his constitutional advice, recognised the need for a public accounts committee in 1861.

I take the opportunity in this debate to urge the Government to reconsider its previous opposition to the formation of a parliamentary public accounts committee in this State. I am certain that in doing so I enjoy the support of many honourable members on both sides of the Chamber who would welcome the opportunity to contribute through this avenue.

There is no valid reason why the Queensland Parliament in 1976 cannot appoint a joint committee that the House of Commons deemed necessary 115 years ago. In Canberra public servants make submissions to such a committee and are subject to questioning on aspects of Government spending. Reports with recommendations are made direct to the Parliament. Let me stress that it is not an instrument for witch-hunts. It was never intended to operate in this manner and has never operated as such.

In fact the duties of the Australian Parliamentary Public Accounts Committee set up under the Public Accounts Committee Act of 1951–1973 are spelt out in section 8 as follows—

"(a) to examine the accounts of the receipts and expenditure of the Commonwealth and each statement and report transmitted to the Houses of the Parliament by the Auditor-General in pursurance of subsection (1) of section 53 of the Audit Act 1901–1950;

"(b) to report to both Houses of the Parliament with such comment as it thinks fit, any items or matters in these accounts, statements and reports, or any circumstances connected with them, to which the Committee is of the opinion that the attention of the Parliament should be directed;

"(c) to report to both Houses of the Parliament any alteration which the Committee thinks desirable in the form of the public accounts or in the method of keeping them, or in the mode of receipt, control, issue or payment of public moneys; and

"(d) to inquire into any question in connexion with the public accounts which is referred to it by either House of the Parliament, and to report to that House upon that question,

and include such other duties as are assigned to the Committee by Joint Standing Orders approved by both Houses of the Parliament."

A recent example of the effectiveness of that committee was witnessed when the Australian Public Accounts Committee undertook extensive investigation into alleged discrepancies in spending within the Federal Aboriginal and Islanders Advancement Department following an Auditor-General's report. In Queensland there is no such mechanism to safeguard public funds from abuse, and no follow-up of the Auditor-General.

Witness in Queensland the recent audit of the S.G.I.O., where the Auditor-General reported that over $100,000 of public funds was unaccounted for. The report on the last individual S.G.I.O. audit of 1974-75 said—

"Internal control. In previous Annual Reports to Parliament, I have drawn attention to the lack of adequate internal controls and checks in the Office.

"Examinations carried out by my officers continue to reveal unsatisfactory accounting matters which indicate that the practices and procedures laid down are not always being effectively carried out and I found it necessary to qualify my certification to the financial statements. I have reported on this matter under the heading 'Qualifications of Accounts.'

"The Internal Audit Section at the Office is gradually becoming more effective in its appraisal activities and as a result the internal control generallly should improve. However, I again draw attention to the importance of management concentrating on further improvement in performance in this field."

I think it will be found that 12 months later and 12 months earlier similar statements were made about the same internal audit problems.

What happens now when we get a report made by the Auditor-General. What does Parliament do when a statement is made such as the one that I have just read? We do nothing at all. There ought to be some follow-up system. If the Auditor-General reports to us that something is wrong with the internal auditing provisions of a specific section under our control, there should be some machinery by means of which the Parliament automatically does something about it.

Mr. Moore: We could move accordingly if we wished.

Mr. BURNS: I suppose we could. But would it not be better for it to be referred to a parliamentary accounts committee or some other committee that automatically looked into these matters? We have committees now handling other matters for us. It would be fairly simple for us to pass it on.

The present Audit Act makes no provision for accountability as to the purpose for which funds are raised and spent. The sole function of the present Auditor-General is merely to look over rows and rows of figures and vouchers and make sure that the figures tally. He is solely concerned with the legality of the transaction and with the inputs to government and the outputs.

The absurdity of this lack of detailed accountability is that under our traditional form of accounting a rope to bind a bale of hay and a rope to hang a man are recorded in the same way, notwithstanding their vastly different purposes. I think that analogy, which emanated, as I recall, from Canada, illustrates some of our problems. Our system of accountability extends only to how, not why. No parliamentary debate, Cabinet document, Treasury statement or Public Service Board or auditor informs the public of the reasons for a particular action. No citizen can discover the reasons even if he scrutinises the mountains of figures published and handed to us at Budget time and for the rest of the year in reports.

There is a need for a management audit in government. The Opposition is in favour of that being done by an audit officer rather than the Public Service Board. The Auditor-General ought to be given the same power as the Ombudsman, who can act on his own initiative and open an investigation into any particular area of government expenditure. He should be able to swoop unmercifully at the slightest hint of misappropriation, fraud or waste of public funds.

In fact, I draw the attention of honourable members to the American Government Audit Office—G.A.O. as it is called—and the list of terms of reference that allow that office to take very many steps against waste and extravagance. The office can move of its own accord; it does not need a resolution of the House. It has the right to step in and make a report to the House. The Auditor-General in this sense should enjoy the same public interest capacity as the parliamentary commissioner. The fact that at the moment he only ensures that moneys have been honestly spent does not make for an efficient audit.

In South Australia under a Labor Government, the Audit Act has provisions which give the Auditor-General power to report on all matters which he feels are in the public interest. This gives him very wide scope.

I hope that the powers of our Auditor-General will be greatly enhanced by this Bill. This Parliament ought to be looking into the future proposals of other Governments so that we can learn from their experience instead of being decades behind with an unimaginative and antiquated system of public auditing.

The recent report of the royal commission on the Australian Government administration, commonly known as the Coombes Report on the Public Service, recommended that the powers and scope of the Auditor-General's office be widened along the lines of the U.S. model. The royal commission recommended that certain statutory duties should be vested in the Auditor-General's Office. These would be along the same lines as are currently listed in section 17 of the Public Service Act, applying to the Public Service Board. For instance, subsection 1 (b), (c) and (d) reads as follows—

> "(b) to examine the business of each department and ascertain whether any inefficiency or lack of economy exists;
>
> "(c) to exercise a critical oversight of the activities and the methods of conducting the business of each department;
>
> "(d) to maintain a comprehensive and continuous system of measuring and checking the economical and efficient working of each department . . ."

The royal commission recommended that departments and agencies be required to prepare regular reports or assessments along lines laid down by or agreed with the Auditor-General, and that these reports should be available to the Auditor-General as well as being sent to the Minister. The precise means by which these reports are prepared would be a matter for the departmental head, but it could well be entrusted to a committee presided over by senior departmental officers. The result of its work could then be brought to bear on modifications of existing programmes in the context of forward Estimates.

In the short time left to me I would just like to refer to some of the inadequacies of the Budget debate which flow from the type of reports brought before this Assembly. The system of bringing down Budgets in this Parliament has serious shortcomings. Again I quote Mr. Wiltshire, the senior lecturer in Public Administration at the university, who has estimated that only one-third of Queensland's public spending is contained in the State Budget each year. All the large statutory bodies, authorities and commissions escape attention. The Budget appears as a miasma of unintelligible data which is totally bamboozling to the average citizen. There is no scrutiny, no detailed examination, no analysis or any real debate of the Budget by members. I suppose this occurs because of our own limitations, but I think also that the reason why the Budget debate deteriorates into a parish pump exercise is that the sets of figures are simply that; there is no real report.

Under Liberal-National Party enslavement this Parliament has been further prevented from carrying out its responsibilities of scrutinising individual departmental spending by the absurd system of departmental Estimates. Having only a few Estimates debated each year enables the Government to pull the wool over the Parliament's eyes. The myth of responsible Government explodes when we consider that it is the Cabinet which decides which Estimates will be debated. Conventionally the controversial departments are passed over and excluded from debate. So much for the supremacy of Parliament!

This is the first major overhaul of the Audit Act since 1874 and I hope it will suggest ways in which the electorate will be able to judge the efficiency of the Government and its departments. We look for management by objectives. We hope the present hopelessness of trying to trace the source and expenditure of funds will be corrected and the task made easier for each and every one of us who have to carry out that search. We hope the Bill will provide for the Auditor-General to do more thorough investigatory reporting and that he will be permitted to criticise Government expenditures where those expenditures are outside the normal bounds of Government, Executive or ministerial prerogative.

We support full disclosure of the source of funds, whether they be Consolidated Revenue, Loan Funds or Trust and Special Funds. We hope that the present secrecy and peculiar accounting methods will be discontinued and that more open and more orthodox accounting principles will be adopted.

We hope that consideration will be given to allowing any member of Parliament to seek in writing details of expenditure in any area of Government activity.

We hope that the Auditor-General in his annual report will indicate where applicable the progress of projects and indicate the estimated percentage of work completed, with his comments, and that his department will prepare a working paper for general consumption on the principles, aims, objectives, etc. of both the Loan Fund and the Trust and Special Funds. Parliament is accountable to the electorate. It should be possible for the electorate to determine, without a university degree being a prerequisite, whether a Government is honest or not and whether it is spending taxpayer's money to the maximum advantage.

I again thank the Premier and the Government for allowing the Bill to lie on the table until next year. It will give us an opportunity to circulate it quietly among those people interested in reading Government accounts to ensure that Government accountability is really accountability and that the people themselves are able to see what money is spent, how it is spent, where it is spent, whether it is wasted or used extravagantly and whether Government projects are carried out in such a way that they are of economic benefit to the State.

Hon. T. G. NEWBERY (Mirani—Leader of the House) (9.24 p.m.), in reply: In the Premier's absence and on his behalf, I wish to advise honourable members that he will reply during the debate on the second reading.

Motion (Mr. Newbery) agreed to.

Resolution reported.

FIRST READING

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

MINING ACT AMENDMENT BILL (No. 3)

INITIATION IN COMMITTEE

(Mr. Miller, Ithaca, in the chair)

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Energy) (9.26 p.m.): I move—

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

In introducing this Bill I would like to explain to members that certain amendments are necessary to the Mining Act 1968–1976 to strengthen the power of the Governor in Council to grant leases for the mining of privately-owned coal and to permit the Auditor-General to examine for royalty purposes the records and accounts of any person who wins minerals that are the property of the Crown.

The opportunity has also been taken to make several other desirable amendments, including the establishment of priority of application in relation to mining leases, permits to enter and authorities to prospect.

The Bill deletes from the Act in the definition of "mineral" "rock mined in block form for building". This has been done so that this rock can be quarried without the necessity for the person winning it to take out a mining title. It has been found that this substance is very rarely taken as a mineral as previously defined as most rock when quarried is fragmented.

At the present time there is no provision in the Mining Act to give the applicant for an authority to prospect a priority to land at the time of application as against applicants for mining tenements and permits to enter. One of the purposes of this Bill is to ensure that the applicant for an authority to prospect has priority to land applied for at the time of lodgment of the application. To strengthen administrative procedures in this regard the Bill also provides for applications for authorities to prospect to be now lodged at the warden's office for the district where the land, or the greater part thereof, is situated and not, as at present, with the Under Secretary, Department of Mines. All applications for mining tenements and permits to enter

are, and always have been, required to be lodged with the warden for the mining district in which the land in question is situated.

A provision has been inserted requiring a deposit of $2,000 to be lodged with an application for an authority to prospect to ensure compliance with conditions and stipulations of an authority to prospect if granted.

The Bill also provides for cases whereby land may be set aside for applications for an authority to prospect by tender, in which event the requirement to lodge an application in a particular warden's district is not applicable.

Several sections already establishing the entitlement to land between applications for mining tenements, permits to enter and subsisting authorities to prospect have been amended to cover applications for authorities to prospect yet to be disposed of by the Minister.

The applicant for an authority to prospect who has priority or the holder of an authority may consent to the grant of a mining lease, the registration of a mining tenement or the issue of a permit to enter in respect of land within the authority to prospect or the application therefor.

At present, an application for a mining lease must be granted or rejected in whole. An amendment in this Bill now permits the grant or rejection, in part, of an application for mining lease.

Opportunity has also been taken for the metrication of a number of sections in the principal Act. The sections so amended are sections 24, 28A, 30, 114 and 118.

The Bill provides for more stringent covenants and conditions which are imposed on a mining lease in relation to rehabilitation and the method of mining.

The Bill also provides that I may accept a guarantee or indemnity by an approved bank or insurance company as a security against the performance of lease conditions. At present, only cash or a bond is accepted.

Provision is being made so that, in the case of the surrender of part of a mining lease that has not been surveyed, a survey need not be carried out if the land can be properly identified.

The Bill provides that, in relation to authorities to prospect and leases on reserves, substantial compliance with the provisions of the Act is sufficient. This presently applies to Crown and private land.

An amendment being introduced makes provision for the Minister to request and authorise the Auditor-General or one of his officers to examine for royalty purposes the accounts and records of any person who wins mineral that is the property of the Crown.

A further amendment gives additional power to make regulations in relation to the removal of pegs from mining tenements surrendered, abandoned, forfeited or terminated for any reason. It also provides for a regulation to be made for the warden to call on the holder of a mining tenement to appear before him if he, the warden, suspects, on reasonable grounds, that the holder has abandoned his tenement or has contravened the provisions of the Act. It has been found that very often miners will peg a claim or similar tenement and, on abandonment or termination for any reason, leave the pegs still in the ground. This will give the warden power to arrange for the removal of the pegs and more effectively ensure that the provisions of the Act relating to tenements held are being observed. Another amendment ensures that the term "private land" includes land which contains coal which is not the property of the Crown.

In 1974, the administrative provisions of the Coal Mining Act were brought under the Mining Act. However, the provisions relating to payment of royalty by the miner to the person who owned the coal were omitted.

These provisions were inserted by amendment earlier this year, but advice from the Solicitor-General, following a Supreme Court hearing, was to the effect that the Act still required strengthening to put beyond doubt the power of the Governor in Council to grant mining leases irrespective of the ownership of the coal.

An amendment now being introduced has this effect and ensures that privately owned coal may only be mined by authority of a mining lease or a coal-mining lease or special coal-mining lease continued in force under section 5 (3) granted by the Governor in Council. The Bill provides that this situation has retrospective effect to 1974, when the omission occurred.

The Bill also makes more specific provisions for determining simultaneous applications for permits to enter and corrects a printing error.

I consider the amendments now introduced to be most necessary.

Mr. HOUSTON (Bulimba) (9.34 p.m.): As this is basically a machinery measure, I am sure the Minister will understand that the Opposition will want to look at it against the background of the existing legislation. The Minister's comments on the administrative side may or may not fit in with the provisions in the Bill, so we would want to look not only at the sections of the Act that are to be amended but also at other sections that will be affected by the amending clauses. Naturally the Opposition supports the introduction of this measure and will wait until the second-reading stage to debate the desirability or otherwise of the amendments.

There are, however, a couple of general points that I wish to raise. Firstly, I refer to the Auditor-General's being given power—I imagine it will be greater power than at present—to look at royalty payments in the

books and accounts of companies. This is particularly necessary because royalties charges are on a sliding scale. At the time this method was mooted I suggested that one should follow on automatically from the other. It is good to hear that this provision is to be included.

I firmly believe that any one operating under a Crown lease or authority has a responsibility to make his books and operations open to scrutiny by Government auditors. This is particularly important when money is due to the Crown. When we have sliding scales (such as we have), it is easy to make a tremendous difference in the amounts payable. Royalty payments on minerals are now one of the major sources of State income. If one company does the wrong thing, the burden is placed on other companies and the taxpayers as a whole because Governments budget for an overall amount. We will certainly support this facet in principle, but reserve the right to look at the provision in detail.

The other matter that concerns me relates to authorities to prospect. In the past, much talk and feeling have been engendered in certain quarters when authorities to prospect have been granted and, subsequently, a mining lease is not granted. The same situation arises when an authority to prospect is given and doubt arises about whether the holder can carry on mining or receive the necessary authority to do so. Before an authority to prospect is issued, the Government should establish that all other considerations have been taken into account. It is not reasonable to expect a company or an individual to spend money, time and energy on prospecting if some doubt then arises on whether or not authority will be given to carry on mining. Certain factors have to be taken into account.

Mr. Moore: They might have an authority to prospect for oil and find some other mineral. That would be a completely different story.

Mr. HOUSTON: That is right.

Let us face the realities of life. Certain organisations, in very good faith, tend to make us aware of environmental problems. Other people, such as those in local authority, have to look after watersheds and water supplies. Many factors have to be considered before final authority to mine is given. But all these matters should be looked at before an authority to prospect is granted. That is the time to say, "There shall be no mining in that area." If that were the Government's decision, no-one should be given an authority to prospect in the area. When an authority to prospect is granted, it is not wrong for the holder of the authority to believe that he should be able to carry on provided, as the honourable member for Windsor suggested, the mineral that the authority to prospect covers is the one with which he is concerned. If we were to act in this way we would not have problems with people becoming unemployed after they had been working in an industry. At the same time, we would not have the problem of people spending money, time and energy in trying to persuade members of Parliament and others that certain mining activities should not be proceeded with. No real advantage is to be gained in going through all the steps of having people employed and money used if a controversy finally arises.

I hope that when we examine the administrative changes we find provision for greater public awareness of proposals to grant authorities to prospect than there has been in the past. Apparently in the past a person could get an authority to prospect without a great deal of investigation or the public being aware of that authority being granted. It is before that authority is granted that the public should be made aware that someone is interested in prospecting for something in an area.

Certainly I do not intend the circumstances to develop where someone else can pirate the idea. If I believe it is worth looking in an area for a particular mineral, I make my application; but, before it is granted to me, I think the public should be made aware of what I want to do—with the understanding that I may then proceed to mine if I find what I am looking for in payable quantities. I do not believe that anyone else should be able to come in and pirate my original idea. Safeguards could be incorporated to cover that eventuality.

I have one other matter to raise. If I understood the Minister correctly, a mining warden will have the power to ask a person who has an authority to prospect, or a mining authority, to come before him on certain conditions or for certain investigation. I suggest that that authority be extended a little further. This aspect may be covered in the Bill, but we will not know about that till we see it. I am concerned about someone who lives in, say, Brisbane, who has an authority well out in a country area—in a place that is not close to his home. Travelling to the town in which the warden is based could mean a personal inconvenience as well as an economic impost.

If the inquiry is a simple one, it could be handled by another warden. The warden in the area involved in the inqury could relay the information to the area in which the applicant normally resides. If the matter became complicated, the person would have to travel to the area involved in the inquiry. Basically, my suggestion is that we allow one warden to transfer an inquiry to another if it is in the interests of the person who is making the application.

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Energy) (9.42 p.m.), in reply: I thank the member for Bulimba for his contribution. As he indicated, a machinery Bill such as this gives anyone who wishes to speak on it the opportunity to read it in

conjunction with the Act. He will find, I am sure, that the amendments proposed are necessary for orderly mining and the granting of the various mining tenements in this State.

In his contribution, he spoke about examining in more detail the purposes envisaged by an applicant when he applies for an authority to prospect. That is not included in this Bill, but the Mines Department is looking at giving some measure of security to the holder of an authority to prospect so that he will eventually be able to obtain a lease. At the present time all an authority to prospect does is give the holder a priority in an application for a lease. It does not guarantee a right to the lease. However, if an examination is made, on the issuing of an authority to prospect, of the different environmental and other problems, a good deal of the risk associated with the granting of a lease will be taken away.

Motion (Mr. Camm) agreed to.

Resolution reported.

FIRST READING

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

COAL MINING ACT AMENDMENT BILL

INITIATION IN COMMITTEE

(Mr. Miller, Ithaca, in the chair)

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Energy) (9.45 p.m.): I move—

> "That a Bill be introduced to amend the Coal Mining Act 1925–1974 in certain particulars."

The proposed Bill is a short one, but nevertheless an important one, as it extends the provisions relating to supervision in a mine, increases the statutory liability for breaches of the Act and allows wider scope for the making of rules relating to the operation of a mine.

One of the recommendations of the Kianga inquiry report was to the effect that the Coal Mining Act should be amended to provide for persons with technical authority superior to a manager, that these persons should be qualified managers under the Act and that they should bear the same statutory liability as managers in respect of any acts to which they are a party.

The Bill provides for the owner or agent of a coal-mine to appoint a superintendent who shall exercise authority over the manager and also that he must hold a mine manager's certificate.

It provides that a manager of a coal-mine to whom any superintendent, owner or agent gives a direction that, in the opinion of the manager, will prejudice the health or safety of any person may require that direction to be given in writing.

The superintendent is also made liable along with the manager, owner or agent for breaches of the Act.

The power of the Governor in Council has been increased to permit rules to be made which may adopt in whole or in part, or by way of reference, any of the standard rules, codes or specifications of competent bodies such as the Standards Association of Australia, the British Standards Institution or similar bodies. Rules may now also be made to provide for the approval of the Chief Inspector to be the standard in a particular matter or for an inspector to allow a rule to be varied or modified in regard to the working of a particular coal-mine.

Part I of the First Schedule to the current Act details the subject-matter for rules and the Bill provides power for the granting of exemption or conditional exemption from the rules or any of them.

I consider the amendments contained in the Bill are most desirable to improve the administration of the laws governing the mining of coal in the State.

Mr. BURNS (Lytton—Leader of the Opposition) (9.48 p.m.): The Minister made reference to the recommendations of the inquiry into the disaster at Kianga. He said that this legislation was a result of one of the recommendations. There were a number of other recommendations. Have all the other recommendations been acted upon or is this the only one?

Mr. Camm: Not all of them; most of them have been.

Mr. BURNS: I ask this question because earlier in the year I was making some inquiries from the Queensland Colliery Employees' Union in relation to safety. I wrote to that union on 13 January this year and it replied to me on 22 January in these terms—

> "Yours of the 13th instant to hand and thanks for your interest in the problem. In giving you our views on the recommendations of the Kianga Inquiry and matters generally concerning mine safety in Queensland, we must commence with the Box Flat Disaster of the 31st July, 1972.
>
> "Following this disaster, in which 17 lives were lost, and one died later on as a result of injuries received, a Warden's Inquiry was held at a later date which brought down findings and recommendations.
>
> "In implementation of these recommendations, (i) the personnel of the Mines Department was increased in numbers, (ii) a strict policing of stone-dusting programmes commenced, and Department dust samplers appointed, (iii) air sampling of mine ventilation was implemented and (iv) Dr. Willett was brought from England for lectures, culminating in a seminar held on the 12th November, 1973.

"All these factors look good on paper, but our criticism in order are, (i) the increase in personnel brought more inspections, which we appreciated, but no appreciative drop in mine accidents, (ii) stone-dusting has vastly improved but, nevertheless, there were always some areas in mines which did not comply with the Coal Mining Act, (iii) as far as Kianga was concerned, for example only one sample was forwarded to Brisbane for analysis and (iv) the main trend at the seminar appeared to be a question of economics, as far as owners were concerned, e.g. bulk-head doors, (long requested by this Union) were avoided—mainly because of the cost factor."

It worries me that costs were considered when men's lives were at stake. I cannot see any justification for an argument that puts money before a man's life.

The union went on—

"It is our opinion that the implementation of recommendations moves too slowly, and our Union is forced to take action towards implementing safety measures.

"To this end we have now formulated our Policy in relation to future suspected fires or heating in collieries, the following resolutions of our Board of Management having been ratified:—

'Following the Box Flat disaster, a list of proposed amendments to the Coal Mining Act was drawn up by the District Union Inspectors and forwarded to the Chief Inspector of Mines on the 26th November 1974. Included in those proposed amendments was one that called for bulk-doors to be provided to be fitted to shaft entrances, both vertical and inclined, and to entrances to all mine sections, to be readily available for speedy sealing in cases of possible flood or fire emergencies. The Mines Department has not availed itself of the opportunity to discuss the matter and now we have a further tragic reminder in the Kianga disaster. It is now apparent that we must take action on our own initiative to protect ourselves from any further fatalities in attempting to seal mine fires. To this end, this Board of Management instructs all members of this Union to remove themselves from the mine in the event of any indication of heating or fires underground. Further, all mines must have bulk-doors provided at the mine entrances and at all entrances to working sections for speedy sealing, with entrances being reduced by seals to a minimum width required for transport. This must be done on all new entrances immediately or no break-offs will be carried out. In the case of existing mines and panel entries the above must be provided within three months or further action will be taken. In the meantime, until these are provided no men will attempt to seal any type of fire underground. As a long-term solution to assist in detection of fires in mines, we instruct the Executive to serve notice on proprietors that we expect monitoring devices to be installed in collieries and until this is done, regular mine air samples taken and analysed at least once a week at all mines.'

"Further the Board decided—

'In future when Warden's Court Inquiries make recommendations following investigations, the District Board of Management shall study such recommendations and decide which, if any, should be implemented as Union Policy.'

"And—

'We declare that because of apparent expansion in the mining industry, that it is timely both for safety and efficiency, that a training scheme for mineworkers be introduced immediately by the State Government through the offices of the Coal Board and co-operation with Coal Owners. Executive seeks a conference re this. We express the opinion that the practice of sending untrained personnel to the production face is unsound mining practice and must be stopped forthwith. We further suggest that the expenses for such a scheme could be financed by an excise levy on coal for which the State Government has legislative powers.'

"We see as matters of urgency that the following should be implemented without delay:—

1. Setting up of separate Mines Department Laboratory—at present only Health Laboratory available to test air samples etc.

2. Set-up of mobile Laboratory also—same purpose as above.

3. Furnish Laboratories with efficient plant to speed-up testing of samples—at present obsolete plan considerably delays results becoming available.

"What we are waiting for now is for a conference to take place with meaningful discussions between Union Representatives, Government Inspectorate, Mines Department and Coal Owners to convey our programme and listen to their suggestions as to how past recommendations may be implemented to prevent further loss of life in our industry.

"These broadly are our ideas and policies in relation to the questions you ask, and any further information you require will be gladly supplied."

That letter sets out very clearly that the union is still concerned about some matters. Tonight I took out my photostat copy of the report following the warden's inquiry into the accident in the Kianga No. 1 mine on 20 September 1975 in which 13 miners were killed. I must say that I have not made a great study of mining safety, but this is not the first that I have heard of the

recommendations. They occupy about 3½ foolscap pages. I am not going to delay the Committee by discussing them at this stage but on the second reading it might be worth while for the Minister to go through those recommendations and advise the House which have been implemented and which have not been implemented and the reasons for the delay. In saying this, I do not suggest that anyone in the Chamber would have any motive other than the one I have, that is, to get the facts on mine safety.

It always worries me when I pick up a newspaper and read about a mining disaster and the families of men who have gone out to work and will never come home again. I worry about what will happen to the families, and things of this nature. I suppose we are concerned about it for a few days but then the pressures of the world catch up and there are other things which engage our attention. But the families of deceased miners live on. The wives and kiddies of the blokes who go down the mine are always faced with this possibility. It has happened at Kianga, Box Flat and one of the Clutha mines. The results of disasters of this sort must bear fairly heavily on the families.

I think that "The Courier-Mail" very recently reported that we have been averaging one death a month over the past couple of years. This means that a large number of people have been killed in mines. There have been one or two deaths here and there in isolated mining incidents over the years but they add up to a large number killed in mining activities. Under these circumstances, we welcome any legislation which implements the recommendations of the Kianga inquiry. I look forward to an explanation during the second reading of what has been done under the other recommendation.

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Energy) (9.57 p.m.), in reply: I thank the Leader of the Opposition for his contribution. He dwelt almost exclusively on the safety issues involved, and that is really what this Bill is all about. The Bill adopts one of the recommendations of the Kianga inquiry, that the rank of superintendent be established.

I might say that many of the other recommendations of the Kianga inquiry have been adopted. They did not necessitate amendments to the Act or even Orders in Council. There has been a meeting between the owners, the mining unions and the department in order to ascertain the requirements of the various sections of the mining industry and how the recommendations of the inquiry can be implemented. The mobile laboratory has been accepted as a responsibility of the Government, but if honourable members read the report they will find that a lot of the recommendations deal with educational matters associated with mining itself. A booklet on safety precautions has been prepared and issued to all miners.

Of course, in the final analysis it is the miners themselves, and the deputies, who make a decision as to whether or not they will go down the mine. I know there are accidents in coal-mines. Unfortunately, this has been the history of coal-mining for many, many years and even in the most sophisticated mines, with all the safety precautions that managements know of, there are still accidents and there are still deaths underground. Yet it appals me to find men associated with mining unions—mainly the leaders—who still insist that they are going to fight me in respect of open-cut mining as opposed to underground mining. They still have the old feeling that the underground mines must continue, even at the expense of closing down open-cut mines. It is a policy I can never understand because, after all, the men who work in the open-cut mines are also members of the mining unions.

Once again I thank the Leader of the Opposition for his contribution and I note his request for information. During the debate on the second reading I will elaborate further on what we have done in respect of the implementation of the recommendations of the Kianga inquiry.

Motion (Mr. Camm) agreed to.

Resolution reported.

FIRST READING

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

PSYCHOLOGISTS BILL

INITIATION IN COMMITTEE

(The Acting Chairman of Committees, Mr. Gunn, Somerset, in the chair)

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (10 p.m.): I move—

> "That a Bill be introduced to provide for the constitution of a Psychologists Board, the establishment of a register of psychologists, the regulation of the practice of psychology and for other purposes."

This new legislation will be cited as the Psychologists Act 1976. It provides for the constitution of a Psychologists Board, the establishment of a register of psychologists, and the regulation of the practices of psychology and hypnosis in Queensland.

The basic provisions and intention of this Bill are similar to registration Acts for other professional groups such as doctors, dentists, physiotherapists, etc.

Provision is made in the Bill for the constitution of the Psychologists Board of Queensland, which will be charged with the responsibility of administering the Act. The board will have seven members, of whom at least four will be psychologists.

Further provisions of the Bill relate to the appointment of the chairman and deputy chairman of the board, the conduct of board

meetings, the tenure of office of board members, and other machinery provisions relative to the operation of the board.

The Bill includes a clause relative to qualifications that will establish guide-lines with which the board will be able to assess the suitability of applicants, from Queensland, from other Australian States, and from overseas, to be registered as psychologists in Queensland. Routine provisions for testing an overseas applicant's ability in oral and written English expression and knowledge of local practice are provided. This clause also will allow the board to register persons who have engaged in the practice of psychology in Queensland for at least three years prior to the commencement of this Act where the board is satisfied that such practice would normally render the applicant competent to practice psychology and it is further satisfied that the applicant seeking registration on this basis is competent to practice psychology.

Other registration provisions are similar to those contained in the registration Acts for other professional groups. The board is authorised to remove a psychologist's name from the register where it establishes that his name has been removed from a register of psychologists maintained in any other State.

Four other States have already introduced legislation for the registration of psychologists. Apart from Queensland, the remaining other State, New South Wales, hopes to introduce legislation this year.

Mr. Burns: Is ours somewhat similar to theirs?

Dr. EDWARDS: Yes, based on similar principles. Provision is also made for the board to require a psychologist to appear before a committee of assessors composed of medical practitioners where it comes to the board's notice that the psychologist may be medically unfit to practise psychology. Procedures are provided for the board to follow in respect of disciplinary action and imposition of penalties as a result of such action. Guide-lines are also established for undertaking an appeal against a decision of the board.

Definitions are provided in a clause at the beginning of the Bill and are of a routine nature apart from the definitions of "hypnosis" and "psychological practice". Briefly, psychological practice can be described as the application of principles, methods and procedures of understanding, predicting and influencing human behaviour.

For some time now I have been concerned about the activities of certain persons undertaking unorothodox health practices that include the influencing of behaviour of the patient by a person who has little or no training in the field of psychology. Some of these practitioners have claimed to effect cures, mainly of a psychological nature, by the laying on of hands. Such practices could, I believe, bring about serious psychological damage to a patient unfortunate enough to seek assistance from these practitioners and, in addition, could preclude the patient from seeking qualified help.

In many instances there is evidence that the successes claimed by these practitioners are short lived, and that the patients are left with either the same or, more likely, additional problems. This Bill therefore empowers the Psychologists Board of Queensland to control the practice of psychology in Queensland. A person who is not a psychologist is not to practice psychology or use any name or title that would indicate he is a psychologist or is qualified to practise psychology.

Advertising is likewise restricted and penalty provisions included.

It is realised that the activities of other professions cut across the definition of "psychological practice", and for this reason the Bill includes certain specific exemptions for ministers of a recognised religion—the recognised religions will be proclaimed—medical practitioners in the course of their practice and students in the course of their studies.

I might add that I was distressed and disturbed to read in the Press over the week-end claims that the Queensland Government was going to prevent certain religious practices. I announce to Parliament that we have no intention whatever of interfering with religious practices of any particular religion, but we will certainly be interested in the psychological practices of certain religions that we feel they should not be carrying out because of the effect that those practices can have upon a person's nature. We certainly have no intention of interfering with the carrying out of normal religious practices.

On the board's recommendation, certain other persons or classes of persons may be exempted from the provisions of the Act by the issue of an Order in Council. It is not the intention of this legislation—I repeat, it is not the intention of this legislation—to inhibit people who have training in other fields—for example, social workers—from practising their particular profession.

I wish to stress particularly that this Bill will not affect in any way the practice of religion or the conduct of priests or ministers of religion. I hope that the Press, which has continually been prophesying that certain things will occur, takes note of that statement. The practice of religious observances and the pastoral care provided by ministers to members of their congregation are exempt from the provision of this Bill.

In accordance with the provisions of the Bill, the practice of hypnosis in Queensland will be restricted. Those who may use hypnosis will be limited to psychologists, medical practitioners or dentists, each in the normal course of their professional practice, and students in the course of their studies at a university or other educational institution.

In addition, the board will be empowered to approve of certain persons using hypnosis for therapeutic purposes. Such persons will

have to satisfy the board that they are fit to practise hypnosis for therapeutic purposes and comply with the conditions specified by the board in its approval. A requirement of any application for approval on this basis will be that the person had obtained his income principally from the practice of hypnosis for therapeutic purposes for a period of at least two years prior to the commencement of this Act.

Other sections of the Bill relate to administrative matters generally.

Consideration has been given to the submissions of the Australian Psychological Society and some of the suggestions have been incorporated in this Bill. The Bill will be able to be examined closely by organisations involved in its administration and I will give every consideration to suggestions in regard to its amendment if interested organisations make submissions to me to that effect.

In conclusion, I would remind honourable members that the effects of this Bill are two-fold—the establishment in Queensland of registration procedures for psychologists and, more importantly, the introduction of control over unorthodox health practices and hypnotherapy in Queensland.

As this is new legislation in this State and no doubt will create a great deal of interest in the community, I have recommended to Cabinet that the Bill be allowed to lie on the table of the House until the autumn session next year and, as I said earlier, I am inviting submissions from interested parties so that the best legislation can be introduced in this important field. Cabinet has agreed to my recommendation. I would therefore request that all submissions be forwarded to me by mid-March 1977.

I commend the motion to the Committee.

Mr. BURNS (Lytton—Leader of the Opposition) (10.9 p.m.): On behalf of the Opposition, and also on behalf of a large section of the community who have expressed concern about some of the headlines that have appeared in the Press in relation to this legislation, I thank the Minister for his announcement that the Bill will lie on the table and that people will have an opportunity till March 1977 to make submissions to him. This will give us a chance to circulate the Bill widely and to have it discussed. It will also allow us to ensure that the Bill will not restrict the rights of certain persons.

I am worried about the number of Bills of this type we have to deal with, but this seems to be a fact of life in this modern age. We continually seem to be dealing with yet another Bill to register certain people or make them apply to a Government department or board before being allowed to practise. In saying that, I do not mean to imply that this Bill is unnecessary; but when we introduce legislation of this type we should allow it to lie on the table—as this legislation will—for some time so that we can look at it very closely.

As I understand it, the Australian Psychological Society exercises control over psychologists in Queensland. Persons can become members only if they have completed eight semesters of academic training, the seventh and eighth semesters to be devoted to work directed to an honours degree or a post-graduate diploma in psychology. To become fully qualified, a graduate must undertake an additional two years of supervised training in an approved centre or do an additional two years of post-graduate training.

As do most laymen, I see the word "psychology" and use it fairly regularly, but I believe that it is necessary to ascertain what it really means. I thought that a dictionary would be the best place to find a definition. However, on looking at a dictionary, I found that it did not give any good general description of psychology. I note that tonight the Minister gave us a definition. He said that psychology could be described as the application of principles, methods and procedures of understanding, predicting and influencing human behaviour.

I discovered that psychologists are employed in education, usually as guidance officers and school councillors, to provide educational and vocational guidance and assist children and their teachers with problems of learning, teaching, mental, emotional and physical handicaps, and specific learning disabilities. Some psychologists occupy senior posts in which they assist in formulating education policy. Teaching and other educational experiences are useful additions in the application of psychology in this area; in fact, they are frequently a prerequisite for the work. In other words, it is not only training in psychology but also educational activities that make these people of some value to the department.

In commercial and industrial organisations and in Government, psychologists advise on the selection and promotion of staff, assist in training programmes, advise on conditions of work, morale, etc. Some conduct market-research surveys and surveys on radio-listening and television-viewing habits of the public. I did not realise that psychologists were involved in all these things as part of their occupation. Others study problems such as migrant assimilation.

In the field of mental health, the clinical psychologist assists in the diagnosis and treatment of mental illness. Here psychologists are often members of a clinical team comprising a psychiatrist, a social worker, a speech therapist and an occupational therapist.

In crime prevention and rehabilitation of offenders, psychologists work in probation and parole and with agencies concerned with juvenile delinquents. The community psychologist also has an important role to play in these and other areas of concern.

Many people who are doing valuable work in the community could be classed as psychologists or could come within the

definition of psychologists in the Bill. I welcome the Minister's statement that certain professions will be exempted. That remark is especially relevant to recognised religions. When I saw a statement about religions in the Press at the week-end, I immediately said, "I am against it", because one of the rights enshrined in our civil liberties is the right to worship according to choice—freedom of worship. The Press announcement really suggested that we were out to restrict by legislation the public's right to choose a church or to restrict the number of avenues of religious observances available to the people.

Dr. Edwards: You had more faith than that in us, didn't you?

Mr. BURNS: We have to accept what we see in the Press these days. Very rarely do we know what is happening until a Minister introduces a Bill, and the newspaper story helps us in some way. We have to be cognisant of what is happening in the community.

I wonder why the Minister said that we will recognise three years' practical work by a psychiatrist as some sort of qualification at time of registration but only two years' practical work where those practising therapeutic hypnosis is concerned. It seems to me that we should have stuck to three years or two years. I noted that only as the Minister was speaking tonight.

People, including counsellors, social workers and vocational guidance officers, are concerned that this Bill will provide a registration procedure that might remove them from their field of employment or may reduce their opportunities to work in an area where they have gained a certain amount of expertise. For example, I see people in the schools who are working with children with special learning difficulties. I do not know whether they have had basic training in psychology, but I believe that they become expert in handling problems of this type.

Dr. Edwards: We have provided for exemptions for people under the Education Act.

Mr. BURNS: That is very good.

Many workers in social welfare agencies undertake work involving psychology. They do not have the specific qualifications to enable them to be psychologists, although most have adequate academic qualifications and many years of experience in their field. It is important that such people are not disadvantaged or stifled by the proposed board. In times of high unemployment, social problems are of major concern, and those people who can counsel and work in those areas are of tremendous value to the community.

I do not want to take any more of the time of the Committee on this matter. On behalf of the Opposition, I accept that the Bill is to lie on the table. For that reason, this is not the time to be arguing whether it is right or wrong. We can do that next year when the Parliament resumes, after people have had an opportunity of looking at its provisions. I thank the Minister very much, as I said at the beginning, for allowing the Bill to lie on the table for this period to give people an opportunity to read it, study it and give their criticisms.

I hope that the criticisms that are sent in by people can in some way be given to us when we debate the Bill next time. Even if the Minister says, "We have received these types of criticism from organisation X. We have not taken any notice of them for these reasons.", we will at least have an understanding of the Goverment's treatment of many of the submissions and the letters of which we will be receiving copies. We will have a clear explanation. In many cases we receive letters from people and we raise the subject matter of them in the Chamber. If the Minister fails to answer our queries during the introductory or second-reading stages, we cannot give satisfactory replies to the people who have made submissions to us. If we could pass them on to the Minister and he could give us some explanation of why they are not covered, why they should be covered, or the reasons for the Government's actions on them, we would appreciate it.

Dr. SCOTT-YOUNG (Townsville) (10.17 p.m.): I congratulate the Minister on his introduction of this measure. Over recent years there has been a great proliferation of so-called paramedical groups, among whom the psychologists and the hypnotists are quite a powerful and vocal group. We have been told that we can solve most of our problems by seeing a phychologist. Take the kid who needed a belt across the backside and wasn't given one. Instead, he was sent to a child psychologist, after which it was found that he became a proper delinquent.

Psychologists are of value in the community not only for the treatment of children and the sick, but also in commerce and business. Unfortunately, they have assumed too great an importance, especially among the uninitiated. In all probability, the Minister has introduced this measure to bring back the practice of psychology and the practice of hypnosis to a common-sense basis and level and not leave them in the clouds where some of them are.

In recent years we have had great trouble in working out qualifications for various professional people who come to this country. I am very pleased to see that the Minister is putting fairly strict requirements on the qualifications of anyone applying to be a psychologist or a hypnotist. In fact, he is restricting the use of hypnotism to three groups: dentists (where a lot of it is used), the medical profession and some psychologists. I gather from the Minister also that the psychologist will be screened as well, because some people can use hypnotism and some cannot.

Recently the medical profession has had a lot to do with the assessment of overseas qualifications. That applies also very strongly to the paramedical groups and associated professions. Considerable trouble was encountered in obtaining a full appreciation of an applicant's basic training. We found our standard of basic training was not the same as theirs; in fact in the great majority of cases overseas basic training in the medical and paramedical groups was definitely lower than ours.

We found also that there were language barriers and that these people when presenting themselves for examinations often had extreme difficulty in expressing themselves. This would be apparent in a subject such as psychotherapy or psychology where a considerable amount of the effort is a verbal indoctrination or verbal persuasion of the person rather than a physical persuasion. I think it would be much more difficult to be hypnotised by a stammering, stuttering Chinee than a smooth-tongued person of one's own language or race.

We found also that when they came to have their practical examinations they had difficulties other than their problems with our language, with the result that over a period of years our overseas panels have been checking these people very carefully. Even America has discovered this. It has had to rethink its whole programme for allowing immigrant practitioners of medicine and allied sciences into the country. It has rethought its examinations for entrance degrees.

The Leader of the Opposition had problems in working out exactly what was the use of psychology and psychotherapy. The meaning of the word derives from the Greek "psyche", which means soul, spirit, or mind. Therefore it is the art of dealing with problems of the spirit, mind or soul, whichever it is wished to consider. Psychotherapy is the treatment of these diseases by hypnotic influences. The practitioner discusses the patient's problems with him and endeavours to rationalise them as much as possible.

A lot of the success of psychotherapy depends on the quality and the qualifications of the practitioner. This is where the Minister and the Department of Health are very wise in now laying down guide-lines—and I hope they will be strict ones—on the qualifications of these people, so that we will not have as we do at the moment a whole array of brass plates on which someone has put "psychologist". After doing a degree in Fine Arts Sciences and Ancient History he can then show himself as, "B.A., Psychologist, Child Psychologist." He knows no more about the basic thoughts of the human mind than the man in the moon, and I can see that this practice will disappear completely.

I remember a well known so-called child psychologist in Townsville who knew nothing about psychology. He used to charge much more for his interviews or consultations than the psychiatrist was charging. Yet he knew nothing about the basic principles of psychology.

We must remember that giving advice about actions and how people should behave is a very difficult problem because wrong advice could be given with disastrous results. A person who is given the authority or privilege to advise people on their behaviour must be extremely sure and careful about what he is doing because if the wrong advice is given the result could be disastrous. This will come only from exceptionally deep and careful training and selection of graduates. Everyone who wishes to do psychology at the university need not necessarily be a person suited to the treatment of patients by psychology of psychotherapy.

The use of hypnosis has been likened to black magic and voodoo for many centuries. I am more than pleased to hear that the Minister is limiting the number of people who will be able to use it. I remember well a dentist who decided he would go into hypnosis therapy. He quickly went back to the syringe and local anaesthetic because he had some rather ghastly and frightening experiences when he thought his patients were under the influence of his charm and he ended up getting the tip of his finger bitten.

One of my residents decided to anaesthetise a sick old lady. I said to him, "Look, brother, that's dangerous. The only thing you should give her is hypnosis." I walked along the corridor to the theatre and there, lo and behold, was this fellow sitting beside the dear old lady and talking to her. I asked, "What's doctor so-and-so doing in there?" I was told, "He's hypnotising the patient." After about half an hour I noticed that the old lady was asleep. I thought, "That's not bad at all" and I went in and said to her, "What did he say to you, Mum?" She opened her bleary eyes with pinpoint pupils—she was under the influence of the morphia that she had been given—and said, "I don't know, doctor. He was talking into my deaf ear." The fellows who practise hypnosis have to know what they are doing or they end up in trouble.

I am pleased to see that the Minister has carefully stipulated the number of people who will be allowed to practise it. I hope that they, too, are carefully vetted and have proper basic training. This will throw an extra burden on medical schools.

There is mention in the Bill of a board. I hope it includes some members of the medical profession, especially the teaching branch.

Mr. Simpson: Can you teach hypnosis?

Dr. SCOTT-YOUNG: Yes, it can be taught if a person has the necessary ability. It is not something that comes out of the air like the vision of the Lord.

Mr. Simpson: It is not a gift?

Dr. SCOTT-YOUNG: Not necessarily. For many years it was thought that one who could practise hypnosis was a gifted person with a peculiar spiritual influence behind him. The dentists I know who practice

hypnosis are not spiritually inclined. They are financially and economically rather than spiritually inclined. They carry out hypnosis because they find it easier to get the patient under and less traumatising for some patients. Obviously it has improved their practices.

I hope that the Minister makes sure that members of the board have the necessary qualifications, preferably experience on the teaching staff of the university, to enable them to make an assessment of applicants.

The Minister also said that psychologists must be medically fit to practise psychology. I would say that they should be mentally rather than medically fit. Unfortunately there are far too many so-called psychologists roaming this city today. A couple of them have been strongly criticising the Health Department. They criticise the Police Force, the crime rate and our hospitals. These two gentlemen classify themselves as psychologists. I do not think that they would meet the intended criteria of mental fitness.

Mr. Frawley: Who are they? Is Paul Wilson one?

Dr. SCOTT-YOUNG: If the cap fits, let him wear it.

I consider that the Minister has brought down a worth-while Bill. It is to lie on the table for some months and I have no doubt that we will hear some most interesting contributions during its passage. I feel sure that the citizens of Queensland will be well pleased with the final legislation.

Mrs. KYBURZ (Salisbury) (10.29 p.m.): I congratulate the Minister and the Health Department on the production of the Bill because there are many things going on in Queensland at the moment that are particularly perturbing to me. In many cases it is women who are being taken in by many of the shonky deals that are being made. I shall discuss that matter a little later.

I am pleased to see that stringent qualifications are to be required for registration as a psychologist. I think that that is possibly one of the most important provisions of the Bill. The guide-lines for the assessment of suitability in applicants will be extremely interesting and I am sure that many will be excluded. I am particularly pleased to see that the board will be empowered to require a person who is practising psychology to pass some type of examination. I think it is extremely important that applicants be required to prove their competence to practise as psychologists. The machinery under which the board is to operate will be of great interest to many people in Queensland, as will the disciplinary action that can be taken against certain people.

The practice of hypnosis has been discussed widely. I read recently that the Minister ordered a report on hypnotherapy clinics and their functions. It is extremely interesting to read this report because it does in fact seem that many of the claims made by these hypnotists are true. The authors stated that they cannot indicate that hynosis has little use in the treatment of physical and psychological disorders. In fact, it is a technique widely accepted in the psychological and psychiatric fields. It is a very interesting report and I recommend that every member read it.

One thing that has created a lot of public interest in southern States, and I have had a few phone calls about it already, is the practice of scientology. I am concerned about what we might or might not do about it in this State because there are people who are being hoodwinked by this quasi religion, if that is what it is termed. It is particularly threatening to note that the practitioners of scientology consider themselves to be psychiatrists, and in fact many people are being told that a great many of their problems are being treated, I suppose one could say, because a type of clinical treatment is undertaken in this church. I do not know how many people there are of this faith in Queensland, and I use the word "faith" quite advisedly, but I do feel threatened by it.

One other matter which I wish to bring to the attention of the Committee is that there are a great many people advertising quasi psychological motivation courses not only through the newspapers but also in professional publications. I mention a firm known as Focal Universal Pty. Ltd. which conducts secret courses where one hides away in the bush for four days and learns lots of wonderful things like "the greatness in you" and "how to become a very talented person". People undergo four days of repeated mental bashing, if I might use that term, in which they learn how to bring out their full leadership qualities, how to arouse enthusiasm in others and how to present their ideas effectively. Now we get to the crunch, the cost. It is a $900 investment for this four-day live-in seminar during which a person is told how personally to bring out all of those things I have mentioned. I think it is pure chicanery in a sweet package.

The other course I want to mention should give honourable members quite a laugh because it is called "How to become a sensuous woman". The firm advertises that the course has been formulated after many years of research and is like a finishing school for women. This is another package that this firm—I do not really know what I should call it—has put together. The things one learns are quite astounding. In fact, I do not know that I would be game to mention them here. This course also costs $900. The firm is operating from Brisbane and is much like a firm in Sydney called "Dare to be Great". I believe that that firm also is in fact operating in Brisbane, probably under another name.

Mr. Gygar: If people are mugs enough to buy that, don't you think that it is their problem?

Mrs. KYBURZ: We know the old adage "Let the buyer beware", but I am concerned that under this Bill we as a Government will have the power to look at a lot of these practices, particularly scientology and those of some of these other firms claiming that they in fact give psychological counselling. I am worried about the marriage guidance field because the firm I mentioned, Focal Universal, claims to be able to fix broken marriages. How it can do that after four days of brainwashing, I will never know, particularly as it costs $900. I think it is disgusting that this is happening.

The practice of hypnosis will be limited by the Act. Certain specific people will in fact be covered while others will be exempt. The Minister mentioned that certain ministers of religion will be exempt from the provisions of the Bill, as will medical practitioners and students in educational institutions providing education in psychology. I presume that the board will determine the extent of the exemptions and whether or not a "minister of religion" is just that. I will be interested to know what religions will be covered, and whether scientologists will come under that umbrella. It will indeed be an umbrella of protection.

We have to be extremely careful. Psychology is playing an extremely important part in the social consequences of modern living. I am particularly pleased to see the Bill being introduced; it is long overdue.

Mr. JONES (Cairns) (10.36 p.m.): The honourable member for Salisbury has certainly enlightened the Committee. It is the first time I have heard that in the realms of psychology human behaviour would be enhanced by going bush with a sensuous woman for four days.

There has been a great deal of speculation about and perhaps basic misunderstanding of the intentions of this Bill which, from the Minister's introduction, appears to be simply a Bill to regulate the practice of psychology and to establish a board to administer the legislation. Of course, there will be four psychologists on the board.

I was initially concerned about the clause covering qualifications and the guide-lines that the Bill would establish. I was concerned that the board, in assessing qualifications, would interfere with the right of some persons in the community to practice. I am referring to what the Minister called unorthodox health practices, which includes the influencing of the behaviour of the patient. What I am particularly concerned about tonight is that some persons who are competent to practice, perhaps not in our European concept, may be encompassed in the provisions of the Bill and be adversely affected, even though what they are doing has fundamentally nothing to do with psychology.

The Minister mentioned the existing legislation in four other States and the fact that New South Wales was anticipating legislation based on the same principle. Originally I was concerned about the Tasmanian and Western Australian legislation which covers the practice of psychology and the unorthodox practice of psychological cures. Possible damage to patients, of course, is our main concern here tonight. From the Minister's introduction I understand now that people will not be able to use certain titles, and that there will be penalties for abuses that cut across the definition of "psychology". The Minister referred to conduct bordering on psychological practice or counselling. Apparently it is not the intention to prohibit others in this field. I was very pleased to hear that from the Minister. He indicated that to me privately.

I am particularly concerned about the interests of a broad section of the community in Far North Queensland—the Chinese community. They were worried because they heard that the Western Australian and Tasmanian legislation isolated Chinese herbalists, and they thought that this legislation would do likewise and would seriously impair the activities of Chinese herbalists who have practised in North Queensland for a number of years—to my knowledge, for three generations—in catering only for the Chinese community.

I am here tonight to submit on their behalf that their practice involves an understanding, perhaps predictably, of human behaviour. I think the Minister referred to the procedures of understanding, predicting and influencing human behaviour. On a broad basis the practice of these Chinese herbalists could be covered by the Bill. I would ask the Minister to give me an assurance that this will not be so and that my Chinese friends will not be affected by the legislation.

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (10.41 p.m.), in reply: I thank honourable members for their contribution to this debate. I am sure that the second-reading debate next session will prove to be a very interesting one.

I have noted the comments of the Leader of the Opposition. I appreciate his remark that we should consider fully submissions that are made to us. I give him my assurance on this. He also expressed the hope that copies of submissions sent to me will be forwarded to the Opposition. I have no objection to that. I hope, of course, that the Leader of the Opposition and Opposition members generally will forward on to me copies of submissions that they have received so that they, too, can be considered. This is, of course, the purpose of allowing the Bill to lie on the table. I look forward to hearing submissions from Opposition members as well as from other people.

Mr. Wright: How will you overcome the problem of overseas qualifications of some of these people?

Dr. EDWARDS: This matter is included in the Bill and I look forward to receiving submissions on it.

The honourable member for Townsville referred quite competently to the training of psychologists. I assure him that this matter is under constant review by the Australian Psychological Association and university authorities.

I was pleased to hear the comments of the honourable member for Salisbury, who welcomed this legislation. I know that she is greatly concerned about it. I have noted her remarks about scientology and advertising, and these will be considered.

I can assure the honourable member for Cairns that the normal practice of Chinese herbalists will not be affected by the Bill. I have already indicated this to him privately. However, if anyone in unorthodox medical practice attempts to practise psychology he will be required to have the qualifications as laid down in the Bill.

I am pleased to hear that the Bill is welcomed generally. It has also been welcomed by the community. I look forward to receiving submissions so that we can, as necessary, amend the Bill in the March session.

Motion (Dr. Edwards) agreed to.

Resolution reported.

FIRST READING

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

PHARMACY BILL

SECOND READING

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (10.45 p.m.): I move—

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

In my opening address at the introductory stage, I advised honourable members that this Bill was being introduced to consolidate existing legislation. Accordingly, whilst certain new concepts relative to the practice of pharmacy are introduced, many of the provisions are of a machinery nature only, establishing the functions and procedures of the Pharmacy Board of Queensland. Now that honourable members have had the opportunity to study the Bill, I will elaborate upon its intent.

The term "pharmacist" has replaced "pharmaceutical chemist" in everyday use and has therefore been adopted for the purposes of this Bill. A definition has been provided for "pharmacy" in lieu of "dispensary" to more adequately describe the premises occupied by a pharmacist. A new definition has also been inserted for "practice of pharmacy" encompassing the routine activities of a pharmacist.

Membership of the Pharmacy Board of Queensland is retained at seven but provision is made for future boards to consist of at least five pharmacists. Cabinet's decision concerning retirement, or non-appointment of board members at age 70 is observed and provision is made for the chairman of the board to be appointed by the Governor in Council and the deputy chairman to be elected by the members from their ranks.

A section of the Bill establishes procedures for meetings of the board which previously were established by the board by by-law.

As in legislation for other professional groups, provision is now made for the board to form advisory committees to assist it and for payment of fees and allowances to members of such advisory committees and to board members. Fees for board members were previously prescribed by by-law. Cabinet decision concerning non-payment of fees to public servants attending meetings during normal working hours is observed.

Sections relative to the appointment of the registrar and other board officers and to accounting procedures are updated.

The provisions of the previous legislation relative to qualifications for registration were confused and restrictive in their application and the Pharmacy Board was unable to implement decisions of the Committee on Overseas Professional Qualifications. Comprehensive procedures for registration are now provided. A schedule detailing Australian, New Zealand, United Kingdom and Irish qualifications which are acceptable for registration in Queensland is provided. Provision is made for the schedule to be amended, by addition or deletion of qualifications, by Order in Council.

Procedures are clearly established for the board to follow in respect of applicants with other than the qualifications detailed in the schedule. An applicant for registration may be required to undertake practical and oral examinations in English arranged by the head of the Department of Pharmacy of a university in Queensland and additional training if in the board's opinion this is necessary to fit him to practise pharmacy in Queensland. The board may require an applicant for registration to appear before a committee of assessors to determine his fitness to practise pharmacy before granting registration.

It is a requirement that a pharmacy graduate undertake a period of practical training prior to registration and provision is made for the board to prescribe the period of practical training it requires.

Provision is made in the Bill for a pharmacist to obtain a copy of his certificate of registration from the board.

During the introductory stage of this Bill the honourable member for Nudgee asked a question concerning action the board might take to deregister a pharmacist. The provision of the Bill is that the board may direct the registrar to remove the name of a

pharmacist from the register where it comes to the board's notice that his name has been removed or suspended from a register in another State. I assure the honourable member for Nudgee that the board would not act lightly in this matter but would satisfy itself as to the circumstances that brought about the deregistration or suspension before issuing instructions to the registrar. The benefit to be gained from the provisions of this Bill is that the board will be able to act on the findings of an inquiry conducted by a registration authority in another State and will not need to set up its own inquiry, which can be a lengthy and costly procedure.

The grounds for disciplinary action by the board have been extended to include conviction of an offence against the Pharmacy Act 1976 or the Health Act 1937–1976, failure to carry out a lawful demand of the board or falsification of a certificate or other document. Other provisions relative to disciplinary action are similar to previous legislation except that provision is now made for the board to recover costs of any action from the pharmacist concerned and for the board to publish the results of any inquiry in the manner it thinks fit. Terminology has been updated in the section relative to misconduct by a company or association of persons and provision is made for the development and publication of a Code of Professional Conduct of Pharmacists.

The appeal provisions of the previous legislation have been consolidated, and procedures whereby an appeal can be instituted are established. Provision is also made for the judge hearing an appeal to appoint one or more experts to assist him if he considers that the particular case involves a question of special knowledge or skill on which he is not competent to render a decision without such expert assistance.

The provisions of the Bill relative to ownership of and pecuniary interest in pharmacy practices aroused considerable interest and comment during the initiation. The proposed limitation of ownership or pecuniary interest to four pharmacies has the support of the Pharmacy Guild of Australia, Queensland Branch, and the Pharmaceutical Society of Queensland. In fact, advice furnished to me by the president of the Queensland Branch of the Pharmacy Guild of Australia was that the policy of the guild was that ownership should be restricted to three pharmacies.

Both these professional bodies expressed the opinion that limitation of ownership was essential to ensure the maintenance of personal and professional attention to the needs of the public. (I might add that this legislation applies in every other State at the present time.) It was considered that this attitude did not exist in pharmacies operated as a multiple chain but rather that turnover took precedence over the personal and professional aspects of pharmacy practice.

The honourable member for Windsor questioned the provision of the Bill restricting ownership of pharmacies to pharmacists. This restriction has been in existence in previous legislation for many years and serves to keep the practice of pharmacy out of the hands of drug companies or the persons and groups who would be investing for profit, not for service.

There was much discussion also concerning pharmacies in retail stores and supermarkets. A provision of the Bill will limit the influence that a retail store or supermarket can have on in-store pharmacies. A bill of sale, mortgage, lease or other arrangement cannot place any restriction on goods or services for the pharmacy or require any access to books of account or consideration according to variation of profits of the pharmacy. The right to control the pharmacy will rest solely with the pharmacist in such situations.

The Bill imposes restrictions on pharmacists being absent from their pharmacies and provides for the board to make by-laws concerning the permitted hour per day when a pharmacist may leave the premises. A maximum penalty of $1,000 is prescribed for any person who owns or has a pecuniary interest in a pharmacy and who permits medicines, mixtures, compounds or drugs to be dispensed in the absence of the pharmacist from the pharmacy. Other penalty provisions of the Act have also been increased.

A new provision contained in the Bill will enable the practices of pharmacists who are serving a suspension on disciplinary grounds, or whose names have been removed from the register for a specific reason, to be continued under the management of a pharmacist. Such continuation would be subject to board approval and review at three-month or lesser intervals.

A provision of the Bill will authorise the board to take or accept statutory declarations for any purpose.

The power of the board to make by-laws has been reviewed to ensure all functions of the board are catered for.

This Bill has a twofold purpose: firstly, to update previous legislation relative to registration of pharmacists and pharmacy practice and, secondly, to encourage a stronger professional attitude by pharmacists in the practice of their profession. I commend the Bill to the House.

Mr. HOUSTON (Bulimba) (10.54 p.m.): The Opposition has studied the Bill. Although there are some parts of it which we consider to be overprotective towards the pharmacist, we are concerned about the restrictions on the number of shops. Whether or not that will be in the public interest, only time will tell. In expressing our acceptance of the legislation, we do so in the hope that amendments will be made quickly if necessary.

I should like to refer firstly to the creation of the board. In recent years when the Government has set up boards—no matter what they are for—it certainly makes sure that ministerial control can really throttle them. We have seen this in other Bills and we see it again in this Bill. Seven people are to be appointed. Four of them shall be nominated by the Minister and at least two shall be pharmacists. They are virtually ministerial appointments. I have no fight with the two for two; but the other three are to be pharmacists appointed by the Minister and accepted by the Minister. If there are four Government appointees, surely the Government could allow the so-called independent professional bodies the right to nominate the three persons they want to. What does it matter if one of them happens to be a bit of a stirrer, asks questions and is not prepared to sit back and say, "The others want it so I will go along with it"?

Mr. Wright: Like a Whitrod.

Mr. HOUSTON: I suppose that if they do stand up for their rights they will be eventually forced out because of some terms here that the Minister could use.

Mr. Frawley interjected.

Mr. HOUSTON: The difference is that I am still here.

This is the trend these days in the composition of boards. I hope that it will not be done in every field of Government legislation when boards are created. I would like to think that if a board is to be created it should be something. Let it have some teeth to do the job it is created for. If the Government does not want a board like that it should come straight out and say, "The Health Department, through the Minister, is going to control this profession." If the Government sets up a board, it should let it operate properly.

I suppose that the ownership of pharmacies was the crux of most of the introductory debate. The Minister has suggested that the reason why the number is limited to four is to make sure that the pharmacist himself has a direct influence in the business and as far as practicable can accept a direct responsibility for it. This is a new concept, particularly for a Government that talks about free enterprise and private enterprise, to come into the Chamber and restrict the number of shops.

Mr. Bourke: It is called professional responsibility.

Mr. HOUSTON: Apparently it is of no importance to all other professions and callings; in no other profession or calling is it laid down that a person or group of people cannot own more than four of anything throughout this vast State of Queensland. There is other legislation that encourages the combining of interests.

Mr. Bourke: No other profession has shops.

Mr. HOUSTON: There is no denying the fact that other professions have direct agencies in other parts of the State. If a person looked at the financial arrangements of those other agencies he would find some monetary tie-up between them. I am not fighting about that. I go on service to the public and efficiency of the operation. If a chemist happens to own up to four shops, that is O.K. according to the Government, but if he has five, that is different.

Mr. Lindsay: I think he is being greedy with four.

Mr. HOUSTON: Maybe he is. The point is that the Government has laid down a yardstick and has not done it with any other profession. I would be more concerned about hotels, for instance, being in the hands of one or two persons. There has never been any attempt by the Government to say to the breweries, "You cannot own more than four hotels." It is an open go for breweries.

Dr. Edwards: There is a big difference between serving beer and dispensing drugs.

Mr. HOUSTON: Well, I don't know. If I wanted to take up the hour and a half that I am allowed, I could debate with the Minister the dangers of liquor in its various forms in the community and the household.

Dr. Edwards: I support you fully.

Mr. HOUSTON: Therefore I think there is a parallel between hotels and pharmacies.

Mr. Wright: The Minister has said that alcohol is a drug.

Mr. HOUSTON: Yes, and I quite agree with him. So, too, should everyone. If we do not want to use the word "hotel", let us refer to taverns that dispense the drug alcohol in its various forms. There is, to my mind, a strong parallel between taverns and pharmacies.

Chemists, of course, dispense dangerous drugs and a mistake by a chemist can cause a great deal of suffering by the patient whose prescription is incorrectly dispensed.

Mr. Bourke: He is legally responsible for it.

Mr. HOUSTON: He might be legally responsible but I do not believe that any chemist sets out deliberately to do such a thing. However, I am sure there are recorded cases of mistakes in dispensing drugs. When a mistake is made, the patient who suffers from it will not necessarily make the mistake known publicly. But I do agree that the chemist is a very responsible person in the health facilities of this State and I quite agree with any legislation that will make pharmacists more efficient and less likely to make mistakes. However, I still cannot see the need to single out chemists

by providing that they cannot own more than four shops, even if they are managed by qualified chemists.

On the issue of ownership of shops, again chemists are being placed in a different category from virtually all in other professions. Very often a partnership is, for various reasons, established by a husband and wife. Quite often there is such a partnership in the medical profession where both are qualified medical practitioners. I am speaking of husbands and wives who are in partnership as a legitimate business arrangement.

Mr. Akers: Which professions do you see that in?

Mr. HOUSTON: If the interpretation of a profession is to be taken to the extreme, I suppose it would be difficult to name them offhand. I am sure the honourable member will agree that the business names of many firms of solicitors still include the names of some who have passed away. One case that comes to my mind is a tailoring establishment in which one partner who had invested money was not a tailor.

Mr. Akers: Tailoring is different from a profession.

Mr. HOUSTON: A tailor thinks he is in a profession. If "profession" is to be restricted to certain callings, I think the honourable member is becoming rather minute in his thinking. After all, we are dealing now with the principles of the legislation.

I see many reasons why it is not necessary to require the owner of an establishment to be a pharmacist. I agree that the control of the shop must be in the hands of a qualified pharmacist. However, in many towns today the pharmacy is not merely a place for the filling of prescriptions. Because of a number of factors, many of these shops today do a substantial trade in cosmetics and other items. A lot of them sell toys, particularly around Christmas time, as well as other knick-knacks that can be sold over the counter. I am sure the Minister knows this. Many of them even go into the shoe trade, selling special types of shoes that one can buy virtually only in chemist shops. I see nothing wrong with that. But if a person wants to give a young qualified chemist some financial assistance to get him established then I cannot see why that person, whether it be his wife who runs the other part of the shop, or his father, uncle or anyone else, should not do so and then have his name included in the name of the establishment, so long as the person responsible for the shop is the pharmacist himself. We know that the name of the pharmacist has to be shown on the shop, and it has been established that if he passes away, within 12 months, unless the board determines otherwise, his name shall be removed and a new name put up.

In many other callings—I will not call them professions lest I upset someone—the family name is used, such as "Jones and Sons" or "Jones and Daughters". In the legal and accounting professions and on the stock exchange we have the names of people carried through year after year, even though they are deceased, and I see nothing wrong with it. It establishes a name and a reputation. If goodwill is established in a business because of the name of a person, I see nothing wrong with allowing that name to be continued. We have all seen suburbs where the corner shop has been known by a person's name, and even after the shop changes hands it is still known as "So-and-so's corner shop".

Mr. Bourke: Is this covered in the Bill?

Mr. HOUSTON: Yes. If the honourable member knew something about the Bill he would know it is.

Mr. Bourke: Is there a provision which covers the name of the pharmacy?

Mr. HOUSTON: The name of the pharmacy, yes. I thought that as a pharmacist the honourable member would know that. Incidentally, I wonder whether, if the honourable member, who has just recently been elected to this House, had four pharmacies, his being a member of Parliament would be counted as an additional job so that he would have to get rid of one pharmacy. I know that because of his attendance here, he would not have time to manage four pharmacies but he had better wait until we debate the clauses.

I have discussed the main provisions of the Bill with which I wished to deal and I am sure that in his reply the Minister will have answers to the arguments I have put forward. As I said, the main thing the Opposition has been concerned about is ownership. We take it that the Bill will set out the various qualifications in a schedule which meets with the approval of the various authorities in the medical and pharmaceutical fields, and as a consequence the Opposition supports the second reading of the Bill.

Dr. SCOTT-YOUNG (Townsville) (11.9 p.m.): I have some misgivings about this Bill. Basically it is sound in that it again reaffirms the desire to set adequate qualifications for professional people. An honourable member who interjected during the speech of the honourable member for Bulimba asked what was a profession. The term governs callings almost from A to Z—from accountancy down to veterinary science.

Mr. Houston: Some fruit-shop proprietors give themselves fancy names as you no doubt have seen.

Dr. SCOTT-YOUNG: I have seen accountancy companies formed by a husband and wife when the wife was not an accountant. She was not a professional, but the word "profession" has a wide range of meanings.

In 1969 the Commonwealth Government set up under Mr. Bill Snedden the Committee on Overseas Professional Qualifications. The chairman of that committee was Dr. David Myers, the Vice-Chancellor of Latrobe University. He arranged with other professions extra committees to inquire into standards in other professions such as pharmacy, dentistry, teaching, physiotherapy, and even dietetics. I gather that the board to be set up will work in conjunction with the Committee on Overseas Professional Qualifications, and make sure that the people who come to this country are qualified practitioners in pharmacy and have a good grounding in basic principles.

One must realise that the pharmacist has changed dramatically over the last few years. For many years the pharmacist at a hospital did a huge amount of dispensing. Medicines were dispensed in bulk. The pharmacist's intimate knowledge of drugs was much greater than it is today. He was dealing with them in practice. These days a considerable proportion of prescriptions are taken out of a proprietary line bottle. Even tonics are made up in bulk and dispensed in bulk, usually in saleable-sized containers. These days the pharmacist does very little true handling of drugs. I do not think he has altered very much in his general practice of giving advice to persons with rashes, boils or pimples, which is actually outside pharmacy work altogether.

As long as the pharmacist understands the basic principles of drugs, he should vet practitioners' scripts. Sometimes medical practitioners make a mistake. In America there is a rather interesting set-up. A drug selection attitude exists. If a doctor prescribes a drug which is not available at the chemist shop, by agreement with the doctor the chemist can substitute another drug of the same type with the same action. I gather that that does not always apply in Australia, but it should. A chemist should also be able to discuss with a medical practitioner the quality and type of the drug, and its effect on the patient, depending on what the patient is suffering from. There should be considerably more co-operation between pharmacists and medical practitioners than presently exists.

The Bill does not do enough about the basic ethics associated with pharmacy. I would prefer to see rules and regulations to restrict over-the-counter dispensing of analgesics and drugs such as valium that are definitely being sold without a prescription, although they are on the list of pharmaceutical benefits. Sedatives and tranquilisers are being sold without scripts. Evidently no check is made on such purchases, so the pharmacists do not need to record these sales in their drug book.

In the Bill I notice something that disturbs me no end; I refer to the basic principle of restricting a man's enterprise. One of the objects of the party to which I belong is the encouragement of individual initiative and enterprise as a dynamic force of progress. If I subscribe to that I cannot possibly vote for a provision that is going to restrict a man to four shops. It is basically against the Liberal Party platform, and should never have been included in the Bill. On whose initiative was it limited to four? Two members in this House have an interest in pharmacies, and they spoke about the Bill in the party room. If a person has a pecuniary interest in a Bill he should not speak on it or vote on it. That is a basic principle. Yet I have seen that happen in this Parliament.

Mr. Houston: They are going to vote for the second reading, too.

Dr. SCOTT-YOUNG: That is correct, and it is wrong.

Mr. BOURKE: I rise to a point of order. I do not accept that being a pharmacist gives me a pecuniary interest in this Bill.

Mr. ACTING SPEAKER: Order! There is no point of order.

Dr. SCOTT-YOUNG: As the Deputy Leader of the Opposition said, I do not see any basic difference between, say, the Davies brothers, who spread like an octopus over the liquor industry in this State, and a pharmacy group. If the Davies brothers are allowed to spread as they have, I do not see why pharmacists, too, should not be allowed to do so. But pharmacists will never spread like the Davies brothers have in the ownership of a large number of hotels. However, the Bill restricts the ownership of pharmacies.

The Act prescribes that no-one other than a qualified chemist is permitted to dispense a drug. Any chemist who owns his shop, whether it be one, two, three or four shops, would be most unwise to leave his shop without having a qualified chemist in the dispensary. His assistants and girls can sell cosmetics, spectacles and whatever other items he sells to keep trade going and to attract customers, but he must handle the dispensing of drugs.

Mr. Houston: No-one has argued against that.

Dr. SCOTT-YOUNG: That is correct. I do not see how a shop owned and worked by a pharmacist is any more efficient than one conducted by a qualified pharmacist who is being paid a high salary and, most probably, some incentive payments as well. Incentive payments are not unethical; they are accepted in other spheres of business. They usually call for good workmanship and faithful service to the master in return.

Mr. Houston: I think you will agree that some very capable pharmacists are not good businessmen.

Dr. SCOTT-YOUNG: That is correct. Like some doctors, a number of pharmacists, no matter how proficient they might be, never seem to have enough money at the end of the year to pay their taxes.

Mrs. Kyburz. That's clever.

Dr. SCOTT-YOUNG: This actually happens. A lot of professional men are very poor businessmen.

Mr. K. J. Hooper: You have just destroyed my faith in human nature. I always thought a medical degree was the gateway to a fortune.

Dr. SCOTT-YOUNG: I would tell the honourable member that for many years there was a group known as the Medical Benevolent Society consisting of medical practitioners who clubbed together to provide for the care of widows of medical practitioners and for the education of their sons and daughters. The benevolent fund is still in existence. So don't think that, as Press reports would indicate, doctors are rushing to the bank with a bag full of money. During the war years a lot of doctors took on extra burdens and returned the full income from their practice to the widows of men who were killed overseas. A lot of those doctors died from coronary occlusion. They got no thanks for it. The joke about the doctor having money is not always justified.

There is no justification for limiting the number of shops to four. If a man has business acumen and financial backing as well as the initiative and desire to work long hours, he should be allowed to work, progress and expand in accordance with the objects of the Liberal and National Parties.

Mr. DOUMANY (Kurilpa) (11.19 p.m.): Personally, I see nothing wrong with the Bill except its restriction on the number of pharmacies that can be owned by one pharmacist. I must support most of the comments that have been made by my colleague from Townsville.

I find it difficult to understand how a number of pharmacies owned by one man could be said to have a lower professional standard than a single pharmacy owned by one man. I do not accept that argument at all. If a man allows standards to slip, he will let them slip whether he has one shop or practice or a dozen. It is false to believe that by restricting the number of units we will get greater professionalism, but that seems to be the strong argument used by the Minister on this provision.

Mr. Houston: Don't you think dummies could be set up? The fellow who is acting manager in a shop could be dummying for the owner.

Mr. DOUMANY: I do not want to argue that.

For one reason, namely the free-enterprise concept, I do not like restrictions on ownership in any area if we can avoid them. Take the practice of pathology in medical laboratories, where professionalism is equally important. Are we to impose a limit on the number of establishments that one man or group of practitioners may operate? Will we do that? At present there are two or three major chains of pathologists in this city.

Dr. Edwards: There is a big difference. One group is providing service by reading pathology results and the other group is dispensing in a dispensary.

Mr. DOUMANY: With every respect to the Minister, I find it very difficult to accept that if a sample of my blood is being taken for analysis in a critical diagnosis——

Dr. Edwards: Carried out in an auto-analyser.

Mr. DOUMANY: It does not always have to be carried out in that way. It is a matter of how the sample is taken. It is just as critical as dispensing and, in this day and age, dispensing relates to pre-prepared reagents. The days of the chemist or pharmacist starting from scratch with a mortar and pestle are over.

At times I feel very strongly about junior chemists and junior lab assistants in pathologists' practices doing the work while we are being charged full bore. That is as obnoxious as the procedures of a pharmacist who might want to own a dozen pharmacies and operate them in a commercial rather than a professional manner. If we are to be fair dinkum about it, we have to open up the whole can of worms. I am afraid we will have to open it up not only in the field of medicine but also in many other fields.

I do not admit that there is necessarily anything wrong. If the qualifications for pharmacists are set at a proper standard and they are trained properly, there is no reason to believe that, because they work for a salary, they will perform at any lower standard of professionalism. As a professional in my own field who worked for a salary for many years, I would take it as an absolute insult to be told that just because I was working for a salary—whether for a company or in a practice—I was not as professional as an owner-operator. I find that insulting because thousands of professional people throughout this nation and the world—in many cases they are fully and magnificently qualified—are working for salaries, and the public depend on them and have enormous trust in them because of their skill and expertise.

I see no reason why we should differentiate. I am very disturbed about it. Just because some other States have done it—just because, apparently, some other nations have done it—that is no reason why we should simplistically fall into the same pit. It is a restrictive approach and I do not believe it is consistent in logic. I implore the Minister to reconsider this aspect of the Bill.

Mr. LOWES (Brisbane) (11.26 p.m.): When this Bill was introduced on 23 November, I gave notice at the very end of my speech that I would at a later stage move that the Bill be amended so as to delete that part of the Bill which I believe to be highly offensive—that part which relates to restriction of trade. That is not part of the philosophy of the Liberal Party of Australia, Queensland division, which forms a part of this coalition Government. I gave notice of my intention then. I gave notice of it prior to that, at a joint-party meeting. I gave notice of it prior to that again, when I was at a meeting of the Minister's committee. That is quite a reprehensible provision. The rest of the Bill I approve of. I spoke about it at the introductory stage, and I think there is a lot about it to be commended. However, when it comes to a restriction of trade (and this is exactly what it is), I believe the Minister has been snowed—snowed by a guild. The Minister, on his own say-so in an interjection which he made to me at the introductory stage, recognised that the guild does not represent the whole of the pharmaceutical profession in Queensland. So fair notice has been given of an amendment that will be proposed at a later date.

I support the honourable member for Kurilpa, who quite justifiably complains that he as a professional should be regarded as being less professional because he is an employee rather than an employer. What a reprehensible attitude for any Minister of this Government to take towards a professional! If we move from the profession of the honourable member for Kurilpa to the engineering profession, how many engineers graduating from the university each year find themselves in a private professional practice? Very few indeed. They find themselves working for local authorities. Because of the limited funds of local authorities, they are on very reduced salaries. Here we have professionals working for reduced salaries; yet is it suggested by the Minister that, because they are salaried officers and not practising in their own right, they are rendering lower service and giving a less accurate calculation in their function as engineers? Surely not.

If it does not apply to engineers, then it does not apply to agricultural scientists. If it does not apply to agricultural scientists, it does not apply to lawyers who may be working for a company. If it does not apply to lawyers, surely it does not apply to pharmacists either. All of my evidence is to the contrary—that pharmacists who are working for a salary give no lower standard of professionalism than do those pharmacists who are self-employed. Whatever the Minister may suggest—and he has suggested that a pharmacist working for a salary renders a lesser degree of professionalism—it is quite contrary to the facts.

We have in Queensland a condition that only a pharmacist can own a pharmacy. We have in Queensland a condition that only a pharmacist can be in control of a pharmacy. He is required to be in control of a pharmacy all day long. This introduces something that at times may be impossible to comply with. Here our own inspectorial staff may be falling down in their duty of ensuring that pharmacies are supervised from opening to closing by a duly qualified pharmacist.

What we do not have in Queensland is the right of a company to own a pharmacy. This might well be the fear. I find it difficult to understand that the Minister could have been so misguided as to think that there could be a risk of pharmacies being owned by a monopoly. The name of Boots comes to mind readily. If the Minister thinks that Boots could come here and buy all the pharmacies in Queensland and bring about a decreased standard of pharmacy, he is quite wrong. All he has to do is read the Act to see that, because it is a company, Boots cannot own a pharmacy; only registered and duly qualified pharmacists can own a pharmacy. And only a duly qualified pharmacist can be in attendance at a pharmacy throughout the hours that it is open.

The honourable member for Kurilpa raised the matter of pathology. The Minister joined issue with him by way of interjection. There was nothing in the interjection from the Minister to suggest that there should be different principles for pharmacists and pathologists. Most of these professions are equally supported by people who are unqualified. If it comes to a question of where there is more professionalism I would venture to say that greater professionalism is employed between the time a script is delivered and dispensed than is employed between the time a blood sample is taken and the report is given to a G.P. or specialist. There is greater professionalism on the side of the pharmacist than on the side of the pathologist. That is a matter that has been well noted even to the extent of being accepted by the Commissioner of Taxation. He has come to understand that pathology, somewhat like radiology, is no longer a professional matter but is rather a matter of business.

The Minister talks about pharmacies. I well remember the honourable member for Townsville South talking about dichotomies. If ever there is dichotomy of professional fees, it is in the pharmaceutical world. Those who are shouting the loudest about the limitation of the profession and the restriction of trade are those who are probably profiting most by it because they are the people who have a dispensary in the name of the pharmacy and the front of the shop, where cosmetics, films and toys are sold, is in the names of members of the family who are not qualified. This happens and nothing is being done by the Health Department to distinguish between one side of the practice and the other. I submit that it is quite improper for a shop to be open and, unbeknown to the public, part of it be professional and the other part commercial. But this is something that has been allowed to continue

and it has gone on until now. No doubt this was the brain-child of certain lawyers in minimising the taxation of their clients. This has gone on for some years and is not a matter that concerns this Bill.

What we are looking at now is a form of restriction. We as a Government are proposing under the Bill to say to a pharmacist, "You may own a limited number of pharmacies." How could we apply the same sort of legislation to the rural industry? How could we say to cane farmers, "You may own only so many farms of a certain acreage. If you own farms of a greater acreage, some will be taken from you. You will not be able to pass them on to your family or sell them. You will be restricted." How could we say to graziers, "If you have a greater acreage than we as a Government believe is fair, you must dispose of some of it."? Not long ago we did something like that by restricting the acreage of properties in the South West. What has been the result? We have now found that the acreages allowed were not living areas.

By restricting the number of pharmacies that a person can own, we are driving people into a form of deceit. An Opposition member, I think by way of interjection, suggested that trusts would be set up and that those with pharmaceutical qualifications but not sufficient finance would use their qualifications by saying to others, "I will hold this practice on your behalf." What is happening now? There are probably some pharmacists in this House who are out busily acquiring more practices because the Minister is not going to do anything by means of the Bill to reduce the number of pharmacies that a person now holds. He is simply saying that there will not be an increase in ownership beyond four shops, except in the case of friendly societies.

Here the Minister is hoist with his own petard. He accepts on the one hand and rejects on the other. He exempts friendly societies because he knows that including them would not be politically acceptable. That is well known to members on both sides of the House. The Minister is not going to restrict friendly societies, nor is he going to reduce the number of pharmacies that any person already owns.

The Minister spoke about monopolies. I have already disposed of that argument, I believe, in my speech at the introductory stage. There is no monopoly at all. Someone, of course, may own a chain of pharmacies, but that does not constitute a problem. That does not amount to a monopoly; that is simply multiple ownership. Does the Minister believe that we as a Government think that multiple ownership is sinful? Does he believe that multiple ownership means an inferior form of pharmaceutical service?

I am pleased to see the Minister is now supported by other members of Cabinet. I might well ask them the same question. A man and wife, both pharmacists, may own a shop, and they may have one or two children who are already qualified and others who may qualify in the future. Are we going to say to them, "You can own only four shops."? (I see the Minister for Survey and Valuation has now arrived). Are we going to say to such a family that they can own no more than four pharmacies? What hypocrisy! This is not the philosophy of a National-Liberal Government. I ask the Minister to reconsider what I can only imagine he has been invited to do by an association that has very little to do with the actual running of the pharmacy profession throughout Queensland.

Many of these things I have raised before and the Minister is well aware of them. It is quite true that there are advantages to be gained by collective purchasing. This can be done by a chain of pharmacies owned by one person or family. These are benefits which may be passed on to the public. We as a Government believe in consumerism. We believe in the protection of the consumer, and yet here we are doing everything we possibly can to make the consumer pay more. We are denying the pharmacist the opportunity of buying 13 to the dozen, and all those other practices which drug houses engage in, and there are many. I am well aware of the selling practices of drug houses. The old 13 to the dozen is just one of the smaller tricks of the trade.

There are many others in which they engage by way of discounting, and the greater the purchases, the greater the discount, and this saving can be passed on to the public. There are probably pharmacists in this House who avail themselves of such opportunities and pass on, if not the whole of the discount which they obtain, at least part of it, and when they do this the public benefits. But we are not going to allow that. According to this Bill we are opposed to that.

We must agree that in the pharmaceutical profession a lot of the trade is carried on in the front part of the shop with sales of medicines and other drugs which are already mixed. But under this Bill we are preventing that. The only way it can be overcome is by collective purchasing by a group of pharmacists.

Mr. Jensen: Wouldn't the friendly societies do that?

Mr. LOWES: The honourable member for Bundaberg mentions friendly societies. Discount buying is one of their great advantages and they pass on those advantages to the public. It is also one of the advantages which the chain store and the chain pharmacist pass on to the public. He is able to compete, and surely competition is the whole purpose of free enterprise. There is no question about robbing anybody. There is no question of suggesting a fixed price for pharmaceutical goods. But by doing what we are doing here, we are going to make

the fixed price the highest possible fixed price. There is no question of reducing the price, and so far as it relates to the restriction of trade, the Bill is anathema to the philosophy of the Liberal and National parties.

This is a Bill which has concerned me for some time. So far as this particular section is concerned, it is one of which I gave notice of my opinion about a week ago. The Minister is well aware of my attitude towards it. It was known to him then, and it is known to him now, and I give notice now that at a later stage when we debate the clauses I will move an amendment to delete the relevant clause.

Mr. BOURKE (Lockyer) (11.44 p.m.): I am a pharmacist and I am proud of it. I feel that I can say I come from a profession with a record of service and dedication to the public welfare and to the public interest. That being so, I have a professional interest in this Bill——

Mr. K. J. Hooper: A pecuniary interest.

Mr. BOURKE: If this can be construed as being a pecuniary interest, how can a doctor speak on a medical Bill, or a lawyer speak on any Bill, if it comes to that? Surely anyone who has a professional knowledge of a subject could be said by a small-minded person to have a pecuniary interest. I own one shop, but I cannot see how that could be construed as being a pecuniary interest. I have a professional interest in the Bill because I am a pharmacist.

I believe that, as a professional, I have some expert knowledge of the Bill, and I should say that what I have heard so far in the debate tonight does not show that honourable members have any expert knowledge of the subject. One member said that the guild did not have much to do with the business side of a pharmacy, whereas anyone who knows the profession would know that the guild is the organisation that controls the business side of pharmacies.

Mr. Houston: It's your trade union.

Mr. BOURKE: The guild is a business organisation—a trade organisation. The society is the ethical organisation. Both the guild and the society have been united in their attitude to the Bill relative to its restriction on the number of pharmacies owned by one pharmacist. They agree that there should be a restriction on numbers. As a matter of fact, not only in some other States but in all other States pharmacies are restricted in numbers. In New South Wales the restriction is one; in Victoria, three; in South Australia, four; in Tasmania, two; and in Western Australia, two. In Queensland it will be four. Surely that is enough. Even the profession can see it as being enough. Here we have people who claim to be representing the general needs of the whole community saying that we must not have this restriction. They want to do away with it.

Pharmacy is a unique profession because it has a commercial side to it. As anyone can see, the front of the business is concerned mainly with the commercial aspect. Schedule 3 items are an in-between range. The pharmacist is restricted in his sales and he has an ethical responsibility not to permit wholesale sales. He is expected to exercise personal supervision over the sale of these items. That is a requirement under the Health Act, and nearly all pharmacists accept their responsibility in this regard.

We have heard a reference to the sale of schedule 4 drugs. This would be an offence under the Health Act, and the pharmacist would be liable to be hauled up before the board and deregistered if convicted of such an offence. The Bill will ensure that that requirement remains.

The basis of all professions is that there is a professional relationship between the professional man and the client or patient. We must see that that endures as the result of this Bill. The best way to ensure that is by having the business operated by the owner. He should be fully in control of the business and in control of his own business destiny. The restriction on numbers will ensure that as far as possible the man who is running the business will have every opportunity to own the business. There will be opportunities for students coming into the profession to own their own business in the future. Surely we are all interested to see that people who are doing the work should have a chance to own the business and work on their own behalf. Overseas chains have developed to the detriment of the whole profession. This has happened in the United Kingdom with the Boots group. It has happened in the United States of America with the wholesale development of drug store chains. The profession is unanimous that from an ethical point of view the standard has degenerated in those countries as the result of this development.

Mr. LOWES: I rise to a point of order. What the honourable member is saying is quite irrelevant to the Bill.

Mr. ACTING SPEAKER: Order! If there is any irrelevance, that is my judgment.

Mr. BOURKE: It is obvious that pharmacy is a paramedical profession charged with the safe distribution of drugs to the public on the prescription of a doctor or the requirement of the patient as determined by the pharmacist. We are concerned about the fact that medicine should not be merchandised by modern methods in order to increase sales and resultant consumption. It is the profession's concern to see that the sale of medicines should rest with the pharmacist. The profession is prepared to accept the fact that this would involve a reduction in the total sales of these medicines

for the welfare of the total public. Unnecessary consumption of these medicines should be reduced.

As to the professional abilities of the modern-day pharmacist—he does not make up much in the way of medicines or raw drugs. All that went out years ago. His main business is concerned with packed preparations. Some aspects of the profession which have come into prominence recently are patient counselling on drug use, drug side-effects and their interaction, and the suggestion that pharmacies should provide history cards in the interests of patients. The pharmacist can also be called upon to advise members of the medical profession about individual drugs and their application. These are some aspects that the future pharmacist will be looking to.

The profession has shown that it is prepared to make sacrifices. We are prepared to accept the restrictions on family-sharing in the business, and this involves the profession in extra tax. The profession is prepared to accept this in the interests of its professional responsibility.

Mr. Doumany: Are you saying that the qualified employee is not a professional?

Mr. BOURKE: No. The Bill does not say that, either. It restricts the number to four. It does not say anything about restricting it to one.

The cut-price promotion of medicine is one aspect that worries professionals in the business. We are concerned to see that the promotion to increase consumption should not go on. There is no objection to cut-pricing as such, as long as it does not lead to increased consumption.

The control of numbers is common throughout all the States of the Commonwealth. It has come in because the profession and the people in the business see it as a desirable aspect. I feel that it is very desirable in this State also.

Mr. LANE (Merthyr) (11.50 p.m.): I rise to express certain reservations about the provisions of the Bill that limit the number of pharmacies that may be owned by one individual.

Mr. Lowes: Why four?

Mr. LANE: Why four? Why 100? Why 500?

Mr. Lowes: Do you know anybody who owns four?

Mr. LANE: If the honourable member for Brisbane will let me speak I shall outline my reservations about the Bill. I have expressed them in other places as this legislation passed through the system and I have argued most strongly against any legislation that limits free enterprise and kills initiative. This legislation does just that.

The people who will be affected most by the Bill are those Queenslanders with initiative who have from a small start managed over the years to establish large business complexes and chains of pharmacies throughout this city and even throughout the State. I offer a word of encouragement to them and praise their initiative.

I am thinking particularly of a gentleman named Carl David, who is well known throughout Brisbane for his initiative in setting up throughout the city a chain of pharmacies which have effectively reduced the price of patent medicines and many other lines. He has set up a large merchandising operation and warehouses, thereby enabling him to purchase in bulk and to supply in bulk to his chain of pharmacies. Carl David has provided a most essential service to the community and has managed to cut prices. He stands as a typical example of what free enterprise can achieve. As a Queenslander who has set himself on the path of development he should be given all the encouragement that we can offer him.

An interesting situation has developed on the floor of this House in that those Government members who are speaking out in favour of private enterprise and expressing reservations and even criticism about certain provisions in the Bill are at a distinct disadvantage. If we had in this place an honest Opposition, one that was not dedicated to socialism and State ownership, it would be performing this task. However, the Opposition will not stand up for the small businessman or for the man who, by working long hours and taking a gamble or a punt on his enterprise, is able to expand to such an extent that he owns a chain of shops.

Carl David owns approximately 18 shops throughout Brisbane and provides an excellent service. Of course, he advertises. But he also works long hours. He commences work early in the morning and finishes late at night. Over the years that I have known him, he has managed to continue doing this with only a few hours' sleep at night. He is prepared to take a chance in setting up his shops.

As his business has grown larger he has found it necessary, and perhaps profitable, to diversify. A couple of years ago he established at Teneriffe Austra Film Laboratories, which employs 20 or 25 young women in sophisticated colour film laboratories. This shows what can be achieved by a man who is given the opportunity to establish a good base and to branch out. He provides employment to a large number of persons. And surely employment is something that is needed these days.

I find it difficult to swallow any proposition that would limit any further expansion on his part.

I accept that the Minister has been guided by his departmental officers, who, in turn, are influenced by the guilds and organisations from which they take daily advice. Probably

it is mostly very good advice but, unfortunately, the trend in Government these days is to establish closed shops. It is an unfortunate trend towards organisations whether they be unions in the industrial area or guilds, associations and societies on the private enterprise or professional side. In a sense, those bodies are unions and the trend is for them to assert themselves as pressure groups to get their pound of flesh on behalf of their members. No-one would deny such organisations an opportunity to assert themselves on behalf of their membership to get the best corner of the market-place. I believe that is what happened in this instance.

The extent of the lobby muscle exercised by the Pharmacy Guild on this occasion over the Department of Health and the Pharmacy Board has pushed this legislation up through the system and has brought about the situation we are in today. It is up to all members, and indeed all Ministers—including the Minister for Health, who is so susceptible to the influence of professional organisations, associations and guilds—to be aware of the mounting daily pressures from groups in the community that are seeking to assert themselves in the interests of their members. The interests of members of guilds, associations and so on are not necessarily in the public interest. The public interest is much broader and we are elected to represent it. Of course, we must take into consideration that section of the community which is organised into pressure groups. But we have an overriding duty to serve the broader public interest because guilds and associations generally tend to work to benefit their self-interests, which, at times, are against the public interest.

Guilds and associations do much good work in making suggestions to maintain health and professional standards but occasionally they go overboard in their own interests and those of their members. I think they have tipped overboard on this legislation. That is why I am sorry we are faced with this situation today. It may have a backlash in future when the restriction of expansion by an individual has an effect on prices of commodities sold in pharmacies. Ultimately we may have pressure from the community for price control or pressure to relax this legislation. Perhaps we will have to learn a practical lesson. It may take a few years to do so but, ultimately, the grip of the guild and the lobbyist pressure group over bureaucracy and some members of this Parliament will become better recognised by society and will be rejected more readily.

It has been suggested that, to maintain a higher standard of professionalism, it is essential to limit the number of pharmacies one man may own. I point out to those who say that that, while the Pharmacy Bill in other provisions guarantees that each pharmacy is under the supervision of a professionally qualified pharmacist, I see no need to limit the number of pharmacies under one ownership. The professionalism is guaranteed under other provisions of the legislation, which require that each pharmacy be conducted by a qualified person. Anyone who suggests that that is not good enough—that there is a lower standard of professionalism in pharmacies conducted by employee pharmacists as distinct from owner pharmacists—is seeking to establish in this place a new principle on behalf of this Government that there be more than one standard of professionalism.

If one accepts the principle of first-grade professional standards exercised by owner pharmacists as against second-grade professionalism observed by an employee pharmacist, then perhaps that should be carried through into the other professions also. In the field of law, does a solicitor who is a partner in a firm operate at a higher standard of professionalism than an employed solicitor? Is it suggested that a client would not go to the employed solicitor for the most excellent advice but only for a lower grade of advice?

If we are about to embark on a new principle in this place, providing for first and second-grade standards of professionalism, let it be said quite clearly and brought out into the open so we all know where we stand. The community could decide whether or not to accept it and those of us in this House who have an obligation on behalf of the community to decide these things can make a clear decision on such a principle.

One could apply it to the medical profession. Perhaps the doctors who are employed in our State or private hospitals do not observe the same standard of professionalism as a man who has his own surgery. That is the sort of thing that is being implied in this Bill. It is a principle which I personally reject. Therefore, I will find it rather difficult to support this Bill. I accept the party system that operates in this place. Of course, I will have to give my support to the Bill on the floor of Parliament. However, I will not do so without at least expressing my reservations on this occasion.

Opposition Members interjected.

Mr. LANE: It is all very well for members of the Opposition to call out, as they do, that I am disagreeing with the Government that I support. I would say to them here and now——

Mr. Jensen interjected.

Mr. LANE: I thank the honourable member for Bundaberg for his interjection. If he were a member of my party, he would have the freedom to question some of the matters put forward by members of the same political party as himself in Government. However, at this stage he does not have that freedom. For perhaps little longer he will not enjoy that freedom of movement, freedom of expression or freedom of speech which I enjoy.

I know that the Minister, being a Liberal, accepts the right of members on this side of the House to criticise his legislation. I am sure that when he heard the contribution of the honourable member for Brisbane, who perhaps spoke more forcefully but along the same lines as I am speaking, he accepted that contribution in the spirit of liberalism in which it was meant.

Mr. Katter: Sit down and give us a fair go.

Mr. LANE: To move to the last effect of this legislation which I should like to explain —and I do not need interjections from——

Mr. Katter: That's the only time I've ever seen you pause.

Mr. LANE: I am very loath to remind the honourable member for Flinders that I used to kick the dust out of the seat of his pants when he was a 10-year-old boy in the streets of Cloncurry back in the 1950s for giving me the same sort of backchat. He is still at it and I will have to accept it with good will.

What I intend to do is to move an amendment to the Bill which at least will allow some flexibility in the preservation of the existing number of pharmacies that the gentlemen affected by this Bill have. It will allow these men to have some latitude in where they may shift their pharmacies to should they be displaced by a building being torn down for the construction of a freeway or some other works which may put them out of business on a particular site. It is a very small and very poor compromise, but at least it is something. I shall deal with it in more detail when the clause is being discussed.

[Wednesday, 1 December 1976]

Mr. KATTER (Flinders) (12.7 a.m.): I should like to express a few comments in defence of the Minister. I think his decision has been very wise. What we are advocating really is the concept of a person owning his particular show and running his own business. The ethologists as they call themselves have a favourite phrase—the territorial imperative. It appears that there is a magnificent advantage in a business that is owned and run by the person in that particular business.

If I may I shall quote production figures from the United States of America where to a large degree the land tenure is similar to what it was under the Lincoln Homestead Act under which every person owns his own block of land. Mr. Acting Speaker, you appear to be worried about its relevance to the Bill. I am talking about an individual owning a business and this is of the essence of the Bill. We are trying to restrict it as far as possible to the individual owning his own business by not allowing him to expand very much beyond that. Where this was done in the field of land tenure in the United States——

Mr. Hartwig: The right and freedom of the individual.

Mr. KATTER: Let me quote the right of the individual in the United States, for example, to buy petrol. It is very restrictive. Only three companies sell petrol and they act in collusion. I would not consider that to be any restriction upon free enterprise; rather I would say free enterprise needs to be preserved.

The agricultural production figures in the United States show that one person working on a farm frees 12 people for working in industry. Russia works upon the unfettered idea that farms can be of unlimited area and there is no concept of owner-management; there one person working on a farm can support only one person working in industry. So the owner-management mode of production is vastly superior to any alternative form.

We have had talk of free enterprise. I hark back to the American oil industry, where three groups control the whole of the oil production in the United States.

Mr. ACTING SPEAKER: Order! I have allowed the honourable member to draw an analogy but I really think that he is going a little too far now. I ask him to come back to the Pharmacy Bill.

Mr. Moore: Where did you leave your camel?

Mr. KATTER: I shall ignore the rather rude remark of the bald-headed member on the far side of the Chamber.

In the field of agriculture there is in Queensland at present the concept of restricting business. We are simply doing exactly the same thing in the field of pharmacy. In agriculture this country produces wool, beef and sugar cheaper than anywhere else in the world. That, I hope, will be the result in the field of pharmacy that the Minister is trying to achieve with this legislation.

Mrs. KYBURZ (Salisbury) (12.11 a.m.): I do not intend to speak for very long at this stage. However, I should like to make some comments on clause 30, which deals with limitations upon ownership of pharmacy practices. I must admit that I think many members this evening have spoken a lot of codswallop simply because they have their terminology wrong. There is no doubt that as a Government we have to support newly graduated professional people and give them a chance to own their own businesses.

I am also a little upset that some members have been using the term "free enterprise" as though it were a panacea for all ills. I detest that term because no enterprise is

free. It is in fact private enterprise. Free enterprise is exploitative enterprise and I do not think that that is what either Government party stands for.

Some members have been decrying the fact that ownership of pharmacies will be restricted to four and that an owner must have an interest in his pharmacy. I did not hear those same members screaming about the Wheat Board, the Egg Board and all the other boards, including the wretched ones that we have in this State. In fact, we are so governed that nothing in this State is free. The fact that there is very little personal freedom seems to have escaped many members of this House.

To get down to the nitty-gritty of these provisions—there are two sides to the question. I think that the governing factor is price and that is the only one that interests me tonight. Pharmacists are quite capable of handling their own business enterprises and of deciding whether or not to buy into another business. We do not place limitations on many professional people. We do not dare limit people such as hairdressers. Yet we see huge octopuses springing up all over the city with one person's name being used in many hairdressing businesses. That person, of course, does not practice in each establishment and the professional qualifications of those who work in them are not as high as those of the one whose name is used.

If we are considering limiting the number of pharmacies we should limit the number set up in a suburb. There is no doubt that some suburbs have too many pharmacies and they are price-cutting against each other. However, I do not agree with what one member said about the Carl David chain of pharmacies in Brisbane. They advertise that they cut prices by, I think, 16⅔ per cent. As a housewife, I have made comparisons in shopping and I do not believe that they cut their prices by that percentage. In fact, I think they are lying and hoodwinking the public just to get them in. Cosmetics are just as dear in their shops as in any other chemist shops and many of their prices are higher than the prices elsewhere. They pretend that they give substantial reductions but what they take off some goods they add to the prices of others.

I think that we have to look at the provision that is directed at keeping people within the ownership of their own enterprises. Four pharmacies are quite sufficient for anyone. I cannot see how anyone could not make a good living from four pharmacies. That is, of course, the principle on which land usage is determined. A person is given an area of land as a working and living area.

Mr. Lowes: What about providing employment?

Mrs. KYBURZ: A person is not going to be able to practice in more than four pharmacies under the provisions of the Bill. Obviously he is providing employment, but at what cost to the consumer? That is all I am asking. I do not believe that chains of pharmacies will result in lower prices. England has the Boots chain but in fact over the years the number of pharmacies has decreased since Boots came into operation. After-hours services in pharmacies have ceased altogether. In fact, I challenge anyone to tell me of a Boots pharmacy in London that is open over the week-end. They are not. People might say that they get cheap make-up and cheap proprietary lines there but where can they get a prescription filled? Surely that is the main function of a pharmacy? A lot of them have forgotten what they are jolly well there for. So I support this provision. We all have reservations about it simply because of the parties to which we belong, and there is no doubt that there will be a scream about it. But when consumers realise it is in their interests and their interests alone—notwithstanding the fact that members have said there has been a huge lobby going on over the Bill, although I do not believe that for one minute—they will realise we cannot please everybody with every provision. Let us face it, honourable members know that only too well after Bills such as the pig-swill Bill. But I believe this provision is in the best interests of consumers, and they are the people about whom we should be mainly concerned in this society at the moment.

Mr. GYGAR (Stafford) (12.16 a.m.): Pundits would have us believe that not since the impeachment of Hastings in the House of Commons has any speech given in a Parliament influenced the vote of any member. I would like to give the lie to that and say that this evening the speeches given by the honourable members for Brisbane and Kurilpa have changed my mind quite considerably. Although I had slight reservations about this Bill when it was introduced, I now have quite severe reservations, and I invite the Minister in his response to change my mind yet again, because I must admit to grave uncertainty about what is happening here.

I admit that the logic of the honourable member for Brisbane appeals to me greatly, particularly in the points he made about the professional ethics of employed people. It seems that the inference in this Bill, as pointed out by those two honourable members, is that something is lacking in the ethics of persons who work for salary as opposed to those working in an establishment which they own themselves for their own individual profit. To me that is most repugnant. I just cannot go along with that type of thinking. If that is what the Minister states, I hope he will reject it and show us that it is not part of the Bill and that it played no part in arriving at this policy. Can he show us then how it was arrived at? If it is true—if employed persons have no standards, or have considerably lower standards (so low that

the public needs to be protected from them), then the principle carries on into other fields. Does it carry on, for example, to the salaried doctors in our free hospital system, which was pointed out by a previous speaker? What about these hordes of pathologists employed by Gutteridge? For a professional organisation—a so-called ethical profession—run like a machine one need go no further than Gutteridge's. I can find nothing more repugnant in an employed pharmacist than I can in these mindless persons in Gutteridge's pulling test tubes out of retorts, having one quick glance at them and then writing down the results on a form. That is just pure mechanisation, which does not come from an employed pharmacist. I would like the Minister to expand on that.

If this is a principle, then how far is it to be extended? Are we breaking new ground in this Bill? If it is a new adoption by the Government, can the Minister explain in his own field of health how much farther we are going to go? Can we look forward to Gutteridge's being broken up and his being told that he can own no more than four laboratories and what size they shall be? Are we going to wind down to cottage hospitals instead of running the vast organisation that we do because employed doctors are not professionals? Why are pharmacists unique? I think that is the basis of my question. Why in pharmacies and nowhere else? If indeed it is true in pharmacies, why is it not true of the friendly societies? I fail to believe that some halo descends on an employee of a friendly society that does not descend on an employee of Carl David's. Frankly, I doubt very much whether the employed pharmacist would notice the difference.

This Bill seems to be against the principles we stand for, despite the semantics of the honourable member for Salisbury, who does not like the term "free enterprise". I think that is what we do stand for and I think it would need a strong case for us to depart from that principle so markedly, it seems to me, as we seem to be doing in this Bill.

I would very much appreciate an indication from the Minister as to where this principle lies. Are we involved in a matter of principle such as that? If we are, I am afraid I cannot support the Bill. But I look forward to the Minister's explanations and amplifications of these matters to put at rest my fears and the fears of many others who, having listened to the honourable members for Brisbane and Kurilpa, feel the need for some changes to this Bill.

Mr. HALES (Ipswich West) (12.20 a.m.): Because of the late hour I propose to be brief. I think the attitude of this Government should be highlighted. The attitude that we occasionally take seems to me to be passing strange. Recently, with the Electricity Bill, the Government opened the electrical contractors' field so that we will have a proliferation of electrical contractors. When the Electrical Contractors' Association strongly lobbied this Government not to do that, the Government decided against the lobby of the electrical contractors. Yet within a week or so of that we are getting the Pharmacy Guild virtually lobbying the Government and wanting it to bring in something like this. We seem to have a double standard. If that is correct then there is something wrong. The Minister is shaking his head. Perhaps he can tell me differently in his reply.

Mr. K. J. Hooper: Which way are you going? You are having a dollar each way.

Mr. HALES: I ask the lightweight from Archerfield to keep quiet. He tips enough rubbish about this place. Let him keep quiet for a little while.

Another aspect on which I have had some conversation with the Minister concerns the friendly societies. He realises my stance on friendly societies. I am a member of a friendly society. A critical situation did arise, but I have been assured by the Minister that if a friendly society can prove sufficient membership it will be allowed to establish a new pharmacy in a new area. Friendly societies do give a service to the community. I believe that we have forgotten the consumer in many issues. It is the consumer that I am concerned with, as is the honourable member for Salisbury. If by some action of this Government we can bring cheaper goods to the consumer, then I am in favour of it. I am in favour of friendly societies being able to establish in areas other than those where they are already established.

Hon. J. W. GREENWOOD (Ashgrove—Minister for Survey and Valuation) (12.23 a.m.): I should like to take up a point made by the honourable member for Salisbury when she drew a distinction between private enterprise and free enterprise. This Government stands for private enterprise; it does not necessarily stand for the sort of laissez-faire, free-for-all, devil-take-the-hindmost concept that is somtimes implicit in the notion of free enterprise as used by some people. We do not believe in letting things go their own way so that monopolies are created, and too much economic power is concentrated in too few hands. It was the Liberal Party that introduced the restrictive trade practices legislation in this country, not the A.L.P.

Let me go from that to the things that we do stand for. We do stand for competition and for the encouragement of competition. We do stand for small business and the encouragement of small business. We also stand for individual responsibility. If that means the responsibility of a local pharmacist to his own community, to people whom he knows, to people who have been coming to him for a while, then we stand for that, too. In the United Kingdom, Boots has over 600 shops.

Mr. Lowes: Because a company cannot be the owner of a pharmacy, that cannot possibly happen here, and you know that.

Mr. GREENWOOD: It can't happen here?

Mr. Lowes: No. So don't drag red herrings across the trail.

Mr. GREENWOOD: If that is the case, I would be grateful to the honourable member if he could explain how Soul Pattinson in New South Wales has 157 shops and is still growing.

Mr. Lowes: You are in New South Wales. Now come back to Queensland.

Mr. GREENWOOD: There is no difference in Queensland.

Mr. Lowes: A company cannot own a pharmacy here.

Mr. ACTING SPEAKER: Order!

Mr. Lowes: A company cannot own a pharmacy.

Mr. ACTING SPEAKER: Order!

Mr. Lowes: You know a company can't own a pharmacy here.

Mr. ACTING SPEAKER: Order! The member for Brisbane should understand that when I am on my feet the House comes to order. The honourable gentleman will be pulled into shape under Standing Order 123A if he is not very careful.

Mr. GREENWOOD: Whatever the system, whether it is a partnership, a trust or an individual ownership, it has been shown in New South Wales and in England—and it could be shown here in Queensland—that there is no reason at all why an already large organisation cannot get bigger.

The honourable member for Salisbury has already reminded us that in England the public do not get the service that is provided here. There is not the week-end opening; nor is there the same range of services as given here. That is not what we want in this State. We want a climate in which small businesses can flourish, in which young people going into the pharmacy profession can obtain sites and can start off a business and in which industry can be allowed to grow. We don't want the conditions that we have seen develop in other parts of the world. We are not going to stand still and see this happen. It is because we believe in competition, in free enterprise, that is, private enterprise that we are prepared to bust the trusts, break up monopolies and strive for the objectives being encouraged in this Bill.

Mr. HARTWIG (Callide) (12.29 a.m.): I would like to know who decided on the limit of four. Why should that be the limit? I know that in some places it is a lucky number. Since my entry to Parliament I have seen the continued whittling away of the rights of the individual. It is time that we encouraged people with enterprise and guts to expand in their industry, no matter what it might be.

Let us recall what happened here recently when, by introducing the pig-swill Bill, the Government sent 250 families to the wall. There was no limitation then. On that occasion where were the people who now cry that we should support free enterprise? I stand for the rights of the individual and businessman who wants to expand and who has the courage and initiative to do so. It does not matter whether he owns four shops or 40.

What is the Government going to do about the motel chains, or about the 27 butcher shops in Rockhampton that are owned by the Lakes Creek meatworks? Is this Bill the forerunner of others that will limit the activities of those people? That is the sort of thing that happens in socialist Russia, where the freedom of the individual is limited. We have heard enough about whittling away the freedoms of the little man. I remember when local authorities did away with the single petrol bowser situated on the footpath outside the small post office or business. A traveller could call at 2 o'clock in the morning, rouse the owner and get his tank full of petrol, but any driver who goes to a service station at 10 or 11 o'clock at night cannot find the owner and does not know where to get petrol.

In small towns, where there are two or three pharmacies, no-one can tell me that, if two of the businesses close down, the remaining chemist will not dictate the price of everything he sells. We have, and believe in, chain stores. It has been shown that they can sell goods cheaper than the small stores, but neither this Government nor any other Government is entitled to take away the individual's right to establish a store.

If we are limiting pharmacies, I want to know what is coming next. Since I entered Parliament we have been hooking the individual and denying the rights of people who want to work. I believe that chemist shops must be operated by pharmacists, but whether a pharmacist owns four or 40 pharmacy shops, the principle is the same as that applying to petrol stations, butcher shops and motels. It comes down to whether we believe in allowing such enterprises to develop.

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (12.32 a.m.), in reply: I thank honourable members for their contributions. I must say that I am surprised at some statements that were made. I repeat that I am absolutely amazed that so many honourable members are ignorant of the activities of professionalism in pharmacies. As I indicated in my reply at the introductory stage, I have written to the Pharmacy Guild and the Pharmaceutical Society asking their members to take up the challenge—I know that the Leader of the Opposition agreed with my suggestion at the introductory stage—and invite members of Parliament to their pharmacies to see what a pharmacist does. I was absolutely shocked that members of Parliament should compare pharmacists with petrol-bowser operators, grocery store operators and so on. We are speaking about a professional service to people by a very responsible profession—a profession that has acted very responsibly over a long period.

I make it quite clear that the community is looking forward to action to improve the professional attitude to the consumer. I was pleased to hear a number of honourable members, including the honourable members for Salisbury and Ipswich West, say that the important person in this situation is the consumer. Queensland is the last State to introduce this legislation. In other States it has already led to better consumer products being available to the consumer. I assure honourable members who are concerned about this legislation that if the profession takes up the challenge, as it has in the rest of Australia where, I might add, the limitation is greater, the people will see that this has been a wise move.

Before dealing with specific reasons behind this activity, I shall refer to a few points made by honourable members. The honourable member for Bulimba, in speaking on behalf of the Opposition, referred to the board. I was ashamed that so many members of Parliament dealt with one aspect of the Bill but failed to comment on other aspects such as the legalisation of prescriptions and registration of pharmacies. It seems to me that some members are interested in only one aspect of the Bill when there are many others which will protect the community much better. It saddens me very greatly that there has been so little reference to the other parts of the Bill.

The member for Bulimba mentioned the provision relating to three pharmacists. He felt that the Minister will have total control. I think he must have misunderstood the provision in the Bill that refers to the three pharmacists. I do not have any say over the three pharmacists, but I do as Minister have a say over the societies which recommend the pharmacists. Clause 8 says quite clearly that the members of the board shall consist of three pharmacists nominated by an association or associations accepted by the Minister as representative of pharmacists. When these associations are recognised, we will accept the nominations that the pharmacist associations send to us. Although he expressed some concern, he said that the Opposition in general supported the Bill. I appreciate the comments he made.

The honourable members for Townsville, Kurilpa and Brisbane again referred to this matter. The honourable member for Brisbane mentioned that we were taking separate action for friendly societies. That is incorrect. Friendly societies have been recognised by this Government and by other Governments throughout Australia for well over 70 years or even longer. They have been recognised as a very important part of the community. They have been recognised as providing a service to members. For that reason we will restrict their expansion to areas where they have members. They will not be able to expand as he suggests. They will only be able to expand when the board makes a recommendation to the Minister. I intend to clear up that matter. There was some doubt in the minds of some of the friendly societies. I shall be moving an amendment so that there is no doubt in anyone's mind that the friendly societies will continue to expand if they so desire and if the Minister considers that they have adequate members in a certain area.

Mr. Lowes: They "may" expand.

Dr. EDWARDS: Yes, they may expand. Approval is required of the Minister. As I say, we are not being inconsistent in any way.

The member for Lockyer spoke as a professional person. I also appreciate the fact that the member for Merthyr was very straight and honest with me on this matter. He has expressed reservations right through.

An Honourable Member: A trade-off.

Dr. EDWARDS: It is not a trade-off. It is an expression of opinion. He has told me quite clearly that he does not agree with this aspect of the Bill. As any member has the right to do, he has discussed the matter with me. As a result of his submissions, I saw Mr. Carl David. I have seen other people and discussed this matter with them. I have pointed out the reason for it.

The honourable member for Flinders supported the Bill fully, and I appreciate the remarks he made. I was very impressed with the comment of the honourable member for Salisbury that her major concern was the consumer. If more members were more genuinely interested in the consumer, we would have better legislation in this House.

The honourable member for Stafford asked why we were doing this. It was explained quite fully at the introductory stage. It was explained quite fully at the joint-party meetings. We are doing this, of course, to give the little man in the profession an opportunity to serve the people as we feel he should. We expressed quite clearly that this is not new ground. This is accepted

throughout Australia. I indicated that every other State has legislation in this form. This is legislation which is welcomed by the pharmacy profession generally. I believe that we must listen to the pharmacy profession.

It is interesting to note that when this legislation was introduced it was notified throughout the State, yet we have had an expression of opinion about it from only three pharmacists throughout the State. I received representations from another one today. Therefore it amazes me that there is so much fuss when there has been such a free opportunity for so long. Only half a dozen have increased their number above four. It amazes me that suddenly, because we are introducing some limitation to try to bring back into the pharmacy a professional attitude which we feel will benefit the consumer and which we believe is accepted by the vast majority of pharmacists throughout the State, there is a great outcry. That is very unfortunate.

The honourable member for Ipswich West mentioned lobbying by the Pharmacy Guild. That is utterly incorrect. I place on record that I will not accept such insinuations.

Mr. Wright: Are you having a fight with him?

Dr. EDWARDS: I am correcting a statement that he made. This is not the result of lobbying by the Pharmaceutical Society or the Pharmacy Guild; it is a decision taken to the Government parties. A decision was made by the parties and by the Government, and for that reason it was a decision that was made by me as Minister. I make no apology for it. It is supported by over 90 per cent of the pharmacists throughout the State. For this reason it is brought into this House.

I am sure that the honourable member understands that the matter of friendly societies has been cleared up with them. I have had numerous discussions with them.

I make no apology for my support of the Bill. The Government is quite dedicated in its decision on this matter. I shall move a couple of minor amendments in the Committee stage.

Motion (Dr. Edwards) agreed to.

COMMITTEE

(The Acting Chairman of Committees, Mr. Gunn, Somerset, in the chair)

Clauses 1 to 4, both inclusive, as read, agreed to.

Clause 5—Meaning of terms—

Mr. JENSEN (Bundaberg) (12.42 a.m.): I hope that the definition of "practice of pharmacy" is not so broad that the Health Department can interpret it to include all business activities taking place on registered premises. If so, it would preclude a pharmacist from taking his wife into partnership in the cosmetic or photographic department of the pharmacy unless she is also a registered pharmacist. This is about the only means of income-splitting available to a pharmacist to relieve his tax burden. Is the definition so broad?

Mr. LOWES (Brisbane) (12.43 a.m.): The objection that has been raised to parts of this Bill is raised against the level of professionalism. At present, clause 5 allows persons other than pharmacists to partake of the profits of a pharmacy. It makes no demarcation whatsoever. As we are all aware when we walk past a pharmacy, it is simply a store. If it is intended that there should be a higher standard of professionalism in the practice of pharmacy, I submit that that part of the shop to which we refer glibly these days as a pharmacy, but which in fact is a dispensary, should be separate and apart from the other part of the shop, which is in fact a commercial undertaking.

In the whole of his approach to the Bill the Minister has been arguing for a higher standard of pharmaceutical professionalism and has suggested that those in the profession who are employed on a salary—whether it be a salary plus an incentive payment by way of a taking of the profits or a part of the income of the practice—are of a lower status and should not be accepted as people who are practising or who are engaged in the practice of pharmacy as defined by this clause. Only a qualified pharmacist who is carrying on his own practice, and carrying it on in that particular part of that premises which is devoted to pharmacy, should be entitled to the profits of that section of the area that he may be leasing or that he may own.

Another part of the pharmacy or shop premises may be devoted to a commercial undertaking in which articles such as films, cosmetics, toys and other items are sold. One has only to walk down Queen Street to see many examples of what I am saying. If one goes into another street in this city one may even find a well-qualified professional gentleman standing in the street advertising his wares. That is just another way of advertising his goods. The honourable member for Lockyer is a highly professional gentleman well qualified in the practice of pharmacy, and he may not accept that a pharmacist should stand on the street yodelling his wares like a newsboy. Nevertheless, there are some pharmacists who do that, and no doubt the Minister is well aware of it.

Mrs. Kyburz: Carl David does it.

Mr. LOWES: The honourable member for Salisbury interjects. She has little knowledge of the pharmacy business; indeed, she has little knowledge of anything at all. She has absolutely no knowledge whatever of Liberalism. I heard the honourable member speak earlier this evening and make, as a Liberal member, suggestions and pronouncements that absolutely shocked me.

Dr. EDWARDS: I rise to a point of order. I cannot see how the relationship of a Liberal member with her party has anything to do with this clause of the Bill.

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

Mr. LOWES: The Minister is as far astray in taking his point of order as he is in his knowledge of the book that I have in my hand, which is the official State constitution of the Liberal Party of Australia. It disturbs me greatly to find him putting forward legislation, as he is doing tonight and as he has done in the past, that makes it necessary for back-benchers to point out to him time and time again how far he is from the policy of his party. I should like to refer him to the official State policy——

The ACTING CHAIRMAN: Order! The honourable member will return to clause 5 of the Bill.

Mr. LOWES: Clause 5 provides that a person who has passed the necessary examinations and has been admitted to practise as a pharmacist is entitled to practise his profession in this State. There is nothing in the clause to suggest that there should be a limitation. There is, however, the provision that only duly qualified pharmacists may practise pharmacy. No-one should pass himself off as a pharmacist simply because he has a shop with a single entrance and a name over the door. The name may be Carl David, Sullivan, Kerfoops or any other. Usually there is a single entrance, and when one gets inside one sees no distinction between the dispensary and the remainder of the shop other than that behind a glass wall there may be a line-up of drugs. It is not necessary that all the drugs be on one side or the other of that glass wall. So if the pharmacy is to be so compressed, if it is to be so restricted, if it is to be so certain in its——

The ACTING CHAIRMAN: Order! There is still far too much audible conversation in the Chamber. The Chamber will come to order.

Mr. LOWES: I support the honourable member for Bundaberg, who has raised the question and who says that the definition in the Bill of "practice of pharmacy" is inadequate to show just what in fact the practice of pharmacy is.

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (12.50 a.m.): All I can say to the honourable member for Bundaberg is that his query is answered in the Bill. He asked whether it is lawful for a woman to take part in the commercial activities outside the pharmacy itself. This is covered by the Bill and there is no problem whatsoever. I can assure him that will be covered and he need not worry about it.

Mr. HOUSTON (Bulimba) (12.51 a.m.): I know this is the Pharmacy Bill, but I went up town at lunch-time and I could not find a pharmacy. I noticed plenty of chemist shops. I notice an advertisement in tonight's newspaper for the Coorparoo Day and Night Chemist, another one for a day and night chemist and another one which states "Chemist sells Kodak film", so for the sake of the honourable member for somewhere else who used to refer to the uninitiated majority or the silent majority, can the Minister tell us in clear terms why there is now this difference in terminology.

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (12.52 a.m.): The definition of "pharmacy" is made quite clear in the term's clause, which defines the premises in which the practice of pharmacy is carried on, which is the dispensing of drugs as prescribed, and also the premises in which are exhibited items of trade for sale in conjunction with a practice of pharmacy. Then the definition of the "practice of pharmacy" allows the sale of patent medicines and proprietary medicines within that pharmacy.

Mr. Houston: In other words, if a person does not do any dispensing he could have a chemist shop and it would be a chemist shop in which he could do all the things except dispense. Would that be right?

Mr. Lowes: That would be legal.

Mr. Houston: That would be legal?

Dr. EDWARDS: This is not legal. The practice of pharmacy must include dispensing. The Bill includes the premises in which the practice of pharmacy——

Mr. Houston: I said it doesn't.

Dr. EDWARDS: But the practice of pharmacy must be carried on within the premises.

Mr. Houston: You are missing my point.

Dr. EDWARDS: Can I have the chance to explain my Bill? What I am saying is that the pharmacy is the premises in which the practice of pharmacy is carried on, and the practice of pharmacy includes the professional dispensing of medicines, mixtures, compounds and drugs. There is no doubt that that must be carried on in that particular dispensary, and the dispensary must be there as part of the pharmacy before it can be registered and licensed as a pharmacy.

Mr. HOUSTON (Bulimba) (12.53 a.m.): I did not need a lecture. The Minister can reserve that for his Liberal colleagues. All I am saying is that if I had a shop and I did not dispense medicines and I did not intend to dispense medicines, then I could still call it a chemist shop.

Government Members: No!

Mr. HOUSTON: Why? It is not a pharmacy and I am not dispensing any medicines at all. I am selling all the things that are

advertised here in this newspaper. Where does it say in the Bill that I cannot call it a chemist shop provided I do not dispense? The terminology of the Bill states that "pharmacy" means premises where medicine is dispensed. I do not intend to do that. I intend to deal only with these other proprietary lines that one can buy at Woolworths, and in that case I say there is nothing wrong with having the word "chemist" above my shop.

Mr. LOWES (Brisbane) (12.54 a.m.): I have said before, and I am sure it is true, that the Minister has been snowed on this matter by the Pharmacy Guild, but I doubt very much that the Pharmacy Guild will appreciate what the Minister is doing through the Bill. If what the Minister proposes comes about, it will mean that pharmacies will be exactly that; they will be dispensaries. There is nothing in this Bill in the definition of "pharmacy" or "pharmacy practice" which allows a pharmacist to do anything other than dispense. We must remember that the pharmacist is not a company, as was said by the Minister for Survey and Valuation, who entered this debate for what reason I would not know. But whatever he had to say was well wide of the mark. My notes indicate that he used the expressions "laissez faire" and "devil take the hindmost", and referred to surveyors and solicitors. His contribution did not help to clarify the issue. He talked about Boots, Boots, Boots moving up and down again. Boots may be in England and there may be Soul Pattinson in New South Wales. They are just as wide of the mark in this matter as the Minister's shot might be in aiming at some form of reasonable legislation for the control of pharmacy. The definition of "practice of pharmacy" as contained in clause 5 would offend and, indeed probably put out of practice most pharmacists in this State. If we are going to have pharmacies which are purely and simply dispensaries——

Dr. Edwards: But we haven't.

Mr. LOWES: The Minister says that that is not the case. Can we ever get to the stage where we can define what is a pharmacy or are we going to lend ourselves to some form of misrepresentation, some deceit upon the public, so that they can go into a shop believing that they can buy a Kodak film, a camera, toys and some patent medicine? Are we going to preclude that sort of shop from being a pharmacy? If we are, what sort of demarcation are we going to have? Are we going to divide the shop down the centre with one side as the pharmacy and dispensary and the other side as the commercial section? I would be interested to hear what sort of explanation the honourable member for Lockyer might have. I would be interested to hear what sort of explanation the honourable member for Mt. Isa might have.

Honourable Members: He's not here.

Mr. LOWES: I am sorry to refer to the absence of the honourable member for Mt. Isa. He is probably attending to some of his four pharmacies, not three. We had some difficulty in deciding whether it would be three or four. What deceit there was! What self-interest! I have never been so ashamed in all my life as I have been in this matter when I have heard members of this Government talking through their pockets about how many shops they might have. I am a lawyer. I have one practice.

Mr. Burns: And you don't do a very good job.

Mr. LOWES: Not a very good job—because I am here too often. I do not have the opportunity to go around the countryside opening up as many practices as I wish to. If I wished to do that I would not want this Parliament to tell me how many I could have, how many offices I could have, where I could have them and whether they would be one kilometre apart from each other. Mr. Gunn, the Bill defeats me!

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (12.59 a.m.): In reply to the honourable member for Bulimba, if he refers to clause 31 of the Bill he will see that it indicates that a person cannot imply that he is a pharmacist and set up a pharmacy shop. If he does we can take action against him. The only alteration in the Bill from the existing Act is the definition of "pharmacist" and the definition of "practice of pharmacy." This is quite clearly identifying what will be carried on within a pharmacy.

Mr. BURNS (Lytton—Leader of the Opposition) (1 a.m.): This clause provides for—

> "the sale of items of trade and the provision of services in conjunction with the professional dispensing of medicines, mixtures, compounds and drugs:"

and goes on to provide—

> "the term does not include the lawful sale in the ordinary course of business by any retail shopkeeper or storekeeper (not being a pharmacist) of any patent medicine or proprietary medicine, or of any medicine or drug commonly sold in a bottle, tin, packet or other container;"

I ask the Minister: can a chemist open one shop as a pharmacy and register, say, four or five shops without doing any dispensing in them? Can this be done in the department stores? The pharmacist is not breaking the law; he is operating under the term "pharmacist" legally. If he is dispensing only in one shop and not in the others, all he needs is a girl and a motor-bike so that prescriptions can be taken to the shop at which the dispensing is carried on. Can the Minister show me where the Bill specifically precludes a person from doing that?

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (1.1 a.m.): It is quite clear. The honourable member is reading

the term "practice of pharmacy" wrongly. It means the professional dispensing of medicines, mixtures, compounds and drugs "and"—not "or"—where appropriate, the sale of items of trade. The first requirement is that he must do the professional dispensing of medicines, mixtures, compounds and drugs.

Mr. LOWES (Brisbane) (1.2 a.m.): So far the Committee has dealt with the terms "practice of pharmacy" and "pharmacy practice". I have looked at clause 5—in vain—for the use of the word "chemist". I can see nothing in clause 5 to prevent a person from describing himself as a chemist. Despite the answer given by the Minister to the Leader of the Opposition as to what the restrictions on the operation of a pharmacy might be, I can see nothing to suggest that a person cannot call himself a chemist and carry on a shop as a chemist doing whatever a chemist, as we know him to be, might do in his ordinary practice. Although it may coincide with, and be similar to, the practice of pharmacy, there is nothing in this clause to suggest that that is a prohibition.

Clause 5, as read, agreed to.

Clause 6—Administration of Act—

Mr. JENSEN (Bundaberg) (1.4 a.m.): I have a question to raise on this clause. I believe that the Minister's health inspectors will check the pharmacies.

Dr. Edwards: Yes.

Mr. JENSEN: I also understand that they are not Bachelors of Pharmacy. Does the Minister believe that they have the necessary qualifications to be able to check on pharmacies? They complete a quickie graduate Q.I.T. course, but they are not Bachelors of Pharmacy. Does the Minister believe that these people have the necessary qualifications?

The ACTING CHAIRMAN: Order! I suggest that the honourable member is debating the wrong clause. This deals with administration of the Act.

Mr. JENSEN: Administration covers the activities of health inspectors, who are under the Minister. I am asking the Minister about their qualifications.

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (1.5 a.m.): I will deal with this point at a later stage.

Clause 6, as read, agreed to.

The ACTING CHAIRMAN: Are there any other clauses before clause 30?

Clauses 7 to 29, both inclusive, as read, agreed to.

Clause 30—Limitations upon ownership of and pecuniary interests in pharmacy practices—

Mr. LOWES (Brisbane) (1.7 a.m.): I propose to move an amendment to clause 30.

Mr. JENSEN: I rise to a point of order, Mr. Gunn. You have passed a number of clauses. I wanted to speak on clauses 19 and 25 and move an amendment.

The ACTING CHAIRMAN: Order! I gave the honourable member an opportunity and I then put the clauses.

Mr. Houston: You did not call them one by one.

The ACTING CHAIRMAN: Order! I put clauses 7 to 29.

Mr. HOUSTON: I rise to a point of order. It has been customary in this Chamber, when the Chairman or Acting Chairman wants to couple a lot of clauses, for him to ask the Committee for permission to do so. Some time ago a ruling was given by the Speaker that in Committee a Bill should be put clause by clause. You did not ask permission of the Committee to couple the clauses.

The ACTING CHAIRMAN: Order! I remind the honourable member that I did. I asked if any honourable member wished to speak to the clauses.

Mr. Houston: You did not seek permission of the Committee to couple the clauses.

The ACTING CHAIRMAN: Order! I put it to the Committee.

Mr. LOWES: I propose to move an amendment. I have given notice of the proposed amendment to every person entitled to such notice. I propose to move that clause 30 of the Bill on page 14 be amended by deleting lines 6, 7 and 8 and that line 9 be amended by deleting the word, brackets and figure "and (2)".

In foreshadowing that amendment I say, as I said before—and I think it was fair comment that ought to be accepted by all honourable members on both sides of the Chamber—that the duty of this Committee is to ensure the standard of professionalism of pharmacists. We have done that, and I think we have done it quite well in the earlier provisions of the Bill. I have spoken about this before and I believe that the Minister, in this Bill, has done that admirably. However, I think there were some omissions that needed remedying and we have done that.

It is our function as a Government to ensure that pharmacies are owned by pharmacists. Here again I join issue with those who have spoken before me, particularly the Minister for Survey and Valuation, who

entered this debate to bolster up the Minister for Health, who, I believe, was short weight on evidence. If ever I saw a case that was short weight on evidence, it is this one. I have seen counsel go into court with armfuls of books, which is a sure indication of a weak case. That is exactly akin to what happened here. The Minister for Health came here with a very weak case and, to bolster himself up, he enlisted the assistance of my learned colleague the Minister for Survey and Valuation. We believe that pharmacies should be owned by pharmacists, not by companies. Once we rule out companies, we remove all risks of extensive chains and monopolies.

The word "monopoly" was used not by me, but by the Minister, and what an inappropriate word it was. Either he did not know the meaning of it or he misused it purposely to mislead this House, because there is no monopoly. The Minister might shake his head, but he has done exactly that. He has spoken about monopolies in the pharmaceutical world. There is none in Queensland. He knows that very well. He is the one who has spoken about companies coming in. He knows full well that a company cannot own a pharmacy. It has been said about companies that they have neither souls to save nor backsides to kick. Nor can a company ever qualify as a pharmacist. Nor can a company ever qualify as a doctor, I am pleased to say. However, there are other parts of the world where companies have been entitled to own pharmacies. We have been astute enough in Queensland up until now, with the Minister in charge of this Act, to prevent the intrusion of people like Boots.

We have had wholesale manufacturing chemists in Queensland who have had a very large part to play in the financial structure of pharmacies. People such as D.H.A., which no longer exists as D.H.A., carried on in such a way that it had a financial interest—at least to the extent of being mortgagees. It was the provider of drugs to registered pharmacists. We know, too, that it provided drugs on the basis that the more people bought, the greater the discount. The more a person was involved in its financial affairs or committed to it, the greater was the discount. This has gone on for some years. Maybe there has been a lessening of it. None the less, pharmacies have had presiding over them a certain mantle of financial dominance. That has gone on for years. Now it has been lessened.

As bad as that might be, we have protected pharmacists as far as we possibly can by insisting upon two things: firstly, that no person other than a pharmacist can own a pharmacy and, secondly, that pharmacies must always be supervised by a registered and qualified pharmacist. Having done those two things, there is nothing more for us to do. A red herring has been drawn across the trail by those who have spoken in support of this clause of the Bill. They were well wide of the mark. They were not even on point. It is not on point to talk about laissez-faire. What could be more ridiculous than to talk about laissez-faire in a profession? Laissez-faire might apply if a person wants to go out into the street and sell pineapples. Laissez-faire might apply if a person buys anything wherever he wants to and then retails it. Laissez-faire does not apply to professionalism.

Talking about pharmacists indulging themselves in laissez-faire and saying, "Let the devil take the hindmost" comes very strange from the mouth of the Honourable the Minister for Survey and Valuation—a professional man himself. I do not believe he would say this about the surveyors and valuers in his own department, or those people who are registered as surveyors or valuers under the Acts he administers. There is no laissez-faire there. There is no laissez-faire in pharmacy, either.

It ill behoves him to come into this debate as he did. I was greatly disappointed to hear him perform as he did and sell his ability to push an argument which was not valid. I know that there are times when one has to represent an argument that has little merit. No doubt this is how the Minister felt tonight because if ever I heard an argument with little merit it is the argument in support of clause 30 (2).

We need to do three things and that is all we need to do. We need to ensure the standard of qualifications of pharmacists; to ensure that nobody but a pharmacist can own a pharmacy; and to ensure that only pharmacists may supervise pharmacies. There is an addition, too, that I would refer to the Minister. It is in the official State Constitution of the Liberal Party, Clause 4 of which reads—

> "The objects of the Party shall be to have an Australian nation;
>
> (vi) looking primarily to the encouragement of individual initiative and enterprise as the dynamic force of progress."

This Bill is not for the purpose of progress and it does a great deal to the detriment of employment. As I foreshadowed, I move the following amendment—

> "On page 14, delete the words in lines 6, 7 and 8, and in line 9 the words—
> 'and (2)'."

Mr. WRIGHT (Rockhampton) (1.17 a.m.): At both the introductory stage and the second-reading stage the Deputy Leader of the Opposition questioned the restriction to four pharmacies. I think it is a valid query now, especially in view of what the honourable member for Brisbane implied.

The figure four was set because of an interest of the honourable member for Mt. Isa. The Minister might explain this because it is surely totally wrong if it is the case that the Government brings down legislation to restrict the number of pharmacies a

person may have because of the number already held by a member of the party to which the Minister belongs.

We ought to look at one other point. Although the clause refers to a pecuniary interest in more than four pharmacies, it will actually mean an effective three for many pharmacists who are involved in an all-night pharmacy. This latter is not a full enterprise. They do not run it on a full-time basis. It is a special service to the people. The way the clause reads, the pharmacist will have to count that interest in the four that he can own. I can see many a pharmacist saying, "I already have another four so I will get out of that one." In some instances a number of pharmacists will say, "We cannot run it without you so we will close it down." Therefore we could have a reduction of the service to the community. Surely the clause covers an all-night pharmacy. No doubt the Minister could comment on this.

I believe there is good reason to support the amendment moved by the honourable member for Brisbane.

Mr. LANE (Merthyr) (1.19 a.m.): I mentioned in my second-reading speech that it was this part of the Bill that I found to be objectionable. I think it is fitting that I say a few words in support of the amendment moved by the honourable member for Brisbane. I indicated that it is not my intention to vote in favour of such an amendment or against any part of the Bill but to move an amendment myself—

Opposition Members interjected.

The ACTING CHAIRMAN: Order!

Mr. LANE: I place on record that I understand the spirit of what the honourable member for Brisbane has put forward on this occasion. Were it not for undertakings and other obligations that the Minister and members of the Government may have, I am sure that he would have a great deal of support on the floor of the Chamber for the proposal he has put forward.

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (1.20 a.m.): I only wish to say that it was not on the representations of the honourable member for Mt. Isa that it was decided that four should be the number. It has been said that those who have more than four pharmacies will have to reduce that number. That is not the case. The restriction will apply only to future pharmacy development. The Government rejects the amendment.

Mr. LOWES (Brisbane) (1.21 a.m.): The Minister says that a person who owns more than four pharmacies will not be required to reduce that number to four. In fact, if a person who owns more than four dies, the whole of his estate will have to be dismantled to the extent that pharmacies can accrue only to those beneficiaries who are qualified as pharmacists. That is a provision which, with the passage of time, will dismantle estates that have been built up over the years. If we must use names, let us talk about people such as Carl David and Sullivan. Consider a family of husband, wife and children who are all qualified pharmacists. In effect, does the farm have to be sold because the acreage is too large? Does it have to be reduced by a form of socialistic legislation introduced by a Government of which I am a member? For God's sake, let that not be the case. I am bitterly opposed to such a provision.

When the Minister gave his answer, he did not give the full answer. To that extent, I say that he misled the House. It is all very well to tell the truth. But there is more than the truth; there is the whole truth. He did not tell us the whole truth. Let him deny that the Sullivans, the Davids and all who own more than four pharmacies will have to divest themselves of their assets. I submit that the answer given by the Minister is quite clearly not a true answer.

Question—That the words proposed to be omitted from clause 30 (Mr. Lowes's amendment) stand part of the clause—put; and the Committee divided—

AYES, 37

Ahern	Lamond
Akers	Lane
Bird	Lee
Bourke	Lickiss
Brown	McKechnie
Camm	Miller
Deeral	Moore
Doumany	Newbery
Edwards	Row
Elliott	Simpson
Gibbs	Sullivan
Glasson	Tenni
Greenwood	Tomkins
Hales	Turner
Hartwig	Wharton
Hewitt, N. T. E.	
Katter	*Tellers:*
Kippin	
Knox	Frawley
Kyburz	Lester

NOES, 10

Burns	Wright
Houston	Yewdale
Jensen	*Tellers:*
Jones	
Lowes	Hooper, K. J.
Prest	Scott-Young

PAIRS:

Bjelke-Petersen	Marginson
Chinchen	Dean

Resolved in the affirmative.

Mr. LANE (Merthyr) (1.32 a.m.): I move the following amendment—

"On page 14, line 14, omit the words—

'in lieu of and within one kilometre of those premises'

and substitute the words—

'approved by the Minister upon the recommendation of the Board in lieu of and within the locality of that pharmacy'."

I foreshadow a further amendment at line 27.

The purpose of the amendment is to broaden the limitation that is presently written into the Bill that allows a pharmacist who has a number of shops in excess of the four stipulated to shift a pharmacy to within the same locality. The building in which his premises are situated could be demolished by fire, or he might lose his tenancy or be displaced by a freeway, road-works or some other development, but he might still have a desire to serve the same locality. I believe that the words used in the Bill as originally printed, limiting the distance within which he could shift his premises to a radius of 1 kilometre, are too restrictive. I sought a discussion with the Minister to find some other words which would allow for greater flexibility.

The words I suggested to the Minister were in conformity with those used in the Liquor Act Amendment Act of 1972 pertaining to licensed premises. Those words are "in the same neighbourhood". I thought that as those words had been tested in the Licensing Court, and decisions and rulings had been made on them by Judge Broad of the Licensing Court, there was some precedent so that they could apply in this Bill to pharmacies. I put forward the suggestion that those words should be included. However, the Minister told me that he received advice from the Crown Law Office that words with the same meaning which would be more suitable in the circumstances would be those contained in my proposed amendment. Those are the words "within the locality". I have sought an assurance from the Minister, and he has given me that assurance, that the words "within the locality" have exactly the same meaning as that provided under the Liquor Act for the words "in the same neighbourhood". I accept the Minister's word on that.

Mr. Moore: He had better assure the Committee.

Mr. LANE: The Minister has assured me privately, and I am placing his assurance on record.

Mr. Houston: Do you trust him?

Mr. LANE: Yes, I do trust him. With that assurance, I have moved my amendment, which deals with premises conducted by friendly societies and would allow them some flexibility. A further amendment that I shall move later deals with private-enterprise premises and gives them, too, the advantage of the same flexibility I have described.

I share the concern expressed by other members, particularly the honourable member for Brisbane, at the gradual erosion of the number of premises in which pharmacies can be conducted. This might in time dismantle some of the owner's investment. The number of shops that he could conduct is to be eroded to four, as stipulated earlier in the Bill. I have moved my amendment to guard against such an erosion or dismantling of such enterprises. I commend the amendment to the Committee.

Amendment (Mr. Lane) agreed to.

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (1.37 a.m.): I move the following amendment—

"On page 14, line 24, omit provision (ii) and substitute the following provision—

'(ii) any change in the name under which the practice of pharmacy is carried on has the prior approval of the Board; and'."

This amendment follows that moved by the honourable member for Merthyr and clarifies the situation. If a pharmacy is in a particular locality and is moved to another locality, there may be a need for a change in the name of that pharmacy to be approved by the board.

Amendment (Dr. Edwards) agreed to.

Mr. LANE (Merthyr) (1.40 a.m.): I move the following further amendment—

"On page 14, line 27, omit the words—

'in lieu of and within one kilometre'

and substitute the words—

'approved by the Minister upon the recommendation of the Board in lieu of and within the locality'."

I think I have already put forward my arguments on this amendment during earlier discussion on the clause.

Amendment (Mr. Lane) agreed to.

Mr. JENSEN (Bundaberg) (1.41 a.m.): In subclause 6 no reference is made to pressure on financial houses financing pharmaceutical supplies. Most importantly, there is no mention of sweetheart agreements, doctor-controlled tenancies and doctor-controlled buildings. Does the Minister think that these are important matters in the control of pharmacies?

Dr. Edwards: That is covered.

Mr. JENSEN: It is covered?

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (1.42 a.m.): Yes. I move the following further amendment—

"At page 15, line 11, omit subclause (7) and substitute the following subclause—

'(7) Upon application in that regard by a duly registered friendly society, the Board shall advise the Minister as to whether—

(i) there is an established need for the establishment of a pharmacy; and

(ii) the composition and membership of that society is as prescribed.

The Minister may, in his discretion, approve the establishment of that pharmacy by that society.' "

That amendment is moved to clarify the section so that the basic requirement of a friendly society to be able to extend into an

area to serve an established need for members is preserved and secondly so that the board may make a recommendation to the Minister, and the Minister, in his discretion, can either approve or disapprove the establishment of that pharmacy.

Mr. LOWES (Brisbane) (1.43 a.m.): I ask the Minister, when looking at boards of friendly societies as owners of pharmacies (and this is the only departure from the provision in that pharmacies are owned by people other than qualified pharmacists) if he will consider that the boards of friendly societies should include a person who is a qualified pharmacist?

Mr. LANE (Merthyr) (1.44 a.m.): I support the amendment proposed by the Minister because it leaves open an avenue whereby friendly society pharmacies can expand if it can be proved that there is a demand in a particular area for expansion. This does not close the door once and for all as it was closed in an earlier section dealing with private enterprise pharmacies. He would be aware that I find that hard to reconcile. However, I am grateful that at least the door is left open for friendly society pharmacies to make application, to put forward a case and perhaps to be granted approval.

However, I would like to go one step further when speaking on this clause and seek an assurance from the Minister that there will be an avenue open for them to have a voice in such decision. We have sought assurances from the Minister that he will invite the friendly societies to put forward a nomination for consideration for inclusion on the board. I know that that is an invitation that the friendly societies would welcome. I would like to hear from the Minister tonight whether he would be prepared, when extending invitations to other sections of the profession, to extend an invitation to them also to put forward a name for consideration. I think that the friendly societies would then feel that they had an opportunity of protecting the interests of their vast membership and the interests of the society, which conducts something like 28 pharmacies throughout the State. That, I believe, can only be guaranteed by the inclusion of a representative from them on the Pharmacy Board.

Mr. HALES (Ipswich West) (1.47 a.m.): I thank the Minister for his accommodation of the representations that have been made to him by the member for Merthyr and me on behalf of certain interests. There is one word in the amendment that does give me a little concern. That is the word "prescribed". I wonder if the Minister would, in his reply, give some type of assurance about "the composition and membership of that society is as prescribed." I would hope that the Minister in his wisdom would set realistic membership levels so that the society could establish itself in other areas. That is perhaps my only concern at this moment. I hope that the Minister, in his wisdom—in Ipswich, particularly—would put realistic figures on the membership so the society can establish in a different area.

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (1.48 a.m.): In reply to the honourable member for Merthyr—the Premier has given an indication that he would ask me (and I have given an assurance that I would do this) to invite the friendly societies to submit the name of a pharmacist so it could be considered. I could give no guarantee that that pharmacist would be on the board. However, we certainly would ask for the name of a pharmacist to be submitted to the Executive Council.

As to the suggestion of the honourable member for Ipswich West—that would be a matter for discussion between the board and the pharmacies. I could give no assurance, as the numbers would have to vary from area to area. In some areas it may well be that only 200 members would be needed for a pharmacy to be established, if there is no other pharmacy in the area or if there are problems associated with it, whereas in other areas there may need to be 3,000 members. I do not know. This is why a number will be prescribed and considered by me. That is acceptable to the association.

Amendment (Dr. Edwards) agreed to.

Clause 30, as amended, agreed to.

Clause 31, as read, agreed to.

Clause 32—Practice of pharmacy—

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (1.50 a.m.): I move the following amendment—

"On page 15, insert after line 40 the following—

'; or

(c) who, being a medical practitioner, is approved by the Board to practise pharmacy (the Board being hereby authorized so to do), practising pharmacy within the limits specified in that approval.' "

Amendment agreed to.

Mr. JENSEN (Bundaberg) (1.51 a.m.): The clause does not mention veterinarians. Does it preclude them from dispensing in their surgeries or shops or selling chemical items? Are veterinarians covered in any way in this clause in the dispensing of certain drugs or chemicals in their shops?

Hon. L. R. EDWARDS (Ipswich—Minister for Health) (1.52 a.m.): Veterinarians dispense their own drugs. If they give a prescription to a pharmacist, it can be dispensed under the Bill.

Mr. Jensen: Can they dispense themselves?

Dr. EDWARDS: They may in particular circumstances. They have a licence to do that.

Clause 32, as amended, agreed to.

Clauses 33 to 44, both inclusive, and first and second schedules, as read, agreed to.

Bill reported, with amendments.

WATER ACT AMENDMENT BILL

SECOND READING

Hon. N. T. E. HEWITT (Auburn—Minister for Water Resources) (1.53 a.m.): I move—

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

My introductory speech covered the reasons for the proposed amendments. The purpose of the Bill is to benefit landholders without in any way prejudicing their rights, to reduce administrative work, and to widen the scope of boards constituted under the provisions of the Act. I was pleased that the proposals were acceptable to honourable members.

The amendments are largely procedural and therefore I will offer only brief comments on the specific clauses of the Bill.

Clause 2 deals with the renewal of waterworks licences. The clause clarifies existing requirements and inserts a new provision enabling the commissioner to deal with an application lodged within four months after the date of expiration. The paragraph omitted by subclause (c) will simplify administrative procedures without in any way prejudicing a licensee's rights. The paragraph inserted by this subclause will ensure continuity of a licence where notice of the commissioner's decision is delayed beyond the expiry date or until any appeal against a decision is determined. Subclause (d) will validate licences where the commissioner has granted renewal on an application lodged after the date of expiration. This will protect landholders' rights and permit future dealings with such licences.

Clause 3 amends an error in location of words that occurred in the amending Act of 1964.

Clause 4 amends section 19, which provides for the giving of notice by the commissioner of proposals to constitute boards. The amendments will widen the scope of the Act to enable boards to acquire existing works other than works constructed by the commissioner and to acquire all lands necessary for their purposes. The clause also provides that the cost of acquisition of such works and the method of payment therefor shall be included in the notice of proposal.

Clause 5 amends section 23 to enable the assignment to, and acceptance by, a board of liabilities of the commissioner or any other person in respect of a loan or bank overdraft previously raised in connection with the construction of works to be transferred to a board.

A purpose of the Ripple Creek Drainage Board constituted in 1975 is to acquire existing works constructed by or on behalf of landholders. At that time the Act did not authorise this purpose. Consequently, the area and board may not be validly constituted. The amendments provided by clause 4 of the Bill will authorise acquisition of such works. Clause 6 is to ensure the validity of the constitution of the area and the board and subsequent actions.

In view of the nature of the Bill and the general acceptance previously indicated, I trust that these comments have adequately covered the main points. I again commend the Bill to the House.

Mr. JENSEN (Bundaberg) (1.56 a.m.): The Opposition has no further comments to make on the Bill. We accept it, and we approve of what the Minister has done.

Motion (Mr. Hewitt) agreed to.

COMMITTEE

(The Acting Chairman of Committees, Mr. Gunn, Somerset, in the chair)

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

Bill reported, without amendment.

PAY-ROLL TAX ACT AMENDMENT BILL

INITIATION IN COMMITTEE

(The Acting Chairman of Committees, Mr. Gunn, Somerset, in the chair)

Hon. W. E. KNOX (Nundah—Deputy Premier and Treasurer) (1.58 a.m.): I move—

"That a Bill be introduced to amend the Pay-roll Tax Act 1971-1975 in certain particulars."

Honourable members will recall that in the 1976-77 Budget speech I announced certain proposals aimed at granting relief from pay-roll tax for business in general and for small businesses in particular. These proposals provided for an increase in the general pay-roll tax exemption from the present $41,600 to $62,400 as from 1 January 1977, to $83,200 from 1 July 1977 and to $100,000 as from 1 January 1978. In addition, it was proposed that the minimum exemption available to all employers be increased from $20,800 to $24,000 as from 1 January 1977. The Bill I now present to honourable members will give effect to these proposals.

As honourable members are aware, one of my first actions as Treasurer of this State was to initiate a major review of the effects of pay-roll tax on small business in Queensland. I wanted to determine the extent to which small business undertakings in Queensland were having their future viability threatened by the burden of pay-roll tax and the extent to which relief in this area would overcome their problems. Many submissions were receive from a broad spectrum of the business community and these served to further increase my already keen awareness of the very many problems which confront business

not only in this State but throughout Australia. Without exception, the major problems faced by the businessman stemmed directly from the very rapid increase in wage levels which has occurred in recent years.

It was also readily apparent that employers were becoming reluctant to take on additional employees and this reluctance could be attributed in part to the additional pay-roll tax that would be payable. With unemployment at unacceptably high levels, it was very desirable that the Government should act to encourage employers, especially the small employer, to take on more workers to help the economy back on the road to recovery. I believe the provisions of this Bill will provide a much-needed stimulus to industry in this State.

The Bill provides that as from 1 January 1977, the minimum exemption from pay-roll tax applicable to all employers as defined in the Act will increase from $20,800 to $24,000. Also, as from the same date, the maximum pay-roll tax exemption under the Act will increase from $41,600 to $62,400. This will mean that all employers whose annual pay-roll is less than $62,400 will pay no pay-roll tax. Where the employer's annual pay-roll is greater than $62,400 but less than $88,000, the maximum benefit of $62,400 will reduce $3 from every $2 by which the annual pay-roll exceeds $62,400 so that for annual pay-rolls in excess of $88,000, the minimum exemption of $24,000 will apply.

At this stage I want to make the comment that the maximum exemption of $62,400 applying from 1 January will provide the small employer with the most generous concession of this nature of any State in Australia. Generally most other States have indicated that the maximum exemption will increase from $41,600 to $48,000, which is approximately the same percentage increase as the increase in average weekly earnings over the past 12 months. While the maximum exemption will differ, the new minimum exemption of $24,000 will be the same as the level indicated by other States and is in keeping with the general policy of the various States to maintain reasonably uniform provisions in view of the great number of larger employers operating in more than one State. I have always been of the view that the Government has a responsibility to ensure that information of vital concern to the day-to-day operations of business should be provided to the relevant persons so that the businessman can plan ahead with some degree of certainty. With this in mind, I announced in the Budget speech that there would be further increases in the maximum pay-roll tax exemption as from 1 July 1977 and 1 January 1978.

The Bill therefore also contains provisions for the new maximum exemption benefit of $62,400 to increase to $83,200 as from 1 July 1977, which is double the present maximum exemption. Where the annual pay-roll is between $83,200 and $112,800, the maximum benefit of $83,200 will reduce $2 for every $1 by which the annual pay-roll exceeds $83,200 so that the new minimum exemption will apply to all employers whose annual pay-roll exceeds $112,800.

As a further indication of this Government's resolve to assist small businesses in Queensland the Bill provides that as from 1 January 1978, the maximum exemption benefit will increase to $100,000 or almost 2½ times the present level. This is a significant improvement which will be of great benefit to the many small businesses which are the backbone of our economy. As previously, a tapering provision applies and the maximum exemption benefit will reduce by $5 for every $2 by which the annual pay-roll exceeds $100,000 so that for employers with annual pay-rolls above $130,400 the minimum exemption benefit of $24,000 will apply. For the smaller employers, the provisions of the Bill when fully effective will mean that, while average weekly earnings have increased a little over 100 per cent since the States assumed responsibility for the levying and collection of pay-roll tax in 1971, the level of annual pay-roll below which no pay-roll tax is payable will have increased by a little less than 400 per cent when the provisions of the Bill are fully operative. I believe the Government can be justifiably proud of this achievement which has been implemented despite extreme pressures being brought to bear on the State finances.

In the past, the various Governments have endeavoured to ensure that the Pay-roll Tax Act remained a relatively simple piece of legislation for the obvious reason that it needed to be understood by and applied to a wide cross-section of the business community. Providing in the present legislation for the various changes to the exemption levels which I have outlined would have resulted in a very cumbersome, wordy and unnecessarily complex piece of legislation, which would have been contrary to the principle of simplicity in taxing legislation. Therefore, the Bill provides that, where relevant, the present provisions of the Act will be replaced by formulae designed to incorporate the necessary changes. The employer will merely have to make the necessary substitutions in the formula to determine his pay-roll tax liability rather than having to read pages of complex legal phraseology. While the formulae may themselves at first appear rather complex this is not really so when figures are substituted for the symbols. Further, where the employer has no interstate operations and has operated for the whole of the year, the formula boils down to a very simple calculation.

When the maximum exemption benefit was last increased as from 1 January 1976, it was provided in the Act that each half year of the financial year 1975–76 was to be considered separately for the purposes of determining the exemption benefit applicable and hence the tax payable by an employer. It has been found that, where an employer

has significantly different levels of wages paid in each half of the year, inequitable situations can arise. The inequities and problems which had been experienced in the past would have been compounded had the principle of half-yearly adjustments been carried through and applied in respect of the proposed changes. Some of the benefits of the higher exemption levels might have been denied to employers such as the employer of seasonal labour. The formulae provided for in the Bill have been framed in a manner which will provide for exemption benefits and hence tax payable to be based on the wages paid in a full financial year rather than having each half year being considered as a separate financial year for the purposes of the Act.

In addition to the major provisions of the Bill dealing with the new concessions to employers, there is one other small amendment provided for in the Bill. Presently, the act provides that where tax has been overpaid in Queensland, a refund of tax can only be made if the application for refund is made within two years of the overpayment. It sometimes happens that an employer is not aware of the overpayment until after the two-year period has elapsed. For example, pay-roll tax is payable on taxable wages paid in Queensland based on total wages paid both in Queensland and out of Queensland, with the tax payable on wages outside Queensland being accounted for to the relevant taxing authority in another State. An employer not fully conversant with the provisions of the Act may inadvertently account for tax in Queensland based on wages paid both in and out of Queensland. The employer usually becomes aware of the error when tax is demanded by the taxing authority outside Queensland and, in many cases, this is outside the two-year period within which a refund of the overpaid tax can be made. It is quite inequitable that the taxpayer be required to pay tax twice on the same wages. Therefore the Bill contains a provision which will give the Commissioner of Pay-roll Tax a discretion to refund the tax overpaid even when the application for refund is made more than two years after the overpayment. This will mean that an employer who, through genuine error, has made an overpayment of tax, will receive his refund entitlement.

The provisions of the Bill will provide substantial and generous concessions to business in this State. In particular, it will provide very real encouragement and incentive to the many small businesses in this State to take on more employment and expand their activity for the benefit of all Queenslanders. I commend the Bill to the Committee.

Mr. HOUSTON (Bulimba) (2.8 a.m.): As this legislation is based on the Government's Budget, and as the Budget has been passed, I suppose the Government could expect the Bill to pass through the Assembly. In fact, the Government's numbers would ensure that it did. However, I do want to make some comments about the Bill because although the Government is talking about its great generosity to employers it could have used and should use pay-roll tax exemptions to a far greater extent than it has in the past and intends to do by this legislation.

But first let us have a look at the history of this tax. It will be recalled that it was introduced in 1941 by the Commonwealth Government at a time when this nation was at war. It was brought in as a wartime measure to increase the availability of money for the war effort. Unfortunately, as happens quite often, when new taxes are brought in for a worth-while purpose, somehow or other they seem to become general practice and end up being a major means of taxing the community. When the tax was first introduced, it was assessed on the basis of 2½ per cent of the wage bill, with a basic exemption of $2,080. That exemption was increased by the Commonwealth Government in 1953 to $8,320, in 1954 to $12,480, and in 1957 to $20,800.

On 1 September 1971 the States took over the levelling of pay-roll tax, and the rate of the tax was immediately increased from 2½ per cent to 3½ per cent. On 1 September 1973 it was further increased to 4½ per cent, and on 1 September 1974 it rose to 5 per cent. So that from 1971 to 1974 the rate of tax doubled from 2½ per cent to 5 per cent.

At that time the Treasurer did not boast about the generosity of his Government to industry and employers. Pay-roll tax was a very lucrative source of revenue that brought in to the State Government's coffers millions of dollars.

On 1 January 1976 special relief was introduced for small businesses, increasing the exemption level from $41,600 with total exemption up to $72,800. The basic deduction for other firms with wage bills higher than $72,800 remained at $20,800.

Many businesses were backing up their activities by forming small companies so that they could avail themselves of the pay-roll tax exemptions. In 1975 amendments to the Pay-roll Tax Act were introduced to cover that situation. New sections 16A to 16L were enacted. The result was that where there was a group of commonly controlled companies only one company in the group could claim the basic deduction of $20,800 and the others would have to pay the full pay-roll tax on their wages bills. That was the situation until the present Act came into force.

The Government claims to be generous. Why hasn't it done something worth while to relieve unemployment? Unemployment has been with us for many months; it will not come about on 1 January, the date mentioned by the Minister. This Bill could have been one of the early tax Bills introduced and could have taken effect from the commencement of the December

quarter to give at least three months' additional exemption. Furthermore, the exemption level could have been doubled at the outset without causing any serious problems for the State Government's revenue. This would have encouraged employers to put on more workers, and this would have given practically the same return to the Government. Those additional workers would have had money to spend and the purchasing power of the economy would have increased, thereby helping to curb inflation. The Government, however, has seen fit not to do that but to introduce this piecemeal measure.

The total income to the Government from pay-roll tax is most interesting. As I have said, it took over the levelling of pay-roll tax in the 1971-72 financial year, when its revenue from that tax was $39,408,000. In the following year it rose to nearly $61,000,000; in 1973-74, to $93,786,000; in 1974-75, to nearly $141,000,000; last year, to nearly $169,000,000; and this year, even with all the exemptions that are provided, the Government hopes to receive $192,300,000. Surely with such a high anticipated figure, the Government could have provided earlier relief to employers. This would have encouraged them to put on more workers. If it provided even the minimum assistance it would have encouraged them to put on more apprentices. Many young people who were out of work during September, October and early November left school last year. To their number will be added those children who leave school this year.

Employers will be interested in engaging those who left school recently because they are younger. The older ones will be passed by again. If we could have given money to the employers through an earlier reduction in the rate and by an increase in the exemption rate, they could have been persuaded to employ more juniors. If we take the apprentice's wage at a little less than $60 a week, and take into account the Commonwealth subsidy of $32, it is apparent that a very large number of apprentices and juniors could have been engaged.

It is interesting to compare the relativity of pay-roll tax and general revenue. Last year $168,000,000 was raised in pay-roll tax. This year, it is anticipated that $192,000,000 will be raised. That represents an increase of 14 per cent, which is in line with the inflation rate last year and this year. Although an allowance has been made, the Minister is virtually only covering the inflation rate.

On looking at the situation over the five years from 1971-1972 to 1975-1976, it can be seen that the total increase in the five years represented 388 per cent. When we look at the general revenue increase from the Commonwealth Government—that is, our return from personal income tax in the same period—we see that the amount increased from $231,600,000 to $646,500,000, or an increase of 180 per cent.

My point is that pay-roll tax is used by the Government as a major taxing method. I repeat that it was a wartime measure, but it is now yielding almost $200,000,000 a year. It is collected from the employers but it virtually comes from the public because taxes imposed on wages paid by employers must be passed on to the public, who pay for services rendered. Such taxation should be kept to the minimum because it is passed on and can interfere with employment opportunities.

The Minister boasted that the increased exemption will improve employment opportunities. I hope that it does, but how much greater would the impetus have been if the Minister had been more generous! The total income derived by the State would not have been affected materially. Although the exemption rate may have been increased and the amount of individual tax reduced, because of the larger number of employees the tax collected would have increased proportionately.

Mr. GIBBS (Albert) (2.19 a.m.): I rise to support the introduction of this Bill to alter pay-roll tax, which presents a problem to all small businesses. The proposal of the Government will no doubt relieve small businesses to some extent.

I wish to refer briefly to the history of pay-roll tax. It was originally introduced in 1941 by the Commonwealth Government to redistribute the wealth of the country by taking it from large and very rich companies and with it financing a welfare scheme. It was to be levied on the employer only—and totally without regard to his ability to pay. It is not related to profit; it is related to wages paid. In plenty of fields there is no great profitability, but the tax still has to be paid. That affects the level of employment.

Originally the exemption level was $2,080 per annum, and the levy was 2½ per cent on wages paid above that. The exemption rate was raised progressively until in September 1957 it reached $20,800 per annum, or $400 per week. It is interesting to note that the average male weekly wage in Queensland at that time was $35.50.

In 1971 the Queensland Government took over the scheme and raised the rate to 3½ per cent without increasing the exemption. In 1973 it again raised the rate—this time to 4½ per cent—still without increasing the exemption level. In 1974 the rate was once again increased—to 5 per cent—and the exemption still remained at $400 a week.

In 1957, when the exemption level of $400 was set, a small enterprise employing 12 people on an average wage paid pay-roll tax of 65c per week. That is based on 12 employees at the average wage of $35.50, which totals $426. As $400 was exempt, that left $26 on which pay-roll tax was levied. Today the same business employing 12 people on an average wage of $150 per week pays $74.80, an increase of over 11,000 per cent.

The main alteration in the last Budget of pay-roll tax was to increase the exemption to $800 per week ($41,600 per annum), subject to the proviso that the exemption shall be reduced by $2 for each $3 by which the total pay-roll exceeds $800, with a maximum reduction of $400. Where companies were related or under common ownership or control, they were deemed to be a group, and the group as a whole was entitled to only one exemption. The term "group" was tightly defined in that legislation, with the result that many, many businesses were greatly affected. That was one of the measures in the last Budget that affected small business more than anything else.

I know that plenty of companies were taking advantage of the law, but there were many genuine companies, too, who were so affected by that provision that they were almost put out of business. I do not believe that that should have been so, and I do not think it was fully understood at the time. I I do not think it was fully explained that there would be a blanket application over every related group of companies.

This year the exemption rate has been increased as from 1 January 1977 to $62,400—1½ times the present $41,600. That will increase to $83,200 as from 1 July 1977, and then to 100,000 as from 1 January 1978. Although that has helped to some degree, I do not believe that it has gone far enough. However, it has gone part of the way. I believe we have to go a long way further. The exemption has to be lifted at a later date. When it reaches an appropriate level, it has to be indexed so that it does not become another one of those taxes that just creep up because of inflation, and that is the picture as revealed by the history I have outlined.

In the current financial year—1976-77—it is estimated that the tax will net $192,300,000 for the Government. In 1972-73 the amount received was $60,998,413. That indicates a growth factor. Inflation has been partly responsible for it and perhaps there has been some natural growth in business.

I have spelt out the history of pay-roll tax right up to date. I do not think it has been a fair tack on business of all types, but mainly small business. Of the work-force, 33 per cent is engaged in big business; 40 per cent is engaged in small business and 20 per cent is in Government employment. That shows the importance of small business, which has had its own problems. They were accentuated during the Whitlam era, which was the straw that broke the camel's back. A great number of both large and small companies went out of business during that period.

Professor Meredith has said that two-thirds of Australian small businesses are not earning sufficient to cover the salaries of the owners and a return on equity. Small business has an increasing debt to maintain and a level of operation. In many ways small business is discriminated against on this basis.

I would have liked to see the pay-roll tax exemption lifted immediately from $41,600 to $100,000 with a further $100,000 introduced on a sliding scale with special exemptions for productive staff. I know that we cannot poke our noses into these things straight away but we must look at them and watch the position closely to assist small business to get back on its feet. If every small business wanted to employ one more person we would not have sufficient numbers in the work-force.

We must look closely at giving consideration to refunding pay-roll tax to manufacturing industries that are willing to decentralise into defined areas in Queensland. We must try to encourage small business to decentralise. It has to pay pay-roll tax but it is refunded by the Government. This is done in some of the other States. We must watch it closely in the near future.

We have a tremendous problem in Queensland—in fact all over Australia—with apprenticeships. To afford encouragement to businesses that employ more apprentices to keep the skilled staff up we have to perhaps give incentives by refunding pay-roll tax on apprentices' wages. This would result in the training of a lot of tradesmen and would have a beneficial long-term effect on business in Queensland. We must try to bring about these things. We could even give pay-roll tax assistance to apprentices in decentralised areas, too.

We should go a stage further in the next Budget period to encourage industry to employ more apprentices by giving it the pay-roll tax deduction as well as the other incentives offered by the Commonwealth Government to look after these young people. It will have its own effect on the unemployment situation that will accrue with a tremendous number of young people leaving high schools. It may be more severe this year and perhaps we could play our own part a little later this year when these young people are not getting jobs as quickly as they should and industry is a little hesitant to take on apprentices and train them for the long term for fear that things will go slack again or that there will be lumpy parts of the economy which create insecurity in the building trade or engineering trade which is employing apprentices. If an employer gets stuck with an apprentice half-way through his training, or even 12 months after he starts it, he can be in trouble. I think it is necessary that we keep an eye on indexation and look for further reductions. Wherever possible, the incentive of pay-roll tax deductions should be given to businesses in decentralised areas. It is my hope that Queensland will then see increases in its industries and its work-force generally.

I congratulate the Treasurer on at least making some attempt to overcome the inequalities that have worked against small businesses for years. It is to be hoped that in the future we can reach a reasonable level of pay-roll tax and index it so that it never again reaches its recent level.

Mr. LAMOND (Wynnum) (2.31 a.m.): At the time of announcing this relief to Parliament the Treasurer made certain recommendations and suggestions about the way in which it would assist various sections of the community. Possibly the section that needs and will now receive the greatest relief is small businesses. The Treasurer said in his Financial Statement—

> "For the really small businessman, the engagement of even one additional employee is a major move."

I feel that this is most certainly a vital point and the Treasurer captures the imagination of small businessmen when he speaks in this way. After all, small businesses employ more than 40 per cent of those in employment in Australia.

There is no doubt that many enter small business with a desire to better themselves but with insufficient finance. They, particularly, are affected by pay-roll tax. All too frequently, because of insufficient preparation, planning and foresight, and in many cases economic circumstances, people attempting to enter the field of small business fall by the way. By failing, their enterprise is lost to the community. They have had a go but they have lost. They have made sacrifices and they have failed in their intention to create employment, not only for themselves but for others, and to further trade, industry and commerce. It is often said by people in business, "Today I would sell out for 20c. Yesterday I wouldn't have called the King my uncle." How often we hear that said, and that is the attitude of small businessmen who started off on a shoestring and who have been striving to succed under difficult conditions.

All too frequently they have to absorb increases in wages and various forms of taxation. They have to cope with strikes and, in Brisbane, with the unfair charges for electricity imposed on businessmen compared with domestic consumers. They are all factors that affect small businesses and certainly not the least of them is pay-roll tax.

I make these comments because many people not in business are unaware of the hardships encountered by small businesses. There is no doubt that small business is a most important sector of the community. When speaking of business, frequently we are inclined to think of large enterprises such as B.H.P., G.M.-H. and major oil companies. Small businesses include the fish shop down the road, the service station and other types of small enterprise. It could be a farm or a grazing selection. All are small businesses in their various forms.

Research has shown that small businesses which employ fewer than 100 people account for more than 70 per cent of all the manufacturing, retail and wholesale outlets in Australia. There is no doubt that, while private enterprise is not perfect, to date we have not been able to find a better system.

The Treasurer has said that the exemption from pay-roll tax will be increased from 1 January 1977 to $62,400, from 1 July 1977 to $83,200 and from 1 January 1978 to $100,000. This most certainly is some relief, but is it enough? It is certainly not enough. We must look at the problems of these small businessmen. As I said earlier, the decision of a firm employing possibly 10 people to employ just one more person is a major move. The decision of a small employer with a work-force of roughly 10 people to employ one more person might move him into the category where he might have to pay pay-roll tax. In many cases the necessity to pay pay-roll tax would make it almost impossible for him to continue. In his Financial Statement the Treasurer said—

> "I am sure that such reform will play a very useful part in the placement of many members of the workforce presently without jobs."

I hope the Treasurer's desires in that direction come to fruition. I feel they will to a degree, but once again I feel that this relief is not quite sufficient to relieve unemployment to the degree that we would like. But it is most certainly a move in the right direction.

During the past six months the honourable member for Albert and I have been involved with many small businesses and have addressed a number of organisations including chambers of commerce. We recently addressed a meeting of the chamber of commerce in my electorate. Honourable members should bear in mind that when I refer to small businessmen I am talking about people who probably employ three, four or five people, but when we multiply those employees by the number of businesses in a given area we are talking about a large pool of employment. The things concerning these people were workers' compensation, sales tax and other forms of tax, and once again pay-roll tax was to the fore.

When speaking about small businesses in the suburbs, we have to look at every possible method of relief because these businesses are a part of the local community providing service and employment. People in suburban areas look on their local shopping centres as merely providing a service and forget that they provide employment, and yet we see that their ability to remain in business and continue employing people is eroded by these large shopping complexes being built in the outlying suburbs.

It is obvious that the Treasurer has given a lot of thought to this Bill, but along with other speakers, I would like to see certain

other reforms such as the removal of pay-roll tax on apprentices' wages. We need incentives for the employment of apprentices because throughout Australia certain trades are finding it difficult to recruit suitable apprentices. Indeed, most trades seem to be suffering in this regard. Relief in this area would not only assist the small businessman and the big businessman but also increase the availability of skilled tradesmen in this State and this country.

Comment was previously made about a refund of pay-roll tax to manufacturing industries that are prepared to decentralise. That was a good point. In many of the outlying areas the employment situation is of great concern. I noticed that the Treasurer referred in his remarks tonight to several matters that are an improvement on the conditions laid down in his Financial Statement. He spoke about the simplicity of the formulas. Too frequently today those involved in small business, in addition to the other hazards they face, are called upon by government at all levels to be form completers, and they have to keep extensive records in order to complete the various forms for taxation assessed at all levels of government. Any assistance we can give in this regard is desirable.

The Treasurer's reference to simplicity will be appreciated by those in small business. I compliment the Treasurer on that move. I know that he is enthusiastic about improving the State's economy and that he will listen to all who come to him with constructive ideas about pay-roll tax and other forms of taxation to restore confidence to small business and, indeed, to business and industry at all levels. I congratulate him on the presentation of this Bill.

Mr. BROWN (Clayfield) (2.43 a.m.): The legislation was foreshadowed in the Treasurer's presentation of the Budget. When he presented his Financial Statement on 30 September last, the Treasurer said—

> "Pay-roll tax is one of the few major revenue producing forms of taxation open to the States, and must therefore be retained. However, it is desirable to provide reforms where this can be done without an unbearable cost to Consolidated Revenue, and this is what is being proposed in this Budget."

Because of the early hour, I do not wish to take up a great deal of the Committee's time, but I again express great surprise at the difference between the attitude of the Opposition to this legislation, as expressed by its deputy leader, and that of the honourable member for Archerfield, who, only a few days ago, was reported in the Press as having said that it would be desirable to have a surcharge on pay-roll tax.

Mr. Houston: Weren't you in the Chamber a little while ago when we wanted to talk about differences?

Mr. BROWN: That is what I am talking about now. Again there are similar discrepancies; again there is a similar type of division. On the one hand, the Deputy Leader of the Opposition makes a statement supporting the Bill; on the other hand, the honourable member for Archerfield speaks about increasing this tax.

Mr. Houston: The honourable member for Archerfield didn't say that. He made public a motion that is going to convention.

Mr. BROWN: That is the way I see it.

Adjustments sliding from 33⅓ per cent through 25 per cent to 20.19 per cent have the effect of doubling pay-roll tax exemption over six months, thereby significantly easing the burden on the small businessman. The increase in pay-roll tax exemption in 12 months is $58,400, or 140.38 per cent. As has been said, this will save the small-business community $12,500,000.

On 1 January next the minimum exemption will be raised from $23,200 to $24,000—an increase of 13.3 per cent. I would like to see further increases in the minimum exemption, and I am delighted to note that this matter will be the subject of review prior to January next.

The steps taken will give heart to small business, and to illustrate this I quote from the 1976 report of the Small Business and Self-employed Association of Australia (Queensland), in which, under the heading "Pay-roll Tax" it says—

> "It is with pleasure we report that the President and Vice President met with the Deputy Premier and Treasurer, the Honourable W. Knox, M.L.A., on Wednesday, 6th October. The Association's recommendations were discussed in depth and it is gratifying to report that much of what we recommended is to be incorporated in legislation during the current Parliamentary session. The effects of the first stage of reform will mean a saving of $12.5 M. to the small business community and the creation of employment opportunities for at least 500 Queenslanders."

I think the association is being somewhat conservative in its estimate of 500 Queenslanders. I see this measure as one creating far wider scope for employment.

It is interesting to note that in certain circumstances it is possible for businesses to add $37,600 to their pay-roll without paying additional pay-roll tax. Normally that figure would attract a tax of $1,180. At first sight that does not seem much; but when applied to a business earning a net profit of 10 per cent it represents a turnover of $18.000. That is the correct type of measurement to adopt.

This measure could mean that a small business becomes more competitive or it could mean a reduction in prices. It will certainly be anti-inflationary. The worst aspect of pay-roll tax is that in certain circumstances it can be inflationary. It is

totally unrelated to profits. A business can be going broke yet still be required to pay the tax.

At best, pay-roll tax becomes an indirect tax on the consumer. The efficient manufacturer, producer or supplier simply passes it on. It is another form of indirect taxation. The Treasurer, acting responsibly and having in mind the need to raise revenue for the State, is making a positive move by introducing this legislation, which shows the Government's support for small business, even in times of great difficulty.

Mr. SIMPSON (Cooroora) (2.50 a.m.): At this hour of the morning, I shall be brief. I commend the Treasurer for moving to reduce pay-roll tax. We are faced with a high level of unemployment created by the former Federal Labor Government's policy designed to ruin business in Australia, and we must do all we can to overcome this problem by assisting small business. Small business is the nucleus, the starting point or the embryo of the free-enterprise system. We must do everything we can to keep that system alive. If we do not, it will fall into the state of ruin that Labor wanted and be taken over under Labor's socialistic system.

Pay-roll tax bears no relationship to the ability of a business to pay or how many people it employs. It is unfortunate that the State has to find revenue by this means. We must do all that we can to find new avenues which will not inhibit businesses that employ people and are the nuclei of future thriving businesses.

The grouping of various companies for pay-roll tax purposes is important. Several businesses in my electorate which were very successful small businesses have branched out with separate subsidiaries that are not at all connected. One is a foundry, another is in earth-moving and another is in cane-growing. In their form of industry they are not at all connected. Although these successful businessmen have branched out, they are now grouped together, and they pay high pay-roll tax. That is unfortunate.

I thank the Minister for introducing amendments to allow a refund to businesses that find, even after two years, that they are paying tax a second time. These amendments should help small businesses.

Hon. W. E. KNOX (Nundah—Deputy Premier and Treasurer) (2.53 a.m.), in reply: I have nothing to add.

Motion (Mr. Knox) agreed to.

Resolution reported.

FIRST READING

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

The House adjourned at 2.54 a.m. (Wednesday).